SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Rep. Viola & Rep. Q. Johnson & Rep. Osienski & Sen. Blevins & Sen. McBride & Sen. Henry & Sen. Sokola

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 140

AN ACT TO AMEND TITLES 21 AND 30 OF THE DELAWARE CODE RELATING TO TAXES AND FEES SUPPORTING THE TRANSPORTATION TRUST FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 3002(c), Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(3) The document fee payable thereafter shall increase in increments of ~~$3.75~~ $4.25 per each additional $100 of purchase price or any fraction thereof, rounded to the nearest dollar.

Section 2. Section 1 of this Bill shall be effective October 1, 2015, with the following transitional provisions:

(a) The document fee charged during fiscal year 2015 shall be charged for all title work received by the Division of Motor Vehicles prior to October 1, 2015, but not processed by the Division until after that date. This provision shall include mailed title work postmarked prior to October 1, but received by the Division after that date.

(b) Vehicles sold prior to October 1, 2015, as evidenced by a bill of sale, shall be processed at the fee rate in effect during fiscal year 2015.

(c) Notwithstanding the foregoing subsections, all titles processed on or after November 1, 2015 shall be processed using the fee rates made effective October 1, 2015, no matter when the vehicle was purchased.

Section 3. Amend § 2715(c), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(c) A late fee of ~~$1.15~~ $10 shall be assessed in addition to the renewal fee for every person whose driver's license has expired.

Section 4. Amend § 2716(c), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(c) A late fee of ~~$1.15~~ $10 shall be assessed in addition to the renewal fee for every person whose driver's license has expired.

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Section 5. Amend § 2611(h)(2), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(2) The fee for renewal of a commercial motor vehicle driver license shall be $48 except when the commercial motor vehicle driver license is endorsed for the transport of hazardous materials in which event the fee shall be $30. The fee for renewal of a non-CDL Class A or non-CDL Class B driver license shall be $40. A late fee of ~~$1.15~~ $10 shall be assessed in addition to the renewal fee for every person whose commercial motor vehicle driver license has expired.

Section 6. Amend § 2151(6), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(6) A fee of ~~$10~~ $20, in addition to the registration fee, shall be imposed at the time of renewal of registration of a motor vehicle or semitrailer if the Delaware registration has expired. This fee shall not be imposed if the registration has expired over 12 months or if a permit has been purchased for the vehicle pursuant to § 2103 of this title. The fee shall not be imposed if a transfer of ownership on the vehicle has taken place or if the motor vehicle or trailer has been inspected prior to the expiration of registration;

Section 7. Amend § 2737, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Any person whose license and/or driving privileges has been suspended or disqualified shall pay a fee of ~~$25~~ $50 at the end of such suspension or disqualification for the return of the person's license and/or the reinstatement of the person's driving privileges.

Section 8. Amend § 2738, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Any person whose license and/or driving privileges has been revoked shall pay a fee of ~~$143.75~~ $200 at the end of such revocation for the reinstatement of the person's driving privileges. The above stated fee does not include the fee for the issuance of a new license.

Section 9. Amend § 2720(c), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(c) Each application for the issuance of a duplicate license certificate shall be accompanied by a fee of ~~$10~~ $20.

Section 10. Amend § 2309, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2309 Duplicate certificates; fee.

In the event of the loss of a certificate of title, the loss of which is accounted for to the satisfaction of the Department, a duplicate or substitute may be issued, the charge therefor to be ~~$25~~ $50.

Section 11. Amend § 2158(c), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(c) The fee for a duplicate registration validation sticker shall be ~~$1.00~~ $5.00.

Section 12. Amend § 2158(a), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The fee for a duplicate certificate of registration shall be ~~$2.00~~ $10.00.

Section 13. Amend § 2129(b), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) The Department may also issue temporary registration plates to a dealer in motor vehicles, either new or used, who submits such proof as the Department requires of such status as a bona fide dealer, for reissuance to purchasers of unregistered motor vehicles. Such plates may be issued to a qualified dealer upon application for not less than 5 of such plates and payment of a fee of ~~$10~~ $20 for each plate.

Section 14. Amend § 2103(3)(4), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(3) When a registration has expired, a temporary permit may be issued upon the payment of a fee of ~~$10~~ $20 in addition to the regular fee for reregistration so that the vehicle may be driven to a place for repair, if necessary, and to an inspection station preparatory to reregistration;

(4) For the movement of unregistered vehicles by persons entitled to move the same, when it is not proposed to secure a certificate of title or a transfer of title to such vehicle, a temporary permit may be issued for which a fee of ~~$10~~ $20 shall be charged;

Section 15. Amend § 2130(a), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) A dealer may issue a temporary registration plate for a fee of not more than ~~$10~~ $20 for each plate to a purchaser of an unregistered motor vehicle who makes proper application to the Department for registration thereof upon an appropriate form and delivers such application, together with the required fee, to the dealer for transmission to the Department.

Section 16. Amend § 305(f)(1), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(f)(1) Fees for copies and information. — The Secretary shall charge a fee of ~~$15~~ $25 for each motor vehicle record supplied to persons other than those governmental agencies designated in paragraph (b)(1) of this section. If special handling is needed to certify a record or notarize an affidavit, the fee for such handling shall be ~~$20~~ $30 to include the requested record.

Section 17. Amend § 2128(a), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) Upon the transfer of a vehicle or upon the expiration of registration for any other cause, the number plates assigned to a vehicle shall remain attached thereto. However, the transferor may have such registration plates and number plates transferred and assigned to another vehicle upon proper application in writing to the Department and upon payment to the Department of a fee of ~~$10~~ $20 in addition to all other fees required by law.

Section 18. Amend § 2305, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2305 Fee.

The fee for issuing a certificate of title for a vehicle shall be ~~$25~~ $35. Such fee shall be in addition to any fee charged for registration of the vehicle.

Section 19. Amend § 2335(a), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) In the event that any claim of any kind is sought to be secured upon any motor vehicle for which a certificate of title has been previously issued by the Department, and the certificate remains outstanding and valid and no assignment of the certificate has been made or sought to be made and no transfer of title or ownership or possession of the motor vehicle is made or sought to be made, the certificate of title shall be returned to the Department together with the application for placing and recording of such claim as a lien or encumbrance upon the motor vehicle. The application shall be made upon the appropriate form furnished and approved by the Department. Every application shall be accompanied by a fee of ~~$10~~ $20, which shall be in addition to any other fees required by this title. Upon the filing of the application and the entering of the claim, the certificate of title shall be returned to the person entitled to receive it.

Section 20. Amend § 2503(a), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The transferee of a Delaware registered vehicle shall make application for a new certificate of title immediately following purchase, but in no case more than 30 days after purchase of said vehicle. If due to extraordinary circumstances the purchaser is unable to apply for a certificate of title within 30 days of the purchase date, the Director, in the Director's

discretion and for good cause shown, may grant an extension of time within which the purchaser must do so. The transferee, before operating or permitting the operation of a motor vehicle which has been transferred to such transferee upon a highway, shall apply for a transfer of title, obtain the registration of the vehicle as upon original registration, submit the vehicle to inspection and obtain new registration plates and new number plates as provided in this title. If the transferor has not had the registration plates and number plates transferred and assigned to another vehicle, then the transferee may, before operating or permitting the operation of such vehicle upon a highway, apply for and obtain, upon the payment of a fee of ~~$25~~ $35, a transfer of title and registration. Upon any such application the Department shall issue to the transferee without additional fee or inspection a new certificate of title and a new registration card, which card shall show the same period for which such vehicle was originally registered by the owner.

Section 21. Amend § 2508, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

The fee for transferring title to a vehicle shall be ~~$25~~ $35. A ~~$25~~ $35 penalty fee shall be charged for the issuance of a new certificate of title on a Delaware titled vehicle when the application is received more than 30 days after the transfer date of said vehicle. The penalty fee shall be waived if the Director has granted an extension of time within which to apply for a certificate of title in accordance with § 2503(a) of this title.

Section 22. Amend § 2510(c) and (e), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(c) The transferee, except as provided in subsection (d) of this section, shall thereupon present such certificate endorsed and assigned to the Department, accompanied by a transfer fee of ~~$25~~ $35 and make application for and obtain a new certificate of title for such vehicle.

(e) Whenever the ownership of any motor vehicle passes otherwise than by voluntary transfer, the new owner may obtain a certificate of title therefore from the Department upon application therefore and payment of a fee of ~~$25~~ $35, accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title or interest in or to chattels in such case. The Department, when satisfied of the genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto.

Section 23. Sections 18 through 22 of this Bill shall become effective October 1, 2015 with the following transitional provisions:

(a) The title fee and title lien fee charged during fiscal year 2015 shall be charged for all title work received by the Division of Motor Vehicles prior to October 1, 2015, but not processed by the Division until after that date. This shall include mailed title work postmarked prior to October 1, 2015, but received after that date.

(b) Vehicles sold prior to October 1, 2015, as evidenced by a bill of sale, shall be charged the title fee and title lien fee charged during fiscal year 2015 until November 1, 2015.

(c) All titles issued on or after November 1, 2015 shall be processed using the fee rates made effective October 1, 2015, no matter when the vehicle was purchased or the mail was received.

Section 24. Except as otherwise stated herein, this Act shall become effective on October 1, 2015.

Section 25. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect the provisions of this Act that can be given effect without such invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SYNOPSIS

This bill increases several revenue sources for the Transportation Trust Fund. The motor vehicle document fee is increased from 3.75% to 4.25%. The fee for late renewal of a driver's license is increased from $1.15 to $10, and the fee for late renewal of vehicle registration is increased from $10 to $20. The fees for reinstatement of a suspended or revoked driver's license are increased from $25 to $40 and $143.75 to $200, respectively. The fees for issuance of duplicate documents is raised, with the fee for duplicate driver's license increased from $10 to $20, for duplicate titles from $25 to $50, for duplicate vehicle validation stickers from $1 to $5, and for duplicate registration cards from $2 to $10. The fee for a vehicle temporary tag is increased from $10 to $20. The fee for sale of driver's licenses records is increased from $15 to $25. The fee to transfer a specific tag number from vehicle to vehicle is increased from $10 to $20. The fee to issue a title for a vehicle is increased from $25 to $35. The fee for issuance of a lien on an existing title is increased from $10 to $20. The effective date for these increases is generally October 1, 2015 to allow time for computer reprogramming and effective implementation.