

CHAPTER 60
FORMERLY
HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 21

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE CLASSIFICATION OF CERTAIN MINOR TRAFFIC OFFENSES.

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

Section 1. Amend §4102 of Title 21 of the Delaware Code by deleting the language “and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor”.

Section 2. Enact new §713 of Title 21 of the Delaware Code, as follows:

“§ 713. Classification of Motor Vehicle Offenses.

Notwithstanding section 4203 of Title 11, any criminal offense in Title 21, unless otherwise declared with respect to particular offenses, or unless an offense described in subsection (e)(1) to (e)(15) of section 709 of Title 21, shall be a violation. The provisions of section 4207 of Title 11 notwithstanding, the Court may impose a sentence in accordance with the sentence specified in the law defining the offense or a law in Title 21 specifying a sentence for the offense, and, if no sentence is so specified, the Court may impose a fine up to \$575.”

Section 3. Amend § 2133, Title 21 of the Delaware Code by inserting the phrase “shall be guilty of an unclassified misdemeanor, and” between the words “expired” and “shall”.

Section 4. Amend subsection (g)(1) of § 2134, Title 21 of the Delaware Code by deleting the phrase “shall, for the first offense,” and substituting in lieu thereof the phrase “shall be guilty of an unclassified misdemeanor. For the first offense, the person shall”, and by striking the phrase “an unclassified misdemeanor” in the third sentence, and substituting in lieu thereof the phrase “a violation”.

Section 5. Amend subsection (j)(1) of § 2135, Title 21 of the Delaware Code by deleting the phrase “shall, for the first offense,” and substituting in lieu thereof the phrase “shall be guilty of an unclassified misdemeanor. For the first offense, the person or organization shall”, and by striking the phrase “an unclassified misdemeanor” in the third sentence, and substituting in lieu thereof the phrase “a violation”.

Section 6. Amend subsection (d) of § 2136, Title 21 of the Delaware Code by inserting the sentence, “A violation of this section shall be an unclassified misdemeanor.” before the word “Justice”.

Section 7. Amend § 2315, Title 21 of the Delaware Code by inserting the phrase “shall be guilty of an unclassified misdemeanor, and” between the words “chapter” and “shall”.

Section 8. Amend § 2607, Title 21 of the Delaware Code by adding a new subsection (f) as follows: “(f) Any violation of this section shall be an unclassified misdemeanor, with the penalties set forth in section 2622 of this title.”.

Section 9. Amend § 2613, Title 21 of the Delaware Code by adding a new subsection (d) as follows: “(d) Any violation of this section shall be an unclassified misdemeanor, with the penalties set forth in section 2622 of this title.”.

Section 10. Amend § 4127, Title 21 of the Delaware Code by inserting the phrase “shall be an unclassified misdemeanor, and” between the words “tolls” and “shall”.

Section 11. Amend § 4128, Title 21 of the Delaware Code by inserting the phrase “shall be an unclassified misdemeanor, and” between the words “tolls” and “shall”.

Section 12. Amend § 4172, Title 21 of the Delaware Code by adding the sentence “A violation of this subsection shall be an unclassified misdemeanor.” at the end of subsection (a).

Section 13. Amend § 4172A, Title 21 of the Delaware Code by inserting in subsection (c) the phrase “shall be guilty of an unclassified misdemeanor, and” between the words “section” and “shall”, and in subsection (d) the phrase “shall be guilty of an unclassified misdemeanor, and” between the words “section” and “shall”.

Section 14. Amend § 4177E, Title 21 of the Delaware Code by inserting in subsection (c) the phrase “shall be guilty of an unclassified misdemeanor, and” between the phrase “conditional license” and the punctuation mark “,”.

Section 15. Amend § 4177M, Title 21 of the Delaware Code by inserting the phrase “shall be guilty of an unclassified misdemeanor, and” between the words “section” and “shall”.

Section 16. Amend § 4189, Title 21 of the Delaware Code, in subsection (g), by inserting the phrase “shall be guilty of an unclassified misdemeanor, and” between the words “section” and “shall”, and, in subsection (h), by inserting the phrase “shall be guilty of an unclassified misdemeanor, and” between the words “section” and “shall”.

Section 17. Amend § 6816, Title 21 of the Delaware Code by adding, after the first sentence, a second sentence “A violation of this section shall be an unclassified misdemeanor with the penalties set forth in section 6831 of this title.”

Section 18. Amend § 6830, Title 21 of the Delaware Code by adding, after the first sentence, a second sentence “A violation of this section shall be an unclassified misdemeanor with the penalties set forth in section 6831 of this title.”.

Approved June 26, 2009