



SPONSOR: Rep. Spiegelman & Rep. Brady & Sen. Bonini &
Sen. Sokola
Reps. Collins, Griffith; Sens. Delcollo, Ennis, Hansen

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 107

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD.

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

1 Section 1. Amend § 4129, Title 21 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 4129. Civil penalty for evasion of tolls.

4 (a) In addition to the provisions of §§ 4127 and 4128 of this title, any person who refuses to pay, evades or
5 attempts to evade the payment of a toll in connection with the use of the Delaware Turnpike, the Korean War Veterans
6 Memorial Highway, any other state toll road or the Delaware Memorial Bridge shall be liable for the payment of one toll, a
7 \$25 administrative fee, and for a civil penalty of \$25 per violation payable to the Department of Transportation or its
8 designee or, in the case of the Delaware Memorial Bridge, the Delaware River & Bay Authority or its designee.

9 (b) Except as provided in subsection (d) of this section, an owner of a vehicle shall be jointly and severally liable
10 for failure of an operator thereof to comply with subsection (a) of this section. The owner of a vehicle shall be liable
11 pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in
12 violation of this section, and such violation is evidenced by information obtained from visual observation, video
13 surveillance device or other method of identifying the vehicle; provided however, that no owner of a vehicle shall be liable
14 where the operator of the vehicle has been identified and charged with a violation of this section for the same incident.

15 (c) In the event of nonpayment of the proper toll, as evidenced by visual observation, a video surveillance device
16 or other method of identifying the vehicle, the Department of Transportation or its designee or, in the case of the Delaware
17 Memorial Bridge, the Delaware River & Bay Authority or its designee may send an advisory and payment request to the
18 owner of the vehicle by regular mail at the address of record with the Division of Motor Vehicles, or, if applicable, the
19 licensing authority of another jurisdiction, providing the owner with the opportunity to resolve the matter prior to the
20 issuance of a summons and complaint that charges a violation of this section. The advisory and payment request shall
21 contain sufficient information to inform the owner of the nature, date, time and location of the alleged violation. In addition
22 to the payment of the proper toll, the Department of Transportation or, in the case of the Delaware Memorial Bridge, the

Delaware River and Bay Authority or its designee may require as part of the advisory and payment request that the owner pay a reasonable administrative fee of \$25 to the entity processing the violation. If the owner fails to pay the required toll and fee, the owner shall be subject to liability on the thirty-first day following the date of the violation, for the violation of this section by the vehicle owner or operator. Notice to the owner shall be made by certified mail any time the combined total of outstanding and unpaid fines, administrative fees, and associated penalties exceeds \$500.

(d) An owner of a vehicle who is a lessor of a vehicle operated in violation of this section shall not be liable for such violation if the lessor submits a copy of the rental, lease or other contract document covering that vehicle on the date of the violation, with the name and address of the lessee clearly legible, to the Department of Transportation or its designee or, in the case of the Delaware Memorial Bridge, the Delaware River and Bay Authority or its designee within 10 days of the receipt of the notice of violation. Failure to provide such information in the timeframe required shall render the lessor liable for the penalty prescribed by this section. Where the lessor complies with this subsection, the lessee of such vehicle shall be deemed the owner of the vehicle for the purposes of this section and shall be subject to liability for the violation hereunder, as if the lessee were the owner and/or operator at the time of the violation.

(e) *Enhanced civil enforcement authority.* — If a vehicle owner has been issued advisory and payment requests for nonpayment of tolls under subsection (c) of this section, and the combined total of outstanding and unpaid tolls, applicable administrative fees and associated penalties exceeds \$1,000, the vehicle shall be subject to a civil administrative stop pursuant to Chapter 8 of this title, and the vehicle owner shall be subject to enhanced civil enforcement, as follows:

(1) The Department of Transportation or its designee or, in the case of the Delaware Memorial Bridge, the Delaware River and Bay Authority or its designee, shall send notification of eligibility for impoundment and enhanced civil penalties by certified mail at the address of record with the Division of Motor Vehicles, or, if applicable, the licensing authority of another jurisdiction. The notice shall inform the owner of the amount owed, including any administrative fees and associated penalties that the vehicle is subject to an administrative stop, and may be unable to register the motor vehicle (pursuant to what subsection). If the owner fails to pay the required toll and fee, the owner shall be subject to the enhanced penalties on the thirty-first day following the notice by certified mail.

(2) Such vehicle shall be immobilized in such manner as to prevent its operation, or removed to an official pound by authority of any police officer of this State, a county or municipality therein, or the Delaware River and Bay Authority. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid tolls and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between

53 police agency and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an
54 authorized agent if the tractor is immobilized pursuant to this section.

55 ~~(2)~~ (3) In any case involving immobilization of a vehicle pursuant to this section, the police officer shall place
56 on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been
57 immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

58 ~~(3)~~ (4) Any vehicle remaining immobilized and not released for 48 hours may be towed and impounded at the
59 direction of a police officer.

SYNOPSIS

This bill requires notification by certified mail when an owner's outstanding fines, penalties, and administrative fees exceed \$500 and when the owner is subject to enhanced penalties. Notification as to the possible enhanced penalties is required in the certified mail.