

CHAPTER 464  
FORMERLY  
SENATE BILL NO. 269  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO  
CARELESS OR INATTENTIVE DRIVING.

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

Section 1. Amend §4176, Title 21, of the Delaware Code by adding a new paragraph (d) to read as follows:

“(d) (1) In addition to any other penalty imposed for an offense committed under this section, if the finder of fact determines that the commission of that offense contributed to the serious physical injury of a vulnerable user lawfully in the public right-of-way, the court shall:

a. Impose a sentence that requires the person convicted of the offense to

1. complete a traffic safety course approved by the Delaware Division of Motor Vehicles;

2. Perform up to 100 hours of community service, which must include activities related to driver improvement and providing public education on traffic safety;

b. Impose, but suspend on the condition that the person complete the requirements of paragraph (d)(1)a. of this section,

1. A fine of not more than \$550, and

2. A suspension of driving privileges as provided in Section 2733(a)(2) of this Title;

and

3. Set a hearing date up to one year from the date of sentencing. At that hearing, the court shall:

A. If the person has successfully completed the requirements described in paragraph (d)(1)a. of this section, dismiss the penalties imposed under paragraph (d)(1)b. 1. and 2. of this section.

B. If the person has not successfully completed the requirements described in paragraph (d)(1)a) of this section, either

I. grant the person an extension based on good cause shown, or

II. impose the penalties under paragraph (d)(1)b. 1. and 2. of this section.

(2) The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury of a vulnerable user of the public right-of-way. If so noted, the person receiving the citation shall not be permitted to use the voluntary assessment process otherwise permitted under Section 709 of this Title.

(3) As used herein, “vulnerable user of a public right-of-way” means:

a. a pedestrian, including those persons actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way; or

b. a person riding an animal; or

c. a person operating any of the following on a public right-of-way, crosswalk, or shoulder of the highway:

1. a farm tractor or similar vehicle designed primarily for farm use;

2. a skateboard;

3. roller skates;

4. in-line skates;

5. a scooter;

6. a moped;

7. a bicycle; or
8. a motorcycle.”

Approved August 12, 2010