SPONSOR: Rep. Lynn

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
HOUSE BILL NO. 244

AMEND House Bill No. 244 on line 14 by deleting "(h)" and inserting in lieu thereof "(i)".

FURTHER AMEND House Bill No. 244 after line 88 and before line 89 by inserting the following:

"c. A court may not charge a convenience fee for a payment made at a court designated payment kiosk or through an Internet-based court payment system.".

FURTHER AMEND House Bill No. 244 by deleting lines 100 through 102 in their entirety and inserting in lieu thereof "~~thereof.~~".

FURTHER AMEND House Bill No. 244 on line 103 by deleting "(2)" before "A" and inserting in lieu thereof "(1)".

FURTHER AMEND House Bill No. 244 on line 105 by deleting "(3)" before "A" and inserting in lieu thereof "(2)".

FURTHER AMEND House Bill No. 244 by deleting line 132 in its entirety and inserting in lieu thereof the following:

"(1) Except as provided under § 2732(g)(1) of Title 21, a defendant whose driver's license was suspended before [the enactment date of this Act] only as a".

FURTHER AMEND House Bill No. 244 after the period on line 137 by inserting the following:

"The policies and procedures must address the process for restoration of driving privileges for defendants convicted of a motor vehicle offense that originated in the voluntary assessment center under § 709 of Title 21 before, on, or after [the enactment date of this Act].".

FURTHER AMEND House Bill No. 244 on line 229 by deleting "[Repealed.]" and inserting in lieu thereof the following:

"The Justice of the Peace Court and the Court of Common Pleas shall forward to the Department a record of the name and address of a person convicted of a motor vehicle offense that originated in the voluntary assessment center under § 709 of this title who has been sentenced to pay a fine, fee, cost, assessment, or restitution and who has failed to pay the

fine, fee, cost, assessment, or restitution at the time sentence was imposed or in accordance with an order of the court. The Justice of the Peace Court and the Court of Common Pleas shall include in the record the amount of the fine, fee, cost, assessment, or restitution owed by the convicted person. When the convicted person pays the fine, fee, cost, assessment, or restitution in full, the clerk or prothonotary shall provide the convicted person with a receipt confirming that the fine, fee, cost, assessment, or restitution has been paid in full.".

FURTHER AMEND House Bill No. 244 after line 244 and before line 245 by inserting the following:

"(g)(1) When the name and address of a resident of this State has been forwarded to the Department under § 2731(b) of this title, the Department shall refuse to renew the person's license or issue any duplicate license to the person until the person provides evidence to the Department that the person has paid in full the fine, fee, cost, assessment, or restitution stated in the record under § 2731(b) of this title. The person shall present the Department with the receipt provided by the clerk or prothonotary under § 2731(b) of this title.

(2) When the name and address of a resident of this State has been forwarded to the Department under § 2731(c) of this title, the Department shall refuse to renew the person's license or issue any duplicate license to the person until the person provides evidence to the Department that any of the following has occurred:

~~(1)~~a. The fine on the charge stated in the Uniform Traffic Complaint and Summons has been paid.

~~(2)~~b. The person has appeared before the court and made arrangements to take care of the charge stated in the Uniform Traffic Complaint and Summons.

~~(3)~~c. The person has been adjudicated not guilty of the charge stated in the Uniform Traffic Complaint and Summons.".

FURTHER AMEND House Bill No. 244 by deleting lines 248 through 255 and inserting in lieu thereof the following:

"(r) Penalty. — Unless otherwise specifically provided for in Chapter 31 of this title, an individual who violates this section shall be guilty of a class B misdemeanor and shall have that individual's driver's license ~~and/or~~ or driving privileges suspended for a period to be set by the Court, not to exceed 6 months. The foregoing sentence notwithstanding, an individual who violates subsection (d), (e), (i), or (j) of this section by possessing or displaying a driver's license that has been suspended or revoked by application of the following statutes shall be guilty of a violation only, provided that the judicial officer adjudicating the charge or charges brought under subsections (d), (e), (i), or (j) of this section has made a factual finding that the defendant was reasonably unaware the driver's license that defendant possessed or displayed had been suspended or revoked:".

FURTHER AMEND House Bill No. 244 on line 323 by deleting "is the Chair of the Study" after "Senate" therein.

FURTHER AMEND House Bill No. 244 on line 324 by deleting "Group" before "and" therein.

FURTHER AMEND House Bill No. 244 on lines 324 to 325 by deleting "is the Vice Chair" before "of" therein and inserting in lieu thereof "serve as Co-Chairs ".

FURTHER AMEND House Bill No. 244 on line 326 by deleting "The President Pro Tempore of the Senate shall notify the Chair " therein and inserting in lieu thereof "The Speaker of the House of Representatives shall notify the Co-Chairs".

FURTHER AMEND House Bill No. 244 on line 327 by deleting "Chair" after "the" and before "with" therein and inserting in lieu thereof "Co-Chairs".

FURTHER AMEND House Bill No. 244 on line 329 by deleting "Chair." after "the" and before "A" therein and inserting in lieu thereof "Co-Chairs.".

FURTHER AMEND House Bill No. 244 on line 331 by deleting "Chair " after "The" and before "of" therein and inserting in lieu thereof "Co-Chairs".

FURTHER AMEND House Bill No. 244 on line 377 by deleting "Chair and Vice Chair" after "The" and before "shall" therein and inserting in lieu thereof "Co-Chairs".

FURTHER AMEND House Bill No. 244 on line 379 by deleting "Chair and Vice Chair" after "The" and before "shall" therein and inserting in lieu thereof "Co-Chairs".

FURTHER AMEND House Bill No. 244 by deleting line 382 in its entirety and inserting in lieu thereof “2023, and the final report is due September 1, 2023.”

FURTHER AMEND House Bill No. 244 on line 385 by inserting “5,” after “Sections” and before “10 through 12” therein.

FURTHER AMEND House Bill No. 244 on line 387 by deleting “5” after the first “through” and before the first comma therein and inserting in lieu thereof “4”.

SYNOPSIS

This Amendment does all of the following:

(1) Makes clear that a court may not charge a convenience fee for a payment made at a court designated payment kiosk or through an Internet-based court payment system.

(2) Removes a court’s discretion to waive, suspend, or modify payment of a fine, fee, cost, or assessment.

(3) Harmonizes this Act with existing authority to not renew a license of an individual who does not pay a fine owed to the voluntary assessment center for a motor vehicle offense handled by the voluntary assessment center. As a result, an individual who is convicted in a court of a motor vehicle offense that originated in a voluntary assessment center would likewise not be eligible for renewal of the individual’s license if the individual does not pay the fine, fee, cost, assessment, or restitution assessed by the court in full.

(4) Makes the Senator and Representative charged with leading the Study Group co-chairs.

(5) Changes the due dates for the Study Group's interim and final reports.

(6) Updates, on line 1 and lines 43 through 52, current Delaware Code language contained in this Act to account for legislation enacted in the 1st Session of the 151st General Assembly and earlier this session.

(7) Makes Section 5 of this Act effective immediately because Section 5 makes only technical changes and, therefore, delaying the effect is unnecessary.