

CHAPTER 137
FORMERLY
SENATE BILL NO. 132

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE PROCEDURES FOR THE SUSPENSION, NONRENEWAL, OR NONDUPLICATION OF DRIVER'S LICENSES OR DRIVING PRIVILEGES FOR THE FAILURE TO RESOLVE MOTOR VEHICLE CHARGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 709, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 709. Payment of motor vehicle fines.

(j) *Failure to pay a voluntary assessment.* —

(1) a. The voluntary assessment center shall, pursuant to § 2731 of this title, forward to the Division of Motor Vehicles ~~or its successor~~ the name and address of any driver who was issued a Uniform Traffic Complaint and Summons for which a voluntary assessment could be made and who has failed to do one of the following:

~~a. Failed to pay~~ 1. Pay the voluntary assessment within 30 days from the date of ~~arrest, and~~ arrest.

~~b. Not notified~~ 2. Notify the court or voluntary assessment center within 30 days from the date of arrest, in writing, that the driver is requesting a hearing on the charge stated in the Uniform Traffic Complaint and Summons.

3. Appear at trial on the charge stated in the Uniform Traffic Complaint and Summons on the date and time required by the court.

4. Pay the fine on the charge stated in the Uniform Traffic Complaint and Summons in accordance with a deferred payment order.

~~b. The~~ When the name and address of any driver has been forwarded to the Division of Motor Vehicles under paragraph (j)(1)a. of this section, the Division of Motor Vehicles shall ~~then suspend~~ refuse to renew or issue a duplicate of the driver's license for Delaware residents, or of a Delaware resident, in accordance with § 2732(g) of this title.

c. When the name and address of any driver has been forwarded to the Division of Motor Vehicles under paragraph (j)(1)a. of this section, the Division of Motor Vehicles may suspend the driving privileges in this State of a nonresident of Delaware and immediately advise the Motor Vehicle Administrator of the state ~~wherein~~ in which the person is a resident that the person's license to drive be suspended in accordance with ~~§ 2732(g)~~ § 2733(m) of this title.

(2) If a driver pays a voluntary assessment more than 30 days after the date of arrest, the voluntary assessment center or court shall provide the driver with a receipt which shall serve as proof to the Division of Motor Vehicles that the fine has been paid, upon request. The driver shall provide the voluntary assessment center with a self-addressed, stamped envelope in order to receive a copy of the receipt by mail. Such payment shall be an admission of guilt, a waiver of the right to a hearing, and a complete satisfaction of the violation, except as provided in paragraph (i)(2) of this section.

(3) If a driver who has failed to pay a voluntary assessment or request a hearing within 30 days of the date of arrest appears at court, the charge shall be prosecuted as if the voluntary assessment had not been permitted and the officer shall swear to the Uniform Traffic Complaint and Summons prior to trial. The minimum fine provisions of subsection (g) shall not apply. If the driver who appears pleads not guilty, the court shall provide the driver with a copy of the appearance bond to provide as proof of court appearance to the Division of Motor Vehicles ~~or its successor.~~

~~(4) The court shall forward to the Division of Motor Vehicles or its successor the name and address of any driver who fails to appear for trial on the date and time required by the court, or who fails to comply with a deferred payment order, on a motor vehicle charge issued under this section. The Division of Motor Vehicles shall then suspend the driver's license for Delaware residents, or may suspend the driving privileges in this State of a~~

~~nonresident of Delaware and immediately advise the Motor Vehicle Administrator of the state wherein the person is a resident that the person's license to drive be suspended in accordance with § 2732(g) of this title.~~

Section 2. Amend § 809, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 809. Suspension of license.

When a person's name and address is forwarded to the Division of Motor Vehicles pursuant to § 808(b) of this title and the offense was 1 for which the person received personal service of the notice or summons, or the offense was 1 for which service was made by mail and the person has either requested a hearing and failed to appear or been found responsible for the offense and failed to pay the civil penalty, costs, or ~~both both~~, either at the time of the order or in accordance with a payment schedule, the Division of Motor Vehicles:

(1) ~~If the person is a resident of this State, shall~~ Shall forthwith suspend the ~~person's driver's license of a resident of this State, unless the person's name and address was forwarded to the Division of Motor Vehicles under § 709(j) of this title, in which case the provisions of § 709(j) of this title shall apply.~~ ~~or;~~

(2) ~~If the person is a nonresident of this State, may~~ May suspend the ~~person's~~ driving privileges in this State ~~of a nonresident of this State~~ and immediately advise the motor vehicle administrator of the state ~~wherein in which~~ the person is a resident that the person's license to drive be suspended until proof is provided that the person has paid the civil penalty, costs, or both, ~~or~~ has appeared in court following a default in appearance or payment and made arrangements to pay the civil ~~penalty or~~ penalty, costs or both, or both, or has had a default judgment vacated and been found not responsible.

Section 3. Amend § 2731, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2731. Duty of courts and police officers.

(c) The voluntary assessment center shall forward to the Department ~~or its successor~~ a record of the name and address of each person who has been given a Uniform Traffic Complaint and Summons on which a voluntary assessment was permitted pursuant to § 709 of this title and who has failed to do any of the following: ~~(1) has failed to pay the voluntary assessment within 30 days from the date of arrest; and (2) has not notified the court or voluntary assessment center with 30 days from the date of arrest, in writing, that the person wishes to have a hearing on the charge stated in the Uniform Traffic Complaint and Summons; or (3) has failed to appear at trial on such charge(s) on the time and date required by the court; or (4) has failed to pay the fine on such charge(s) in accordance with a deferred payment order, the Department or its successor shall: (1) if the person is a resident of this State, forthwith suspend the person's license until the person provides evidence to the Department that the fine has been paid, or that the person has appeared before the court and made arrangements to take care of the charge(s); or has been adjudicated not guilty; and (2) if the person is a nonresident of this State, the Department may suspend the person's driving privileges in this State and immediately advise the motor vehicle administrator of the state wherein the person is a resident that the person's license to drive be suspended until the person provides evidence that the fine has been paid, or that the person has appeared before the court and made arrangements to take care of the charge(s) or has been adjudicated not guilty.~~

(1) Pay the voluntary assessment within 30 days from the date of arrest.

(2) Notify the court or voluntary assessment center with 30 days from the date of arrest, in writing, that the person wishes to have a hearing on the charge stated in the Uniform Traffic Complaint and Summons.

(3) Appear at trial on the charge stated in the Uniform Traffic Complaint and Summons on the date and time required by the court.

(4) Pay the fine on the charge stated in the Uniform Traffic Complaint and Summons in accordance with a deferred payment order.

Section 4. Amend § 2732, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2732. Mandatory revocation or suspension of license or refusal to renew or issue a duplicate license.

~~(g) Upon receiving a record that a person has been given a Uniform Traffic Complaint and Summons indicating that a voluntary assessment may be made and that such person: (1) has failed to pay the voluntary assessment within 30 days from the date of arrest; and (2) has not notified the court or voluntary assessment center within 30 days from the date of arrest, in writing, that the person wishes to request a hearing on the charge(s) stated in the Uniform Traffic Complaint and Summons; or (3) has failed to appear at trial on such charge(s) on the time and date required by the court, or (4) has failed to pay the fine on such charge(s) in accordance with a deferred payment order, the Department or its successor shall (1) if the person is a resident of this State, forthwith suspend the person's license until the person provides evidence to the Department that the fine has been paid or that the person has appeared before the court and made arrangements to take care of the charge(s) or has been adjudicated not guilty; and (2) if the person is a nonresident of this State, the Department may suspend the person's driving privileges in this State and immediately advise the motor vehicle administrator of the state wherein the person is a resident that the person's license to drive be suspended until the person provides evidence that the fine has been paid or that the person has appeared before the court and made arrangements to take care of the charge(s) or has been adjudicated not guilty. 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) The fine on the charge stated in the Uniform Traffic Complaint and Summons has been paid.

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

Section 5. Amend § 2733, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2733. Discretionary suspension or revocation of license or driving privileges.

(l) Except when the name and address of a resident of this State has been forwarded to the Department under § 2731(c) of this title, The ~~the~~ Department may, upon receiving a record, ~~notice~~ notice, or certification of noncompliance by a person for a citation, summons, ~~ticket~~ ticket, or other document issued by an arresting officer for violation of a traffic law, ordinance, ~~rule~~ rule, or regulation ordering the arrested motorist to appear, suspend the driver's license ~~and/or~~ or driving privileges of the person who failed to comply. The Department shall not have this power of suspension in cases of parking violations.

(m) When the name and address of a nonresident of this State has been forwarded to the Department under § 2731(c) of this title, the Department may suspend the person's driving privileges in this State and immediately advise the motor vehicle administrator of the state in which the person is a resident that the person's license to drive be suspended until the person provides evidence that any of the following has occurred:

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

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

Section 6. This Act becomes effective 180 days after its enactment into law.

Approved August 03, 2015