

LAWS OF DELAWARE
VOLUME 83
CHAPTER 288
FORMERLY
SENATE BILL NO. 126

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

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

Section 1. Amend § 4134, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4134. Operation of vehicles on approach of authorized emergency vehicles.

(a) ~~Upon~~On the immediate approach of an authorized emergency vehicle making use of audible or visual signals, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the ~~roadway~~roadway, clear of any ~~intersections~~intersections, and shall relinquish the right-of-way until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) ~~Upon~~On approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, blue, blue and white, red and white, red and blue, or red, white and blue lights, or ~~upon~~on approaching a stationary authorized vehicle of the Department of Transportation, which is giving a signal by displaying alternately flashing amber or red and amber lights, or ~~upon~~on approaching a stationary tow truck, which is giving a signal by displaying alternately flashing amber, white, or amber and white lights, or ~~upon~~on approaching a stationary vehicle owned or operated by a public utility, which is giving a signal by displaying alternately flashing amber, white, or amber and white lights, a person who drives an approaching vehicle shall do either of the following:

(1) Proceed with caution and yield the right-of-way by making a lane change into a lane not adjacent to that of ~~such a stationary vehicle described in subsection (b) of this section~~, if possible with due regard to safety and traffic conditions, if on a roadway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching ~~vehicle; or, vehicle~~.

(2) Proceed with caution and reduce the speed of the vehicle to a safe speed while passing ~~such a stationary vehicle described in subsection (b) of this section~~, if changing lanes would be impossible or unsafe.

(c) This section ~~shall not operate to~~does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(d) Any person violating subsection (b) of this section who hits, strikes, or in any way contacts an emergency responder, causing physical injury, with that person's vehicle ~~shall be~~is guilty of a class F felony.

(e) A person who violates this section is subject to the following fine:

(1) For a first offense, a fine of \$150.

(2) For a subsequent offense, a fine of \$300.

Approved April 13, 2022