

CHAPTER 250
FORMERLY
HOUSE BILL NO. 259
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OFF-HIGHWAY VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 6816, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as show by strike through as follows:

§ 6816. Operation of OHVs -- while under the influence or with a prohibited alcohol or drug content ~~of intoxicating liquor or controlled substances.~~

A person shall not operate an OHV while under the influence of alcohol, any drug, a combination of drugs and alcohol, or with a prohibited concentration of alcohol or illicit or recreational drugs ~~intoxicating liquor or controlled substances~~ as defined in § 4177 of this title. A violation of this section shall be an unclassified misdemeanor ~~with the penalties set forth in § 6831 of this title.~~

(a) ~~When such operation is upon private property with the express permission of the person in control of the property or such operation is not upon public property, a public highway or street or sidewalk or right-of-way thereof, the penalty provisions of this chapter shall apply.~~

(b) ~~The provisions of this section, sections 6831, 6832, or 6833 of this title, or any other statute to the contrary notwithstanding, all provisions of § 4177 of this title and provisions of this Code related thereto shall be applicable to the operation of an OHV while under the influence of alcohol, any drug, a combination of drugs and alcohol, or with a prohibited concentration of alcohol or illicit or recreational drugs as defined in § 4177 of this title when such operation is upon private property without the express permission of the person in control of the property or such operation is upon public property, a public highway or street or sidewalk or right-of-way thereof located within this State.~~

(c) ~~The provisions of this section, sections 6831, 6832, or 6833 of this title, or any other statute to the contrary notwithstanding, all provisions of § 4177 of this title and provisions of this Code related thereto shall be applicable to the operation of an OHV while under the influence of alcohol, any drug, a combination of drugs and alcohol, or with a prohibited concentration of alcohol or illicit or recreational drugs as defined in § 4177 of this title when such operation causes physical injury, serious physical injury, or death to another person. Nothing in this section shall preclude conviction for a violation of either this section or § 4177 of this title and any offense as defined elsewhere in this Code.~~

Approved June 05, 2012