

CHAPTER 405
FORMERLY
HOUSE BILL NO. 302
AS AMENDED BY
HOUSE AMENDMENT NOS. 2 & 3

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ELECTRONIC COMMUNICATION DEVICES AND PENALTIES.

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

Section 1. Amend § 4176C, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4176C Electronic communication devices; penalties.

(a) No person shall drive a motor vehicle on any highway while using an electronic communication device while such motor vehicle is in motion.

(d) Whoever violates this section shall for the first offense be subject to a civil penalty of ~~\$50~~ \$100. For each subsequent offense the person shall be subject to a civil penalty of not less than ~~\$100~~ \$200 nor more than ~~\$200~~ \$300. For each civil penalty of \$100 that is assessed under this subsection, \$20 shall be paid over to the State Treasury to be deposited into the Volunteer Ambulance Company Fund, in addition to the \$10 penalty assessed pursuant to § 4101(j) of Title 11. For each civil penalty between \$200 and \$300 that is assessed under this subsection, 20% shall be paid over to the State Treasury to be deposited into the Volunteer Ambulance Company Fund, in addition to the \$10 penalty assessed pursuant to § 4101(j) of Title 11.

(e) No motor vehicle points shall be assessed for a violation of this section. ~~Additionally, a violation of this section shall not be made a part of a person's driving record unless that person was operating a commercial motor vehicle at the time of violation.~~

Approved August 31, 2016