



SPONSOR: Rep. Longhurst & Rep. Carson & Rep. D. Short &  
Sen. Ennis & Sen. Hansen  
Reps. Brady, Briggs King, Paradee; Sens. McDowell,  
Poore, Townsend

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 394

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Chapter 21 of Title 21 of the Delaware Code by making deletions as shown by strike through,  
2           insertions as shown by underline and redesignate as follows:

3           § 2118 Requirement of insurance for all motor vehicles required to be registered in this State; penalty.

4           (a) No owner of a motor vehicle required to be registered in this State, other than a self-insurer pursuant to § 2904  
5           of this title, shall operate or authorize any other person to operate such vehicle unless the owner has insurance on such  
6           motor vehicle providing the following minimum insurance coverage:

7           (2)a. Compensation to injured persons for reasonable and necessary expenses incurred within 2 years from  
8           the date of the accident for:

9                     1. Medical, hospital, dental, surgical, medicine, x-ray, ambulance, prosthetic services, professional  
10                    nursing ~~services~~ and, funeral services, and services rendered by emergency medical services vehicles.  
11                    Compensation for funeral services, including all customary charges and the cost of a burial plot for 1 person,  
12                    shall not exceed the sum of \$5,000. Compensation may include expenses for any nonmedical remedial care  
13                    and treatment rendered in accordance with a recognized religious method of healing.

14                    5.A. Under this section "emergency medical services vehicle" means a vehicle duly licensed in  
15                    Delaware that deploys rescue tools used by emergency rescue personnel to extricate the injured person from a  
16                    vehicle.

17                    B. Under (a)(2)a. of this section, compensation to an injured person for services rendered by an  
18                    emergency medical services vehicle shall be limited to expenses actually incurred in the use of electric,  
19                    hydraulic, battery-operated and air-operated rescue tools used by Delaware volunteer fire department  
20                    emergency rescue personnel to extricate the injured person from a vehicle.

21                    C. The maximum required reimbursement under (a)(2)a.1. of this section shall be no more than  
22                    \$500 per injured person extricated.

23 D. The existence of a defined benefit under (a)(2)a.5. of this section:

24 I. does not alter any priority of payment or create any new priority of payment under (a)(2)  
25 of this section.

26 II. does not create new benefits in addition to the limits set out under (a)(2)b. of this section.

27 III. is subject to all terms, conditions, exclusions or limitations under the insurance policy.

28 IV. does not create any right in the operator of an emergency medical services vehicle to bill  
29 any person other than the insurer that reimburses the operator under (a)(2)a.1. of this section.

30 E. The Delaware Insurance Commissioner shall develop a uniform billing form to be used by  
31 eligible fire companies to obtain reimbursement under this act. The form shall be clear, concise and  
32 provide for adequate authentication of any expenses for which reimbursement is sought.

33 F. Starting on March 1, 2019 and repeating each March 1 thereafter, Delaware volunteer fire and  
34 ambulance companies shall submit to the Delaware State Fire Prevention Commission financial reports  
35 regarding any and all expenses incurred in the use of electric, hydraulic, battery-operated and air-operated  
36 rescue tools.

37 §6. "Injured person" for the purposes of this section shall include the personal representative of an  
38 estate; provided, however, that if a death occurs, the "net amount of lost earnings" shall include only that sum  
39 attributable to the period prior to the death of the person so injured.

40 Section 2. This Act shall go into effect on January 1, 2019.

#### SYNOPSIS

This Bill requires motor vehicle insurance policies, under the personal injury protection provisions (PIP), to provide coverage for up to \$500 per injured person extricated from a motor vehicle by an emergency medical services vehicle. Emergency medical services vehicle is a vehicle duly licensed in Delaware that deploys rescue tools used by emergency rescue personnel to extricate the injured person from a vehicle. The Act also requires the Insurance commissioner to develop a uniform billing form for reimbursement and that volunteer fire and ambulance companies submit financial reports regarding expenses incurred in the use of rescue tools to the State Fire Prevention Commission.