

CHAPTER 93
FORMERLY
SENATE BILL NO. 54

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SIZE AND WEIGHT OF VEHICLES AND LOADS AND MOTOR CARRIER SAFETY - RESPONSIBILITY.

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

Section 1. Amend § 101, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

(3) "Automobile transporter" means any vehicle combination designed and used for the transport of assembled highway vehicles, including truck camper units.

(13) "Covered heavy-duty tow and recovery vehicle" means any vehicle transporting a disabled vehicle from the place where the disabled vehicle became disabled to the nearest appropriate repair facility and that has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

(25) "Federal-aid primary system highway" includes any roadway designated by the United States Secretary of Transportation as part of the Federal-aid primary system in existence on June 1, 1991, as amended, that can safely accommodate the applicable vehicle widths and lengths provided under 49 U.S.C. § 31111 and 49 U.S.C. § 31113.

(42) "Natural gas vehicle" means a vehicle operated by an engine that is fueled primarily by natural gas.

Section 2. Amend § 4501, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

(a) In accordance with the provisions of § 4503 of this Chapter, a commercial motor vehicle is granted reasonable access between (1) Interstate roadways, Federal-aid primary system highways, US numbered routes and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carriers of passengers, and any tow-away trailer transporter combination.

Section 3. Amend § 4502, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502 Size and weight of vehicles except on interstate highways, Federal-aid primary system highways and United States numbered routes.

Section 4. Amend § 4503, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4503 Size and weight of vehicles on interstate highways; size of vehicles on Federal-aid primary system highways and United States numbered routes.

(a) No person shall drive or move or, being the owner, cause or knowingly permit to be driven or moved on any interstate highway, Federal-aid primary system highway, or United States numbered route, unless otherwise posted, any vehicle or combination of vehicles having a size or weight in excess of that permitted by this section. Provided, however, that such weight limitations and restrictions listed in this section apply only to the interstate

highway; weight limitations and restrictions for Federal-aid primary system highways and United States numbered routes shall be as listed in § 4502 of this Title.

(d) The Delaware Secretary of Transportation may, on the basis of engineering and traffic investigations, determine that certain interstate highways, Federal-aid primary system highways, and United States numbered routes cannot accommodate vehicles, otherwise permitted under this section, and may thereafter prohibit operation of such vehicles on the interstate highways, Federal-aid primary system highways, and United States numbered routes so designated.

(g) The State hereby adopts Federal commercial vehicle size limit exemptions for vehicles operating on interstate highways, Federal-aid primary system highways, and United States numbered routes within the State as directed in 49 U.S.C. § 31111 and 49 U.S.C. § 31113 as amended.

(h) The State hereby adopts Federal Interstate weight limit exemptions for vehicles operating on interstate highways within the State as directed in 23 U.S.C. § 127 as amended.

Section 5. Amend § 4702, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4702 Adoption of federal requirements — In general.

(a) Except as modified by this chapter, the State hereby adopts, as the laws of Delaware governing motor carrier safety, the following parts of the Code of Federal Regulations, as published and as subsequently amended: Title 49, Chapter III, Subchapter B, Part 374, Part 385, Part 386, Part 387, Part 390, Part 391, Part 392, Part 393, Part 395, Part 396 and Part 397, adopted pursuant to the Transportation Article of the United States Code (49 U.S.C. § 101 et seq.).

Approved July 4, 2019