

CHAPTER 419
FORMERLY
SENATE BILL NO. 281

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PROOF OF AUTOMOBILE INSURANCE.

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

Section 1. Amend §2118(p) of Title 21 of the Delaware Code eliminating that subsection in its entirety and inserting in lieu thereof the following:

“(p)(1) The insurance identification card issued for a vehicle required to be registered under this title shall at all times, when the vehicle is being operated upon a highway within this State, be in the possession of the operator thereof or carried in the vehicle and shall be produced upon the request of a police officer or justice of the peace or any other party involved in an accident with the insured. If the operator of a motor vehicle is unable to produce an insurance identification card at the time of a traffic stop or an accident the operator shall be issued a summons to appear in court. If the operator is convicted under this subsection and has not provided proof of insurance in effect as of the date of conviction, the court shall, in addition to any other penalties imposed, notify the Division of Motor Vehicles of the lack of insurance. The Division of Motor Vehicles shall promptly suspend the vehicle’s registration pursuant to the provisions of subsection (m) of this section.

(2) An operator shall not be convicted under this subsection if, prior to conviction, the operator shall produce to the court in which the offense is to be tried the insurance identification card or in lieu thereof other sufficient proof, including but not limited to an automobile, garage keeper’s or other commercial or personal insurance policy, showing that there was insurance in full force and effect at all pertinent times covering or which would cover the said motor vehicle or the operation of the said motor vehicle by the operator charged under this subsection.

(3) Subject to subparagraph (2) above, the Justice of the Peace Court may permit an operator charged under this subsection to provide proof of insurance to the Court by mail or facsimile transmission or other Court approved method in lieu of a personal appearance. Proof of insurance shall be as prescribed by the Court and shall be sent to the Court directly from the operator’s insurer or the insurer’s agent or broker. It shall be the responsibility of the operator to ensure that proof of insurance is received and accepted by the Court. When proof of insurance is accepted by the court by any means other than personal appearance, the Court may also accept a guilty plea in absentia for any accompanying charge for which a voluntary assessment is permitted under §709(e) of this title. A guilty plea so accepted shall have the same force and effect as if the operator had made the plea in open court. The Justice of the Peace Court shall enact court rules to implement the handling of such cases by means other than personal appearance of the operator.

(4) Where the individual is charged with violating this section, and at the time of the alleged offense, the individual was operating a vehicle owned or leased by the individual’s employer in the course and scope of the individual’s employment, the individual shall not be convicted of violating this section unless the individual knew or should have known that the employer’s vehicle failed to meet the requirement of this section.”

Approved July 23, 2010