

JOHN L. MITCHELL, JR
STATE REPRESENTATIVE
Thirteenth District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Public Safety & Homeland
Security, Chair
Appropriations
Gaming & Pari-mutuels
Joint Finance
Judiciary
Telecommunication Internet
& Technology

Public Safety & Homeland Security Committee
Meeting Minutes
May 12, 2010

Chairman Mitchell called the meeting to order at 2:33 p.m. Members present included Representatives Carson, George, J. Johnson, D. P. Williams, Lee, Outten and Wilson. Rep. Hudson was also present. For a list of guests present, please see attached.

After calling the meeting to order, Chairman Mitchell chose to address **HB 388, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES** and recognized Rep. Hudson, the bill's sponsor. Rep. Hudson explained that the purpose of this bill is to motivate people who move to Delaware to conform to the laws of the state. Many new residents fail to register their vehicle, and the current \$25 fine is not motivation enough to enforce the law. She explained that this bill changes the fine to \$400. It is not intended to be a revenue generator, but more of an attention grabber to increase compliance. She also stated that this bill was written with the Department of Motor Vehicles.

Chairman Mitchell noted that he has noticed an influx of non-Delaware tags in his district, and that one of the best ways to educate and increase compliance with laws is to fine and that clearly \$25 is not effective. Rep. Lee asked how this was going to be enforced. Rep. Hudson stated that there will not be a team of officers looking for violators, but it becomes a stronger tool for police.

Rich Dennis, representing the Delaware State Police, stated that this fine increase is needed to get the attention of violators. He added that many officers notice when violators have been in a community long enough, and even subsequent fines are not strict enough to encourage compliance. Rep. Lee stated that he believes that community police would be better monitors of this issue than state police, to which Rep. D. P. Williams responded that this was an overall police bill not just a Delaware State Police bill.

Rep. D. P. Williams inquired as to whether or not this bill required a fiscal note for such a large increase, and he stated he objected to jail terms for traffic offenses. He added that he would prefer to see violators perform community service over filling up the Department of Correction. Chairman Mitchell explained that the incarceration option is currently in the code, but that it is rarely, if ever, used.

Rep. George inquired as to why this issue is so predominate in this state. Jennifer Cohan of the Department of Motor Vehicles noted that registering, titling, and inspecting a vehicle in Delaware is expensive, and many do not want to pay, which results in a loss of revenue of \$500,000-\$700,000 for the department per year. In addition, she noted that vehicle inspection requirements vary from state to state, and people who feel their car may not pass inspection are unwilling to register it.

Rep. D. P. Williams noted that he would like to change the incarceration penalty of the law, to which Rep. George recommended that the bill is left as is, and that Rep. D. P. Williams develop a comprehensive bill regarding penalties for similar offenses.

Rep. J. Johnson stated that he supports this legislation, and that this issue is one of the most common complaints of civic associations in his district. Rep. Hudson agreed and added civic associations were the starting point for this legislation.

Rep. George motioned to release the bill from committee; Rep. D.P. Williams seconded the motion. The bill was released on a 2-6-0 vote.

Chairman Mitchell then addressed **SB 193 AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES**. Chairman Mitchell explained that this bill allows Delaware school buses to add LED lighting, which is required by the Department of Education Regulation 1103.

Rep. Carson asked for clarification as to why this bill came about, and whether or not this is similar to what other states do. Ms. Cohan stated that the current law conflicted with the Department of Education regulations, and the bill allows the DMV to comply. Scott Clapper of DMV also stated that the Department of Education Regulation 1103 is the national standard on this issue.

Rep. George motioned to release the bill from committee; Rep. Lee seconded the motion. The bill was released on a 1-7-0 vote.

Chairman Mitchell then addressed **SB 198, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLES**, Chairman Mitchell explained that this bill brings Delaware in compliance with the Federal Motor Vehicle Safety Standards, which states that vehicle front lights and reflectors are to be amber, and rear lights and reflectors are to be red.

Rep. Carson asked if vehicles come from the factory with amber and red lights. Ms. Cohan stated that they are made this way, but some people change them after purchase. Rep. Carson then asked what the penalty is for failure to comply. Ms. Cohan stated the penalty was inspection failure.

Rep. George motioned to release the bill from committee; Rep. D. P. Williams seconded the motion. The bill was released on a 1-7-0 vote.

Chairman Mitchell adjourned the meeting at 2:53 p.m.

Respectfully submitted by,

Katie Anderson