



SPONSOR: Rep. Briggs King & Rep. Baumbach & Rep. Heffernan &
Sen. Ennis
Reps. Gray, Lynn, Mitchell, Osienski; Sens. Hansen,
Mantzavinos, Poore, Sokola, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 413

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES.

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

1 Section 1. Amend § 2118, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2118. Requirement of insurance for all motor vehicles required to be registered in this State; penalty [For
4 application of this section, see 82 Del. Laws, c. 160, § 5].

5 (a) No owner of a motor vehicle required to be registered in this State, other than a self-insurer pursuant to § 2904
6 of this title, shall operate or authorize any other person to operate such vehicle unless the owner has insurance on such
7 motor vehicle providing the following minimum insurance coverage:

8 (1) Indemnity from legal liability for bodily injury, death or property damage arising out of ownership,
9 maintenance or use of the vehicle to the limit, exclusive of interest and costs, of at least the limits prescribed by the
10 Financial Responsibility Law of this State.

11 (2) a. Compensation to injured persons for reasonable and necessary expenses incurred within 2 years from
12 the date of the accident for:

13 1. Medical, hospital, dental, surgical, medicine, x-ray, ambulance, prosthetic services, professional
14 nursing, ~~and funeral services, and extrication services rendered by emergency medical services vehicles.~~
15 Compensation for funeral services, including all customary charges and the cost of a burial plot for 1 person,
16 shall not exceed the sum of \$5,000. Compensation may include expenses for any nonmedical remedial care
17 and treatment rendered in accordance with a recognized religious method of healing.

18 2. Net amount of lost earnings. Lost earnings shall include net lost earnings of a self-employed
19 person.

20 3. Where a qualified medical practitioner shall, within 2 years from the date of an accident, verify in
21 writing that surgical or dental procedures will be necessary and are then medically ascertainable but
22 impractical or impossible to perform during that 2-year period, the cost of such dental or surgical procedures,

23 including expenses for related medical treatment, and the net amount of lost earnings lost in connection with
24 such dental or surgical procedures shall be payable. Such lost earnings shall be limited to the period of time
25 that is reasonably necessary to recover from such surgical or dental procedures but not to exceed 90 days. The
26 payment of these costs shall be either at the time they are ascertained or at the time they are actually incurred,
27 at the insurer's option.

28 4. Extra expenses for personal services which would have been performed by the injured person had
29 they not been injured.

30 5. Under this section "emergency medical services vehicle" means a vehicle duly licensed in
31 Delaware that uses rescue tools operated by Delaware volunteer fire department emergency rescue personnel
32 to extricate the injured person from a vehicle.

33 A. Under (a)(2)a. of this section, compensation to an injured person for services rendered by an
34 emergency medical services vehicle shall be limited to expenses actually incurred in the use of electric,
35 hydraulic, battery-operated, and air-operated rescue tools used by Delaware volunteer fire department
36 emergency personnel to extricate the injured person from a vehicle.

37 B. The maximum required reimbursement under this section shall be no more than \$650 for any
38 1 person extricated and \$1200 for all persons extricated in any 1 accident.

39 C. The existence of a defined benefit under (a)(2)a.5. of this section:

40 I. does not alter any priority of payment or create any new priority of payment under (a)(2)
41 of this section;

42 II. does not create new benefits in addition to the limits set out under (a)(2)b. of this of this
43 section;

44 III. is subject to all terms, conditions, exclusions, or limitations under the insurance policy;

45 IV. does not create any right in the operator of an emergency medical service vehicle to bill
46 any person under this section other than the appropriate personal injury protection insurer; and

47 V. is payable only to the Delaware volunteer fire department that performed the extrication
48 services.

49 D. The Insurance Commissioner shall adopt regulations establishing a uniform claim form for
50 use by eligible Delaware volunteer fire companies to obtain reimbursement for expenses actually incurred
51 in providing extrication services pursuant to paragraph (a)(2)a. of this section.

52 E. Starting on March 1, 2023 and repeating each March 1 thereafter, each Delaware volunteer
53 fire and ambulance company shall submit to the Delaware State Fire Prevention Commission financial
54 reports regarding any and all expenses incurred in the use of electric, hydraulic, battery-operated, and air-
55 operated rescue tools, the number of responses to accidents, and the number of vehicles from persons
56 were extricated.

57 ~~5.6.~~ “Injured person” for the purposes of this section shall include the personal representative of an
58 estate; provided, however, that if a death occurs, the “net amount of lost earnings” shall include only that sum
59 attributable to the period prior to the death of the person so injured.

60 Section 2. This Act takes effect 180 days after its enactment.

SYNOPSIS

This Bill requires motor vehicle insurance policies, under the personal injury protection provisions (PIP), to provide coverage for up to \$650 for any 1 person extricated and \$1200 for all persons extricated in any 1 accident by an emergency medical services vehicle. Emergency medical services vehicle is a vehicle duly licensed in Delaware that uses rescue tools used by emergency rescue personnel to extricate the injured person from a vehicle. The Act also requires the Insurance Commissioner to develop a uniform billing form for reimbursement and that volunteer fire and ambulance companies submit financial reports regarding expenses incurred in the use of rescue tools to the State Fire Prevention Commission.