



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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**MEMORANDUM**

DATE: June 7, 2011

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: H.S. 1 for H.B. 66 [School Video Speed Monitoring System]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 66 and H.S. 1 for H.B. 66. The substitute bill authorizes Dover and Wilmington to establish a pilot program for video speed enforcement within a clearly marked school zone. SCPD is pleased that the substitute bill applies to motor vehicles traveling at speeds at least 11 miles per hour above the posted speed limit. An amendment to the original bill had imposed liability for an automatic sensor's determination of traveling only 5 miles over the posted speed limit (H.A. 1, line 7) which was ostensibly "overbroad". Any device has some margin of error and the 11 M.P.H. standard may be more reasonable.

SCPD endorses the concept of the bill since speeding in a school zone can result in injuries to students. However, SCPD also recommends the consideration of two (2) concerns.

A. The original bill authorized establishment of a video enforcement program in both school and work zones. The substitute bill eliminates coverage of work zones and SCPD prefers that the pilot program also apply to work zones.

B. Lines 44-45 indicate that failure to pay the civil assessment or contest liability in a timely manner is an admission of liability. The notice is sent by regular mail. Many factors could contribute to lack of timely receipt of a mailed notice, including a change in address, hospitalization, an out-of-state vacation, or misdirected mail. Lines 46-47 do not merely create a rebuttable presumption. Rather, they categorically characterize lack of payment or appeal as a legal admission of liability. Adopting a statute with such an irrebuttable finding merits reconsideration.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

Hb 66 video monitoring 6-7-11