



SPONSOR: Sen. Hansen & Sen. Brown & Rep. Osienski
Sens. Bonini, Ennis, Gay, Paradee, Pinkney, Sokola,
Townsend, Walsh; Reps. Baumbach, Gray, Heffernan,
K. Johnson, Mitchell, Yearick

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE JOINT RESOLUTION NO. 5

CREATING A TOLL VIOLATION AMNESTY PROGRAM.

1 WHEREAS, over 70,600,000 toll transactions are completed each year on I-95 and SR 1 in Delaware; and
2 WHEREAS, the Department of Transportation collects \$190 million each year from the toll transactions on I-95
3 and SR 1; and
4 WHEREAS, Delaware is owed over \$143.4 million in unpaid tolls, penalties, and fees assessed against drivers on
5 I-95 and SR 1 from January 1, 2014 through April 30, 2020; and
6 WHEREAS, \$137 million of the \$143.4 million owed is assessed across 642,000 license plates, with most of the
7 unpaid toll debt is owed by license plates with less than 11 toll violations; and
8 WHEREAS, 623,578 license plates have toll debt for 1 to 10 toll violations while 1,122 license plates have toll
9 debt for over 100 violations; and
10 WHEREAS, under State law, a toll becomes a violation after it remains unpaid for 30 days and each toll violation
11 results in an administrative fee of \$25.00, a civil penalty of \$25.00, and for violations after January 31, 2017, a \$10.00 fee
12 for the Volunteer Ambulance Company Fund and a \$15.00 fee for the Fund to Combat Violent Crimes; and
13 WHEREAS, under State law, a \$12.50 civil penalty is applied to an unpaid toll 42 days after the unpaid toll
14 becomes a violation; and
15 WHEREAS, because of the fees incurred for a toll violation, after 30 days, a driver who fails to pay a \$1.00 toll
16 owes \$51.00; and
17 WHEREAS, after an additional 42 days, a driver who fails to pay the \$1.00 toll owes \$88.50; and
18 WHEREAS, in Fiscal Year 2020 ("FY 20"), Delaware collected \$12.1 million from toll violations; and
19 WHEREAS, Delaware's most recent 3-year average collection rate of toll debt is 8.4% of the total amount owed
20 from toll violations; and
21 WHEREAS, high fees and financial costs have a disparate impact on people who are poor; and
22 WHEREAS, financial incentives increase the voluntary payment of fines; and

23 WHEREAS, California's amnesty program for traffic tickets collected 3 times more delinquent debt per case than
24 other criminal court-ordered delinquent debt collections; and

25 WHEREAS, revenue from tolls, administrative fees, and civil penalties incurred by drivers on Rt. 301 is pledged
26 to the bonds issued for Rt. 301, so cannot be modified; and

27 WHEREAS, the General Assembly finds that it benefits the State and its citizens to provide an opportunity for
28 drivers to satisfy outstanding toll debt by paying reduced amounts.

29 NOW, THEREFORE:

30 BE IT RESOLVED by the Senate and House of Representatives of the 151st General Assembly of the State of
31 Delaware, with the approval of the Governor, that the Department of Transportation ("Department") is authorized and
32 directed to conduct a Toll Violation Amnesty Program ("Amnesty Program").

33 BE IT FURTHER RESOLVED that the Amnesty Program will be designed as follows:

34 (1) Include toll violations that occurred on I-95 or SR 1 between January 1, 2014 through April 30, 2020 but
35 does not apply retroactively.

36 (2) Include toll violations by residential and commercial vehicles registered in any state.

37 (3) Satisfies toll debt if all of the following is paid:

38 a. The full amount of the unpaid tolls.

39 b. In lieu of the outstanding administrative fees and civil penalties, an amnesty fee as follows:

40 1. For up to 10 toll violations, \$60.00.

41 2. For 11 through 50 toll violations, \$135.00.

42 3. For 51 through 100 toll violations, \$210.00.

43 4. For 101 through 150 toll violations, \$285.00.

44 5. For 151 through 200 toll violations, \$360.00.

45 6. For 201 through 250 toll violations, \$435.00.

46 7. For 251 through 300 toll violations, \$510.00.

47 8. For 301 through 350 toll violations, \$585.00.

48 9. For 351 through 400 toll violations, \$660.00.

49 10. For 401 through 450 toll violations, \$735.00.

50 11. For 451 through 500 toll violations, \$810.00.

51 12. For 501 through 550 toll violations, \$885.00.

52 13. For 551 through 600 toll violations, \$960.00.

- 53 14. For 601 through 650 toll violations, \$1,035.00.
- 54 15. For 651 or more toll violations, \$1,110.00.
- 55 c. The Volunteer Ambulance Company Fund will receive an amount that equals 12% of the amnesty fee
- 56 collected under paragraph (3)b for outstanding accounts after January 31, 2017 through April 30, 2020.
- 57 d. The Fund to Combat Violent Crimes will receive an amount that equals 17% of the amnesty fee
- 58 collected under paragraph (3)b. for outstanding accounts after January 31, 2017 through April 30, 2020.
- 59 (4) The Amnesty Program must begin no later than 60 days after enactment of this Senate Joint Resolution
- 60 and end 3 months after beginning.
- 61 (5) Notice of the Amnesty Program will be provided to each person who has toll debt eligible for the Amnesty
- 62 Program and will provide 60 days from the date of the notice to accept the terms of the Amnesty Program by paying
- 63 the full amount due under paragraph (3).
- 64 (6) If a person pays part of the amount due for toll debt under the Amnesty Program, the payment will be
- 65 applied to the outstanding amount of toll debt owed, but the full amount of the fines and penalties owed will be
- 66 reinstated at the end of the Amnesty Program.
- 67 (7) In implementing the Amnesty Program, the Department may create reasonable requirements.

SYNOPSIS

This Senate Joint Resolution creates a one-time, Toll Violation Amnesty Program (Amnesty Program) to provide a 3 month long opportunity for people to satisfy toll debt that is in collection from toll violations that occurred on I-95 and SR 1. The Amnesty Program will collect funds that the State would probably otherwise never receive. Each year, the Department of Transportation collects over \$190 million from over 70,600,000 toll transactions on I-95 and SR 1. However, Delaware is owed over \$143.4 million in toll debt from unpaid tolls, penalties, and fees from toll violations on these highways. The most recent 3-year average collection rate of toll debt is 8.4%.

In addition, financial incentives can increase the voluntary payment of fines and high administrative fees and financial costs have a disparate impact on people who are poor and can discourage people from making payments towards their toll debt. Under state law, each toll violation results in an administrative fee of \$25.00; a civil penalty of \$25.00; and for violations that occurred after January 31, 2017, a \$10.00 fee for the Volunteer Ambulance Company Fund and a \$15.00 fee for the Fund to Combat Violent Crimes. In addition, a civil penalty surcharge of \$12.50 is added for each toll violation that remains unpaid after 42 days. Thus, a driver who fails to pay a \$1.00 toll is initially assessed \$51.00 in toll debt, which increases to \$88.50 if it is not paid within an additional 42 days.

The Amnesty Program is structured to collect at least as much revenue as Delaware collects annually in toll debt that is in collections. Toll violations that occurred on I-95 and SR 1 between January 1, 2014 through April 30, 2020 are eligible for the Amnesty Program and notice of the Amnesty Program will be provided to each person with eligible toll debt. The Amnesty Program will operate for 3 months. The Amnesty Program will not apply retroactively.

To satisfy toll debt under the Amnesty Program, a person must pay the full amount of the tolls owed and an amnesty fee. The amnesty fee reduces the amount due from fees and penalties and is established under this Senate Joint Resolution in amounts based upon the number of toll violations included in the toll debt. For example, a person with 9 toll violations can satisfy their \$796.50 toll debt by paying \$69.00 and a person with 496 toll violations can satisfy their \$43,896.00 toll debt by paying \$1,306.00. Instead of a flat fee per violation, the Volunteer Ambulance Company Fund and the Fund to Combat Violent Crimes will each receive a portion of each amnesty fee that is collected during the Amnesty Program, and it is anticipated that each fund will receive a total payment that is equal to or greater than the amount these funds would anticipate receiving through the regular collections process.

Author: Senator Hansen