



SPONSOR: Rep. Carson & Sen. Ennis
Reps. Brady, Chukwuocha, Kowalko, Morris; Sens.
Brown, Lawson, Sokola, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 88

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

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

1 Section 1. Amend § 2118, Title 21 of the Delaware Code by making additions as shown by underlining and
2 deletions as shown by strike through as follows:

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

4 (n)(1) Except as provided in subsection (p) of this section, within 5 days of the notice of suspension from the
5 Division of Motor Vehicles, the owner will surrender to the Division of Motor Vehicles the vehicle's certificate of
6 registration and the registration plate. ~~If the owner fails to comply within the aforementioned 5 days, the Division of~~
7 ~~Motor Vehicles shall suspend the owner's driver's license.~~

8 (2) The Division of Motor Vehicles will promulgate rules and/or regulations to cover those circumstances in
9 which there is an allegation of lost or stolen tags.

10 (3) Each insurer shall report to the Division of Motor Vehicles, within 30 days on a form prescribed by the
11 Division of Motor Vehicles, the name of any person or persons involved in an accident or filing a claim who is alleged
12 to have been operating a Delaware registered motor vehicle without the insurance required under this chapter. At a
13 minimum, the insurer shall provide the name, address and description of the vehicle alleged to be uninsured. Each
14 insurer shall take reasonable care when reporting potential violations of this section, but in no case shall an insurer,
15 provider or any of its employees or agents incur any liabilities for erroneous reports of a violation.

16 (4) In addition to any other penalty provided for in the Delaware Motor Vehicle Law, if the required
17 insurance for a vehicle terminates or otherwise lapses during its registration year, the Division of Motor Vehicles shall
18 assess the owner of the vehicle with a penalty of \$100 for each vehicle without the required insurance for a period of
19 up to 30 days. When a penalty fee is assessed, beginning on the thirty-first day of the penalty period, the penalty fee
20 shall increase by a rate of \$5.00 for each subsequent day until the insurance is replaced, tags are surrendered to the
21 Division of Motor Vehicles, or the registration expires, whichever occurs first. The Division of Motor Vehicles shall
22 also charge a registration reinstatement fee of \$50. When the Division of Motor Vehicles assesses a vehicle owner with

23 a penalty under this subsection, the Division shall not reinstate a registration suspended under this section until the
24 penalty is paid, and the owner has also paid a registration reinstatement fee of \$50

25 (p)(1) The insurance identification card issued for a vehicle required to be registered under this title shall at
26 all times, when the vehicle is being operated upon a highway within this State, be in the possession of the operator
27 thereof or carried in the vehicle and shall be produced upon the request of a police officer or any other party involved
28 in an accident with the insured. If the operator of a motor vehicle is unable to produce an insurance identification card
29 at the time of a traffic stop or an accident the operator shall be issued a summons to appear in court. If the operator is
30 convicted under this subsection and has not provided proof of insurance in effect as of the date of conviction, the court
31 shall, in addition to any other penalties imposed, notify the Division of Motor Vehicles of the lack of insurance. The
32 Division of Motor Vehicles shall promptly suspend the vehicle's registration pursuant to the provisions of subsection
33 (m) of this section.

SYNOPSIS

This legislation removes the automatic suspension of a driver's license for failure to provide proof of insurance. The Division of Motor vehicles will continue to suspend the registration of the uninsured vehicle. The removal of the automatic license suspension will allow the vehicle owner to get to work, keep a job, so that the driver will be able to obtain vehicle insurance.