

LAWS OF DELAWARE
VOLUME 84
CHAPTER 404
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 329
AS AMENDED BY
HOUSE AMENDMENT NO. 4

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; stationary vehicles.

(a) 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, clear of any intersections, and shall relinquish the right-of-way until the authorized emergency vehicle has

(b) (1) For purposes of this subsection, “stationary vehicle giving a warning signal” means any of the following:

a. 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.

b. A stationary authorized vehicle of the Department of Transportation, which is giving a signal by displaying alternately flashing amber or red and amber lights.

c. A stationary tow truck, which is giving a signal by displaying alternately flashing amber, white, or amber and white lights.

d. 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.

e. A stationary vehicle displaying warning signals, including vehicle hazard warning lights, road flares, traffic cones, caution signs, or any nonvehicular warning signs.

(2) A person driving a vehicle who is approaching a stationary vehicle giving a warning signal shall do 1 of the following:

a. Proceed with caution and yield the right-of-way by making a lane change into a lane not adjacent to that of a stationary vehicle described in this subsection, 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.

b. Proceed with caution and reduce the speed of the vehicle to at least 20 miles per hour less than the posted speed limit, if the speed limit is 50 miles per hour or above, while passing a stationary vehicle described in this subsection, if changing lanes would be impossible or unsafe.

(c) This section 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 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 up to \$250, or community service equivalent in value to the fine, to be calculated utilizing the Delaware minimum wage.

(2) For a ~~subsequent~~ second offense, a fine of \$300 up to \$500, or community service equivalent in value to the fine, to be calculated utilizing the Delaware minimum wage.

(3) For any subsequent offenses, up to \$1,000, or community service equivalent in value to the fine, to be calculated utilizing the Delaware minimum wage.

Section 2. The Department of Transportation is directed to incorporate awareness and importance requiring this topic to be discussed as part of the curriculum in all driver's training courses.

Section 3. The Department of Transportation will prepare written and online versions of the Delaware Driver's Manual reflecting changes to the penalties within 1 year of enactment. Such manuals shall be displayed at all offices of the Department of Motor Vehicles.

Section 4. Companies, service organizations, political subdivisions, and first responders are encouraged to raise awareness of a driver's duties under this section through signage, advertising, social media exposure, and printed and online educational material. Such distribution of educational material shall be distributed in the widest distribution possible.

Approved September 19, 2024