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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 479

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

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

1 Section 1. Amend Chapter 41, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4180. Additional parking regulations; penalty.

4 (f) Whoever violates this section shall be assessed a civil penalty not less than ~~\$10~~ \$100 nor more than ~~\$25~~ \$500.

5 §4508. Penalties.

6 (a) Any person who violates any requirement of this chapter, relating to size or weight of a vehicle or a
7 combination of vehicles or restrictions regarding parking in residence districts pursuant to § 4512 of this title, shall be
8 punished as follows:

9 (1) A first offense shall be punishable by a fine of not less than ~~\$28.75~~ \$100 nor more than ~~\$230~~ \$500 or by a
10 term of imprisonment of not more than 30 days or both.

11 (2) A subsequent like offense shall be punishable by a fine of not less than ~~\$115~~ \$400 nor more than ~~\$575~~
12 \$2,000 or by a term of imprisonment of not more than 60 days or both.

13 § 4512. Oversized motor vehicle and trailer parking.

14 (a) In any residence district it shall be unlawful to park, store, or permit to be parked or stored on a highway within
15 such residence district ~~any~~ any of the following:

16 (1) Trailer, semi-trailer, or recreational trailer unattached to a motor ~~vehicle~~; or vehicle.

17 (2) A motor vehicle the length of which is greater than 276 inches or the width of which is over 96 inches or
18 the height of which is over 120 inches or the gross vehicle weight of which exceeds 10,000 pounds, as such weight has
19 been registered and recorded with the Delaware Division of Motor Vehicles (or as recorded with any other state's
20 Department of Motor Vehicles).

21 (b) Motor vehicles parked pursuant to the following situations shall be exempt from this section:

22 (1) Any motor vehicle parked on a highway within a residence district in conjunction with ongoing legal
23 service or work being performed in relation to a residence or business contained therein. Notwithstanding the above,
24 the motor vehicle may remain parked within such residence district only for the time necessary to complete such work
25 or service. This exemption shall only apply if such motor vehicle is parked immediately and entirely adjoining the
26 property of the residence or business, being serviced. Examples of such motor vehicles include, but are not limited to,
27 delivery trucks, limousine services, and moving trucks.

28 (2) Any motor vehicle used for work being performed or on call in case of ~~emergencies~~; emergencies for any
29 of the following:

- 30 a. By a public utility as defined in § 102(2) of Title 26 or by others working on its ~~behalf~~; behalf.
- 31 b. In connection with a cable television system as defined in § 102(4) of ~~Title 26~~; Title 26.
- 32 c. By a municipality or municipal electric company or by others working on their behalf.

33 (c) In any residence district, it shall be unlawful to park, store, or permit to be parked or stored on a highway
34 within such residence district, any motor vehicle with a trailer, semi-trailer, or recreational trailer attached ~~unless~~; unless it
35 satisfies one of the following:

36 (1) It is parked, stored, or permitted to be parked or stored on the highway immediately and entirely adjacent
37 to the owner's ~~property~~; property.

38 (2) ~~Unless the~~ The exemptions otherwise applicable to motor vehicles in subsection (b) of this section apply.

39 ~~(d) This section shall apply to only New Castle County. [Repealed]~~

40 (e) The Department of Transportation may place signs prohibiting or restricting the stopping, standing or parking
41 of any trailer, semi-trailer, or recreational trailer unattached to a motor vehicle on any highway where, in its opinion, such
42 stopping, standing or parking is dangerous to those using the highways or where the stopping, standing or parking of
43 vehicles would unduly interfere with the free movement of traffic thereon. Such prohibitions or restrictions may be declared
44 to be effective either part or all of the time, and differing limits may be established for different times of the day, for
45 different types of vehicles, for different weather conditions and when other significant factors differ. One sign located at the
46 beginning of the roadway is sufficient to prohibit or restrict stopping, standing, or parking for the length of the roadway.
47 The Department shall provide a list of roadways or sections of roadways for which it has placed signs prohibiting or
48 restricting the stopping, standing, or parking to the Division of Safety and Homeland Security and law enforcement
49 agencies across the state.

SYNOPSIS

This Act increases the civil penalty for violating the parking regulations in § 4180 from not less than \$10 nor more than \$25 to not less than \$100 nor more than \$500. This Act also increases the minimum fine for violating the requirements

of Chapter 41 relating to size or weight of a vehicle or a combination of vehicles or restrictions regarding parking in residence districts from not less than \$28.75 nor more than \$230 for a first offense to not less than \$100 and not more than \$500 for a first offense. For a subsequent offense the penalty is increased from to not less than \$115 nor more than \$575 to not less than \$400 and not more than \$2,000.

This Act allows the Secretary to prohibit or restrict the stopping, standing, or parking of any trailer, semi-trailer, or recreational trailer on roadways or sections of roadways. The Act requires the Department to provide a list of roadways or sections of roadways for which it has prohibited or restricted standing or parking to DSHS and law enforcement agencies across the state.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.