

LAWS OF DELAWARE
VOLUME 84
CHAPTER 345
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 231

AN ACT TO AMEND CHAPTER 453, VOLUME 83 OF THE LAWS OF DELAWARE, AND TITLE 18 AND TITLE 29 OF THE DELAWARE CODE RELATING TO PROVIDING FOR DRIVER EDUCATION TRAINING, A DRIVER'S LICENSE, OR MOTOR VEHICLE INSURANCE FOR AN INDIVIDUAL WHO IS IN OR HAS EXPERIENCED FOSTER CARE IN DELAWARE.

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

Section 1. Amend Section 11, Chapter 453, Volume 83 of the Laws of Delaware by making deletions as shown by strike through and insertions as shown by underline as follows:

~~Section 11. This Act expires 2 years from the implementation date of this Act, unless otherwise provided by a subsequent act of the General Assembly.~~

Section 2. Amend § 3921, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3921. Youth in foster care status as a factor in automobile insurance rates ~~[Expires Apr. 1, 2025, pursuant to 83 Del. Laws, c. 453, § 11], rates.~~

(a) For purposes of this section, "youth in foster care" means any of the following:

~~(1) A child in the custody of the Department of Services for Children, Youth, and Their Families ("Department").~~

~~(2) A child in the Department's custody who reaches permanency status.~~

~~(3) A child in the Department's custody who turns 18 years of age.~~

~~(4) An individual who is subject to extended jurisdiction under § 929 of Title 10.~~

~~(5) An individual who receives independent living services from the Department.~~

(1) An individual in Department of Children, Youth, and Their Families ("Department") custody under Chapter 25 of Title 13.

(2) An individual who exited Department custody to adoption or guardianship at age 16 or later.

(3) An individual who exited Department custody at age 18.

(4) An individual who receives independent living services from the Department.

Section 3. Amend § 9011A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 9011A. Driver education, driver's license, or motor vehicle insurance for a child in Department custody or an individual subject to extended jurisdiction [Expires Apr. 1, 2025, pursuant to 83 Del. Laws, c. 453, § 11].~~

(a) ~~The General Assembly finds as follows:~~

~~(1) The costs of driver education and obtaining a driver's license and motor vehicle insurance for a child in the Department's custody and an individual under subsection (g) of this section do the following:~~

~~a. Serve as an additional barrier to gaining independence and engaging in normal, age-appropriate activities.~~

~~b. Limit opportunities for obtaining employment and completing educational goals.~~

~~(2) The completion of an approved driver education course is necessary to develop safe driving skills.~~

~~(b) For purposes of this section, "child placing agency" means any agency granted a license by the Department to provide adoption services in this State.~~

~~(c) The Office shall establish a program to pay the cost of driver education, costs incidental to licensure, and motor vehicle insurance for a child in the Department's custody and an individual under subsection (g) of this section.~~

~~(d) The Office shall develop procedures for operating and administering the program established under subsection (c) of this section, including for the following:~~

~~(1) Determining eligibility for the program.~~

~~(2) Developing necessary forms, including for application and payment.~~

~~(3) Notifying all of the following about the program: an eligible child in the Department's custody, individual under subsection (g) of this section, foster parent, caregiver, or child placing agency.~~

~~(4) Providing technical assistance to a child in the Department's custody, individual under subsection (g) of this section, foster parent, caregiver, child placing agency, or another state agency to support removing obstacles that prevent a child in the Department's custody or individual under subsection (g) of this section from driving.~~

~~(5) Providing incentives to a child in the Department's custody, individual under subsection (g) of this section, and a foster parent, caregiver, or child placing agency to participate in the program to encourage the greatest number of eligible children and individuals to obtain driver's licenses.~~

~~(e) If a foster parent, caregiver, or child placing agency adds a child in the Department's custody or individual under subsection (g) of this section to the foster parent's, caregiver's, or child placing agency's motor vehicle insurance policy, the Office may not pay to the foster parent, caregiver, or child placing agency an amount that exceeds the increase in cost attributable to the addition of the child or individual to the policy.~~

~~(f) The Office shall make payments under the program established under subsection (c) of this section in the order that it determines a child in the Department's custody, individual under subsection (g) of this section, foster parent, caregiver, or child placing agency eligible.~~

~~(g) (1) In addition to a child in the Department's custody, the Office may extend the program established under subsection (d) of this section to the following individuals:~~

~~a. A child in the Department's custody who reaches permanency status.~~

~~b. A child in the Department's custody who turns 18 years of age.~~

~~c. An individual who is subject to extended jurisdiction under § 929 of Title 10.~~

~~d. An individual who receives independent living services from the Department.~~

~~(2) The Office may extend eligibility for the program to individuals authorized under paragraph (g)(1)a. or (g)(1)b. of this section for an additional 1 year after they have reached the age of majority.~~

~~(3) An individual under paragraph (g)(1)c. of this section is eligible for the program if the individual demonstrates that the costs of driver education, costs incidental to licensure, or motor vehicle insurance create a barrier to the individual obtaining employment or completing educational goals.~~

~~(4) When a child or an individual identified in paragraph (g)(1) of this section, procures a valid policy of insurance with the coverages identified in §§ 2118 and 2902 of Title 21, and § 3902 of Title 18 through participation in the program established under subsection (c) of this section, the policy is the source of that coverage when the child or individual is operating a motor vehicle. The child's or individual's foster parent's coverages identified in §§ 2118 and 2902 of Title 21, and § 3902 of Title 18 may not be a source of coverage when the child or individual is operating a motor vehicle.~~

~~(h) The Office may adopt regulations to implement this section.~~

~~(i) (1) The Office shall submit a report to the General Assembly containing all of the following information for the previous year:~~

~~a. The number of children in the Department's custody or individuals under subsection (g) of this section who were provided funds under this section.~~

~~b. The average amount of funds dispersed under this section on behalf of each child in the Department's custody or individual under subsection (g) of this section and the average amount of funds dispersed to pay the costs of driver education, costs incidental to licensure, and motor vehicle insurance.~~

~~c. The total amount of funds dispersed under this section and the total amount of funds dispersed to pay the costs of driver education, costs incidental to licensure, and motor vehicle insurance.~~

~~(2) The Office shall submit the report under paragraph (i)(1) of this section as follows:~~

~~a. For the report on the first year of the program established under subsection (c) of this section, 1 year from the implementation date of 83 Del. Laws, c. 453.~~

~~b. For the report on the second year of the program established under subsection (c) of this section, 2 years from the implementation date of 83 Del. Laws, c. 453.~~

~~(j) (1) The Insurance Commissioner shall work with the Office and the Department to overcome barriers to providing motor vehicle insurance to a child in the Department's custody and an individual under subsection (g) of this section.~~

~~(2) On or before September 1 of each year the Insurance Commissioner and Office shall submit a report to the General Assembly detailing progress on the task under paragraph (j)(1) of this section.~~

§ 9011A. Driver education, driver's license, and motor vehicle insurance for an individual who is in or has experienced foster care in Delaware.

(a) The General Assembly finds that the costs of driver education, obtaining a driver's license, and motor vehicle insurance for an individual who is in or has experienced foster care in Delaware serve as an additional barrier to gaining independence and engaging in age-appropriate and developmentally appropriate activities, and

limits opportunities for obtaining employment and completing educational goals. The General Assembly further finds that the completion of an approved driver education course is necessary to develop safe driving skills.

(b) For purposes of this section, “caregiver” means as defined in § 2502 of Title 13.

(c) The Office shall establish a program to assist with driver education, driver licensure, motor vehicle insurance, and associated costs and barriers to driving for an individual under paragraph (g)(1) of this section.

(d) The Office shall develop procedures for operating and administering the program established under subsection (c) of this section, including for all of the following:

(1) Determining eligibility for the program.

(2) Developing necessary forms, including for application and payment.

(3) Promoting awareness of the program.

(4) Providing technical assistance and supports to remove barriers that prevent an individual from driving.

(5) Providing incentives to encourage the greatest number of eligible individuals to participate in the program.

(6) Developing programs and providing supports to prepare an individual to assume financial responsibility for motor vehicle insurance and associated costs of driving after the individual is no longer eligible for the program.

(7) Providing for payments to be made to individuals and caregivers under the program.

(e)(1) The Office shall make payments under the program established under subsection (c) of this section in the order that it determines an individual eligible.

(2) If a caregiver adds an individual under paragraph (g)(1) of this section to the caregiver’s motor vehicle insurance policy, the Office may not pay to the caregiver an amount that exceeds the increase in cost attributable to the addition of the individual to the policy.

(f) When an individual identified in paragraph (g)(1) of this section procures and maintains a valid auto insurance policy with its coverages identified in § 2118 of Title 21, § 2902 of Title 21, and § 3902 of Title 18 through participation in the program established under subsection (c) of this section, the policy is the source of that coverage when the individual is operating a motor vehicle. The individual’s caregiver’s coverages identified in § 2118 of Title 21, § 2902 of Title 21, and § 3902 of Title 18 may not be a source of coverage when the individual is operating a motor vehicle.

(g)(1) The following individuals are eligible to participate in the program:

a. An individual in Department custody under Chapter 25 of Title 13.

b. An individual who exited Department custody to adoption or guardianship at age 16 or later.

c. An individual who exited Department custody at age 18.

d. An individual who receives independent living services from the Department.

(2) An individual under paragraph (g)(1)b. or (g)(1)c. of this section may participate in the program for 1 year following the individual's exit from Department custody unless the individual is receiving independent living services from the Department.

(3) An individual under paragraph (g)(1)d. of this section may participate in the program for as long as the individual is receiving independent living services from the Department.

(h) The Office may adopt regulations to implement this section.

(i) The Office shall submit a report to the General Assembly, which may be included in the Office's annual report, containing all of the following information for the previous year:

(1) The number of individuals who participated in the program and the assistance provided.

(2) The total amount of funds disbursed to assist with driver education, driver licensure, motor vehicle insurance, and associated costs of and barriers to driving.

(3) Ongoing barriers to providing driver's licenses or motor vehicle insurance to individuals who are in or have experienced foster care in Delaware and progress toward overcoming those barriers.

Approved August 2, 2024