



SPONSOR: Rep. Heffernan

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 151

AMEND Senate Substitute No. 1 for Senate Bill No. 151 by inserting the following after line 45 and before line 46:

“(4) When a child or an individual identified in paragraph (g)(1) of this section, procures a valid policy of insurance with the coverages identified in § 2118 of Title 21, § 2902 of Title 21, and § 3902 of Title 18 through participation in the program established under subsection (c) of this section, the policy is the source of that coverage when the child or individual is operating a motor vehicle. The child’s or individual’s foster parent’s coverages identified in § 2118 of Title 21, § 2902 of Title 21, and § 3902 of Title 18 may not be a source of coverage when the child or individual is operating a motor vehicle.”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 on line 79 by deleting “An” after “(d)” and before “insurer” therein and inserting in lieu thereof “(1) Unless actuarially justified, an”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 by inserting the following after line 82 and before line 83:

“(2) An insurer may exclude a foster child who has procured a separate policy through participation in the program established under § 9011A of Title 29 from the private passenger motor vehicle insurance policy of the foster child’s foster parent.”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 by deleting line 185 and inserting in lieu thereof the following:

“(a)(1) ~~Any negligence~~ Except as otherwise provided under paragraph (a)(2) of this section and § 6106 of this title, any negligence of a”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 by deleting lines 193 through 195.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 on line 196 by deleting “b.” and inserting in lieu thereof “a.”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 on line 197 by deleting “(a)(2)b.” and inserting in lieu thereof “(a)(2)a.”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 on line 199 by deleting “c.” and inserting in lieu thereof “b.”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 on line 200 by inserting “who was” after “child” and before “in” therein.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 on line 200 by deleting “Families.” And inserting in lieu thereof “Families at the time of the signing of the license application.”.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 151 by inserting the following after line 206 and before line 207:

“Section 8A. Amend § 6105, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6105. Liability of owner for negligence of minor.

~~Every~~ Except as provided under § 6106 of this title, every owner of a motor vehicle who causes or knowingly permits a minor under the age of 18 years to drive such vehicle upon a highway and any person who gives or furnishes a motor vehicle to such minor shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in driving such vehicle, and the negligence of such minor shall be imputed to such owner or such person for all purposes of civil damages.

Section 8B. Amend Chapter 61, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6106. Liability of foster parent for negligence of a child or individual.

(a) For purposes of this section, “foster parent” means as defined in § 2302 of Title 13.

(b) When a child or an individual identified in § 9011A(g)(1) of Title 29 procures a valid policy of insurance through participation in the program established under § 9011A of Title 29, a foster parent of that child or individual, who causes or knowingly permits the child or individual to drive a vehicle on a highway, or who gives or furnishes a motor vehicle to the child or individual, is not jointly and severally liable with the child or individual for damages caused by the negligence of the child or individual in driving the vehicle, and the negligence of the child or individual may not be imputed to the foster parent for purposes of civil damages.

(c) When a child or an individual identified in § 9011A(g)(1) of Title 29 does not procure a separate valid policy of insurance and is instead insured by the private passenger insurance policy of the foster parent, a foster parent of that

53 child or individual who causes or knowingly permits the child or individual to drive a vehicle on a highway, or who gives
54 or furnishes a motor vehicle to the child or individual, may be liable for damages caused by the negligence of the child or
55 individual in driving the vehicle only up to the amount of insurance coverage available to the foster parent under their
56 private passenger insurance policy.”.

SYNOPSIS

This Amendment does the following:

(1) Provides that the policy a foster child or individual under § 9011A(g)(1) of Title 29 procures under the program established under § 9011A of Title 29 is the source of insurance coverage when the child or individual is operating a motor vehicle.

(2) Provides that an insurer that issues an insurance policy on a private passenger motor vehicle to an insured who is a foster parent of a foster child may not charge an additional premium for coverage of the foster child while the child is operating the insured's vehicle if the foster child has procured a separate policy through participation in the program established under § 9011A of Title 29, unless actuarially justified.

(3) Because a foster parent cannot sign a license application on behalf of a child in the custody of the Department of Services for Children, Youth and Their Families, the exclusion for liability for foster parents is relocated to § 6106(b) of Title 21, and applies when a child or an individual identified in § 9011A(g)(1) of Title 29 procures a valid policy of insurance through participation in the program established under § 9011A of Title 29. When a child or an individual identified in § 9011A of Title 29 does not procure a separate valid policy of insurance and is instead insured by the private passenger insurance policy of the foster parent, the foster parent may be liable for damages caused by the negligence of the child or individual in driving the foster parent's vehicle only up to the amount of insurance coverage available to the foster parent under their private passenger insurance policy.

(4) Makes necessary conforming amendments based on the other changes made by this Amendment.