



SPONSOR: Rep. Osienski & Rep. K. Williams & Sen. Townsend &
Sen. Walsh
Reps. Hilovsky, Michael Smith; Sen. Gay

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 73

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO CIVIL ACTIONS TO RECOVER
OVERPAID UNEMPLOYMENT BENEFITS.

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

1 Section 1. Amend §3325, Title 19 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3325. Recoupment of overpayments of benefits.

4 (f) (1) The Department may do any of the following when an individual has an overpayment debt:

5 a. Write off, in whole or in part, an overpayment debt after a period of 3 years, when it has ascertained
6 after investigation and after reasonable attempts at collection that the overpayment debt is wholly or partly
7 uncollectible. The Department may prescribe the appropriate accounting methods by which the uncollected portion
8 of the debt is written off its accounts instead of being carried indefinitely as an uncollected debt.

9 b. Collect an overpayment of benefits by bringing a civil action in a court of competent jurisdiction
10 against the claimant. Notwithstanding §8106 of Title 10, or any other law to the contrary, the Department may
11 bring a civil action against a claimant for purposes of collecting an overpayment debt at any time.

12 Section 2. This Act will not apply to overpayment debts that accrued 3 years or more prior to the date of
13 enactment.

SYNOPSIS

This Act clarifies that when H.B. 149 of the 150th General Assembly was enacted, removing the 5-year statute of limitations for the Department of Labor to bring civil actions to recover unemployment overpayment debts, the General Assembly intended to entirely remove all statutes of limitations notwithstanding any other debt collection statute of limitations in the law or provided in Title 10 of the Delaware Code. This Act will not apply to overpayment debts that accrue 3 years or more prior to the date of enactment.