



SPONSOR: Sen. Brown & Sen. Gay & Rep. Cooke  
Sens. Lawson, Walsh; Rep. Morrison

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 133

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES AND PAYMENT OF MOTOR VEHICLE FINES.

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

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

3           § 709. Payment of motor vehicle fines.

4           (b) Definitions — (1) "Payment," as used in this section, shall mean ~~the total amount~~ remittance in part or in  
5           full of the fine and of the costs as herein provided and of the penalty assessment added to the fine pursuant to the  
6           Delaware Victim Compensation Law, Chapter 90 of Title 11, and other penalty assessment as provided by law.

SYNOPSIS

The Voluntary Assessment Center was created by legislative action in 1976 (60 Del. Laws Section 509) to allow recipients of minor traffic violations to pay the fine and costs associated with the violation without the need to appear in the Justice of the Peace Court. Section 709 (i) advises that "Payment of the prescribed fine, costs, and penalty assessment is an admission of guilt, a waiver of the right to a hearing, and a complete satisfaction of the violation." Upon payment, the Court can consider the matter closed and advise the Division of Motor Vehicles of the violation for the Division's recordance purposes. Formerly, those who were unable to pay the fine in one payment were required instead to submit to a court date (which engendered additional court costs) if only to request a payment plan - a practice that seemed patently unfair. Accordingly, in 2012, the Court established a process where the Voluntary Assessment Center could accept payment of fines incrementally. Although more equitable, this new process caused unforeseen consequences. Because the current definition of payment is the total amount due, if a person makes a partial payment but does not completely pay the balance of the fine, the Court cannot consider the matter closed. The Division is not made aware of the violation and the case remains in administrative limbo. Currently, no capiases or warrants are issued for unpaid Voluntary Assessments. Instead, the Division places a flag on an individual's license and registration. It is usually only years later when an individual goes to renew their license that they respond to the Court to complete payment. Redefining payment in the definition of this section will further streamline the Court's administrative process of maintaining the record and will report to the Division the associated data in a timely manner.

Author: Senator Brown