

CHAPTER 49  
FORMERLY  
SENATE BILL NO. 44  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES PROVIDING SPECIAL MILITARY PLATES FOR SURVIVING SPOUSES.

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

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

§ 2137 Special license plates for former prisoners of war.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for the assignment to that vehicle of a special prisoner-of-war registration number.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued under this section only if:

(1) The applicant states that the applicant is a former prisoner of war in any war, the Korean conflict, the Viet Nam conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle; and

(2) The United States Department of Defense certifies that the applicant was a former prisoner of war in any war, the Korean conflict, the Viet Nam conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle.

(3) Upon receipt by the Department of information that the individual to whom the special plate has been issued is deceased, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (a)(2) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided, however, that an original application under this section shall be subject to a \$10 administrative fee.

(d) [Repealed.]

(e) The Department shall reserve sufficient special license plates including the letters "POW" and numbered consecutively beginning with the numeral 1 as are necessary to implement this section.

§ 2138 Special license plates for veterans with disabilities.

(a) The owner of any vehicle described in subsection (b) of this section may apply to the Department for the assignment to that vehicle of a special disabled veteran number.

(b) This section applies only to:

- (1) A private passenger vehicle; or
- (2) A truck with a 3/4-ton or smaller manufacturer's rated capacity.

(c) Special registration may be issued under this section only if:

(1) The applicant states that:

a. The applicant is a veteran with a disability of any war, the Korean conflict, the Viet Nam conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle; or

b. It has been determined by the United States Department of Veterans Affairs that the applicant meets the qualifications of being a veteran with a service-connected disability; and

(2) a. The United States Department of Defense certifies that the applicant sustained a disabling injury in any war, the Korean conflict, the Viet Nam conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle; or

b. The United States Department of Veterans Affairs certifies that the applicant meets the qualifications of being a veteran with a service-connected disability.

(3) Upon receipt by the Department of information that the individual to whom the special plate has been issued is deceased, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (b) of this section as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration.

(d) (1) Any applicant who applies for the assignment of a special plate under this section who also submits proof satisfactory to the Department that the applicant or a household member has a disability that would permit issuance of a special license plate under § 2134 of this title may be issued a special plate for veterans with disabilities that will be considered in all respects as a special license plate for persons with disabilities issued under § 2134 of this title.

(2) A special license plate issued pursuant to this subsection must, in addition to the special disabled veteran number, display the internationally recognized wheelchair symbol of access on the plate.

(3) The Department may adopt rules and regulations that are reasonable or necessary for the implementation of this subsection.

(e) No fee in addition to the annual registration fee required by this title is required for registration under this section; however, the original application under this section shall be subject to a \$10 administrative fee.

(f) The Department shall reserve sufficient license plates including the letters "DAV" and numbered consecutively beginning with the numeral "1" as are required for this section.

§ 2139 Special license plates for veterans formerly missing-in-action.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for the assignment to that vehicle of a special missing-in-action registration number.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued under this section only if:

(1) The applicant states that the applicant is a veteran formerly missing-in-action in any war, the Korean conflict, the Vietnam conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle; and

(2) The United States Department of Defense certifies that the applicant was a veteran formerly missing-in-action in any war, the Korean conflict, the Vietnam conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle.

(3) Upon receipt by the Department of information that the individual to whom the special plate has been issued is deceased, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (a)(2) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided, however, that an original application under this section shall be subject to a \$10 administrative fee.

(d) The Department shall reserve sufficient special license plates including the letters "MIA" and numbered consecutively beginning with the numeral "1" as are necessary to implement this section.

§ 2139A Special license plates for members of the Delaware National Guard and Reserves.

(a) The owner of any vehicle described in subsection (b) of this section may apply to the Department for the assignment to that vehicle of a special Delaware National Guard or Reserves number; provided, however, the owner of the vehicle must possess official documentation which indicates the owner is a bona fide member of the Delaware National Guard or Reserves.

(b) This section shall apply only to:

- (1) A private passenger vehicle; or

(2) A truck with no more than a 3/4-ton manufacturer's rated capacity.

(c) Other than the annual registration fee required by this title, no fee shall be required for registration under this section; however, the original application shall be subject to a \$10 administrative fee.

(d) The Department shall reserve sufficient special license plates, including appropriate letters and numbered consecutively, beginning with the numeral "1", as are required under this section.

(e) Upon receipt of any official correspondence from the Delaware National Guard or Reserves advising that the individual to whom a special plate has been issued is no longer affiliated with the National Guard or Reserves such special plate shall be forfeited and/or revoked immediately.

(f) Upon receipt by the Department of information that the individual to whom the special plate has been issued is deceased, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (b) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration.

§ 2139B Special license plates for recipients of the Purple Heart.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for assignment to that vehicle of a special Purple Heart registration number; provided however, that the owner of the vehicle must possess official documentation which indicates that such owner is the recipient of the Purple Heart medal.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued by the Department under this section if the United States Department of Defense certifies that the applicant is a veteran of World War I, World War II, the Korean Conflict, Vietnam Conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided however, that an original application under this section shall be subject to a \$10 administrative fee.

(d) The Department shall reserve sufficient special license plates including the letters "PH" and numbered consecutively beginning with the numeral "1" as are necessary to implement this section.

(e) Upon receipt by the Department of information that the individual to whom the special plate has been issued has died, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (a)(2) of this section as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration. In the event the surviving spouse remarries, the plate must be returned to the Department within 90 days. If no spouse exists at the time the Department receives information regarding the death of the individual to whom the special plate was issued, the Department shall write to the representative of that person's estate, requesting that such plate be returned to the Department within 90 days.

§ 2139D Special license plates for recipients of medals or commendations for valor.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for assignment to that vehicle of a special valor registration number; provided, however, that the owner of the vehicle must possess official documentation which indicates that such owner is the recipient of a medal or commendation for valor while serving in the United States Armed Forces, including, but not limited to, the Congressional Medal of Honor, the Silver Star, the Bronze Star, the Flying Cross, the Navy Cross, or a Letter of Commendation if awarded for valor under combat conditions.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued by the Department under this section if the United States Department of Defense certifies that the applicant is a veteran of World War I, World War II, the Korean Conflict, the Vietnam Conflict, Operation Desert Storm or other military conflict on foreign soil in which United States armed forces were formally engaged in battle.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided, however, that an original application under this section shall be subject to a \$10 administrative fee which shall be deposited into a special fund and used by the Division of Motor Vehicles for the purpose of administering this section and to fund Department projects notwithstanding Chapters 13 and 14 of Title 2 to the contrary.

(d) The Department shall reserve sufficient special license plates including the letter "V" and numbered consecutively beginning with the numeral "1" as are necessary to implement this section. In addition, any special license plate issued pursuant to this section shall include an insignia of the specific medal or commendation awarded to the applicant.

(e) Upon receipt by the Department of information that the individual to whom the special plate has been issued has died, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (a)(2) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration. If no spouse exists, the Department shall write to the representative of that person's estate, requesting that such plate be returned to the Department within 90 days.

§ 2139E Special license plates for retired military personnel of the United States Armed Forces.

(a) (1) The owner of any vehicle described in subsection (b) of this section may apply to the Department for assignment to that vehicle of a special retired military registration number; provided, however, that the owner of the vehicle must possess official documentation which indicates that the owner has retired from the United States armed forces.

(2) Special registration may be issued by the Department under this section if the United States Department of Defense certifies that the applicant has been honorably discharged from the United States armed forces after having served an aggregate minimum of 20 years in 1 or more of the branches of the United States armed services.

(b) This section applies only to:

- (1) A private passenger vehicle; or
- (2) A truck with a 3/4-ton or less manufacturer's rated capacity.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided, however, that an original application under this section shall be subject to a \$10 administrative fee which shall be deposited into a special fund and used by the Division of Motor Vehicles with the purpose of administering this section and to fund Department projects notwithstanding the provisions of Chapters 13 and 14 of Title 2 to the contrary.

(d) The Department shall reserve sufficient special license plates numbered consecutively beginning with the numeral "1" as are necessary to implement this section. In addition, any special license plate issued pursuant to this section shall include the insignia of the seal of the branch of the armed services from which the applicant retired directly above the word "retired."

(e) Upon receipt by the Department of information that the individual to whom the special plate has been issued has died, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (b) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration. If no spouse exists, the Department shall write to the representative of that person's estate, requesting that such plate be returned to the Department within 90 days.

§ 2139G Special license plates for Korean War veterans.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for assignment to that vehicle of a special Korean War veteran registration number; provided however,

that the owner of the vehicle must possess official documentation which indicates that such owner is a Korean War veteran.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued by the Department under this section if the United States Department of Defense certifies that the applicant is a veteran of the Korean War.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided however, that an original application under this section be subject to a \$10 administrative fee, which shall be deposited into a special fund and used by the Division of Motor Vehicles for the purpose of administering this section and to fund Department projects notwithstanding the provisions of Chapters 13 and 14 of Title 2 to the contrary.

(d) Only 1 such plate shall be issued to an applicant.

(e) The Department shall reserve sufficient special license plates including the letters "KW" and numbered consecutively beginning with the numeral "1" as are necessary to implement this section.

(f) Upon receipt by the Department of information that the individual to whom the special plate has been issued has died, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (a)(2) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration. If no spouse exists, the Department shall write to the representative of that person's estate, requesting that such plate be returned to the Department within 90 days.

(g) At least 50 members of the organization must apply for the special plate authorized by this section.

§ 2139I Special license plates for holders of Gold Star lapel buttons.

(a) (1) The owner of any vehicle described in subsection (b) of this section may apply to the Department for assignment to that vehicle of a special Gold Star family registration number; provided, however, that the owner of the vehicle qualifies under paragraph (a)(2) of this section.

(2) Special registration may be issued by the Department under this section if the applicant provides sufficient official documentation of being awarded a Gold Star lapel button by the United States Department of Defense in recognition of a close relative's death while serving in the military.

(b) This section applies only to:

- (1) A private passenger vehicle; or
- (2) A truck with a 3/4-ton or less manufacturer's rated capacity.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided, however, that an original application under this section shall be subject to a \$10 administrative fee which shall be deposited into a special fund and used by the Division of Motor Vehicles for the purpose of administering this section and to fund Department projects notwithstanding the provisions of Chapters 13 and 14 of Title 2 to the contrary.

(d) The Department shall reserve sufficient special license plates including the letters "GS" and numbered consecutively beginning with the numeral "1" as are necessary to implement this section. In addition, any special license plate issued pursuant to this section shall include a gold star and the phrase "Gold Star Family".

(e) Upon receipt by the Department of information that the individual to whom the special plate has been issued has died, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (b) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration. If no spouse exists, the Department shall write to the representative of that person's estate, requesting that such plate be returned to the Department within 90 days.

§ 2139J Special license plates for veterans of Operation Iraqi Freedom.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for assignment to that vehicle of a special Operation Iraqi Freedom veterans registration number;

provided however, that the owner of the vehicle must possess official documentation which indicates that such owner is a veteran of Operation Iraqi Freedom.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued by the Department under this section if the United States Department of Defense certifies that the applicant is a veteran of Operation Iraqi Freedom.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided however, that an original application under this section be subject to a \$10 administrative fee, which shall be deposited into a special fund and used by the Division of Motor Vehicles for the purpose of administering this section and to fund Department projects notwithstanding the provisions of Chapter 13 and 14 of Title 2 to the contrary.

(d) Only 1 such plate shall be issued to an applicant.

(e) The Department shall reserve sufficient special license plates including the letters "OIF" and numbered consecutively beginning with the numeral "1" as are necessary to implement this action.

(f) Upon receipt by the Department of information that the individual to whom the special plate has been issued has died, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (a)(2) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration. If no spouse exists, the Department shall write to the representative of that person's estate, requesting that such plate be returned to the Department within 90 days.

§ 2139K Special license plates for Vietnam War veterans.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for assignment to that vehicle of a special Vietnam War veteran registration number; provided however, that the owner of the vehicle must possess official documentation which indicates that such owner is a Vietnam War veteran. Once the plate is issued, the surviving spouse of the Vietnam War veteran may use the plate.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued by the Department under this section if the United States Department of Defense certifies that the applicant is a veteran of the Vietnam War.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section, provided however, that an original application under this section be subject to a \$10 administrative fee, which shall be deposited into a special fund and used by the Division of Motor Vehicles for the purpose of administering this section and to fund Department projects notwithstanding the provisions of Chapters 13 and 14 of Title 2 to the contrary.

(d) Only 1 such plate shall be issued to an applicant.

(e) Upon receipt by the Department of information that the individual to whom the special plate has been issued is deceased, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (b) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration.

~~(e)~~(f) The Department shall reserve sufficient special license plates including the letters "VV" and numbered consecutively beginning with the numeral "1" as are necessary to implement this section.

~~(f)~~(g) The Division of Motor Vehicles may promulgate rules and regulations as required to administer this section.

§ 2139N Special license plates for veterans of Operation Enduring Freedom.

(a) (1) The owner of any vehicle described in paragraph (a)(2) of this section may apply to the Department for assignment to that vehicle of a special Operation Enduring Freedom veterans registration number; provided however, that the owner of the vehicle must possess official documentation which indicates that such

owner is a veteran of Operation Enduring Freedom. Once the plate is issued, the surviving spouse of the Operation Enduring Freedom veteran may use the plate.

(2) This section applies only to:

- a. A private passenger vehicle; or
- b. A truck with a 3/4-ton or less manufacturer's rated capacity.

(b) Special registration may be issued by the Department under this section if the United States Department of Defense certifies that the applicant is a veteran of Operation Enduring Freedom.

(c) No fee in addition to the annual registration fee otherwise required by this title is required for registration under this section; provided however, that an original application under this section be subject to a \$15 administrative fee, which shall be deposited into a special fund and used by the Division of Motor Vehicles for the purpose of administering this section and to fund Department projects notwithstanding the provisions of Chapters 13 and 14 of Title 2 to the contrary.

(d) Only 1 such plate shall be issued to an applicant.

(e) Upon receipt by the Department of information that the individual to whom the special plate has been issued is deceased, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of paragraph (a)(2) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration.

(e)(f) The Department shall reserve sufficient special license plates including the letters "OEF" and numbered consecutively beginning with the numeral "1" as are necessary to implement this section.

§ 2140 Special registration plates for members of nonprofit organizations.

(a) The owner of a motor vehicle described in subsection (b) of this section who is a member of a nonprofit organization considered eligible by the Division of Motor Vehicles may apply to the Division for the assignment of a special registration plate for such vehicle.

(b) This section applies only to:

- (1) A passenger vehicle;
- (2) A truck with a 3/4-ton or smaller manufacturer's rated capacity; or
- (3) A van with a 3/4-ton or smaller manufacturer's rated capacity.

(c) The applicant must submit acceptable proof, as required by the Division, that the applicant is a member in good standing or is otherwise eligible for the issuance of such special plate.

(d) No fee in addition to the regular annual registration fee required by this title is required. However, upon the initial application for a special plate issued pursuant to this section, a 1-time administrative fee of \$10 shall be assessed.

(e) The 1-time administrative fee collected pursuant to subsection (d) of this section shall be deposited into a special fund and used by the Division of Motor Vehicles for the purpose of administering this section, notwithstanding the provisions of Chapters 13 and 14 of Title 2 to the contrary.

(f) [Repealed.]

(g) At least 200 applications for special plates must be received from a specific organization before the Division of Motor Vehicles will approve the issuance. However, the minimum number of 200 shall not apply to the following:

- (1) Survivors of Pearl Harbor;
- (2) Members of university or high school alumni associations, provided that at least 25 applications for special plates must be received from members of a given university or high school alumni association before the Division of Motor Vehicles will approve the issuance of special plates for that particular university or high school alumni association;
- (3) Retired Delaware police officers;
- (4) Members of Delaware Nur Temple, ~~the Marine Corps League, Delaware Veterans of World War 2 Inc.,~~ and the Service Alumni Association, provided that at least 100 applications for special plates must be received from members before the Division of Motor Vehicles will approve the issuance of the special plate;

(5) Members of the Marine Corps League and Delaware Veterans of World War 2 Inc. provided that at least 100 applications for special plates must be received from members before the Division of Motor Vehicles will approve the issuance of the special plate;

~~(5)~~(6) Members of the Order of Eastern Star, Knights of Columbus, the Telephone Pioneers of America, Lions Club International and the Senior Olympics, provided that at least 100 applications for special plates must be received from members of any of the said organizations before the Director of Motor Vehicles will approve the issuance of a special plate for that organization, except for the Telephone Pioneers of America who must have a minimum of 75 applications for special plates before the Director of Motor Vehicles will approve the issuance of a special plate for the organization;

~~(6)~~(7) Members of "Fraternal Order of Firemen Wilmington Retired Firefighters," provided that at least 50 applications for special plates must be received from members of such organization before the Division of Motor Vehicles will approve the issuance of the special plate;

~~(7)~~(8) Members of the "USSVI, Mid-Atlantic Base", the U.S. Submarine Veterans, Inc., organization, provided that at least 35 applications for special plates be received from members of such organization before the Division of Motor Vehicles will approve the issuance of the special plate; and

~~(8)~~(9) Members of the "Buffalo Soldiers Motorcycle Club of Delaware", provided that at least 25 applications for special plates must be received from members of such organization before the Division of Motor Vehicles will approve the issuance of the special plate.

(h) The numbers and letters assigned to these special plates must be such that they can be integrated with the Division's computerized vehicle registration records.

(i) The Division of Motor Vehicles may refuse to issue special registration plates when it is deemed not in the best interest of the State.

(j) Upon receipt by the Department of information that the individual to whom the special plate has been issued pursuant to paragraph (g)(1), (g)(5), or (g)(8) of this section is deceased, the surviving spouse may transfer the plate to a vehicle owned by the spouse that meets the requirements of subsection (b) as a valid registration plate. No fee in addition to the annual registration fee otherwise required by this title is required for registration.

~~(j)~~(k) The Department upon receipt of any official correspondence from the organization advising that the individual to which a special plate has been issued is no longer affiliated with such organization such special plate shall be forfeited and/or revoked immediately.

~~(k)~~(l) The Division of Motor Vehicles may promulgate rules and regulations as required to administer this section.

Approved June 25, 2015