

CHAPTER 33
FORMERLY
SENATE BILL NO. 24

AN ACT TO AMEND TITLE 21, CHAPTER 4, OF THE DELAWARE CODE RELATING TO RECIPROCAL AGREEMENTS FOR TOLL INTEROPERABILITY.

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

Section 1. Amend Chapter 4, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

Subchapter II. Toll Interoperability.

§422. Authority to enter in reciprocity agreements with toll agencies and motor vehicle agencies for toll interoperability and collection of tolls and penalties.

The Secretary may enter into reciprocal agreements with duly authorized representatives of other agencies, authorities or jurisdictions, including without limitation entities operating pursuant to compacts authorized by Acts of the Congress of the United States, that impose tolls, charges, and related penalties on motor vehicles, in accordance with this subchapter for the purpose of toll interoperability and the collection of tolls, penalties and charges in connection therewith. For purposes of this subchapter, such agencies, authorities and jurisdictions shall be referred as “away agencies.”

§423. Minimum provisions for reciprocity agreements.

When an away agency certifies with supporting evidence that the operator of a motor vehicle registered in this State either owes a toll(s) or failed to pay a toll, the Department may collect the civil penalties and tolls properly imposed by the away agency as though those penalties and tolls were imposed by the Department if the reciprocity agreement confirms that:

(a) The away agency has its own effective reciprocal procedures for collecting penalties and tolls collected by the Department and does, in fact, reciprocate in collecting penalties and tolls of the Department by employing sanctions that include denial of a person’s right to register or reregister a motor vehicle;

(b) The away agency provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against an owner;

(c) An owner of a motor vehicle registered in Delaware may present evidence to the away agency by mail, telephone, electronic means, or other means to invoke rights of due process, without having to appear personally in the jurisdiction where the violation is alleged to have occurred; and

(d) The reciprocal collection agreement between the Department and the away agency provides that each party may charge the other a fee sufficient to cover the costs of the collection services, including costs incurred by the agency that registers motor vehicles.

Approved May 28, 2013