



SPONSOR: Rep. K. Williams & Sen. Walsh  
Reps. Cooke, Hilovsky

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 57

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPEED EXHIBITIONS, DRAG RACING, AND OTHER SPEED CONTESTS.

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

1           Section 1. Amend § 4172, Title 21 of the Delaware Code by making deletions as shown by strike through and  
2           insertions as shown by underline as follows:

3           § 4172. Speed exhibitions; drag races and other speed contests.

4           (f) (1) If a person is found in violation of this section and the vehicle used in the violation is registered to that  
5           person or where the registrant permits the use of the vehicle, the court, at the time of sentencing the operator for violating  
6           this section, may, upon motion by the State, order said vehicle be impounded for up to 90 days for the first violation of this  
7           section, and for up to 1 year for a subsequent violation, provided that a public or private secure storage area may be  
8           obtained by the arresting law-enforcement agency for said vehicle. The court shall permit any party with a legal or  
9           equitable interest in the vehicle an opportunity to show cause why the impoundment of such vehicle should cease. Prior to  
10          releasing said vehicle, the person to whom the vehicle is released shall pay all reasonable towing and storage fees  
11          connected therewith. The State and the arresting law-enforcement agency shall not be liable for any expenses incurred in  
12          connection with the towing and storage of said vehicle.

13           (2) In lieu of impoundment under paragraph (f)(1) of this section, the court may order that the number plate or  
14          registration plate of any Delaware-registered vehicle used in connection with a violation of subsection (a) of this  
15          section be surrendered to the Department within 72 hours of the issuance of the order, or in accordance with the  
16          Department's procedures, for up to 90 days for the first violation of this section, and for up to 1 year for a subsequent  
17          violation. The court shall permit any party with a legal or equitable interest in the vehicle an opportunity to show cause  
18          why the surrender of said plate should cease. After a person is convicted for a violation of this section, no person shall  
19          sell, transfer, or encumber the title to a Delaware-registered vehicle that the person knows is subject to a court order,  
20          except in the case of salvage, repossession, or unless first approved by the court that issued the order. The Department  
21          may not issue any alternate number plate or registration plate to that vehicle during the period of surrender, unless  
22          approved by the court that entered the order or upon presentment of proof of salvage or repossession. Anyone

23 convicted of a violation of this section is prohibited from driving, operating, or being in physical control of the vehicle  
24 during the period of surrender absent specific court approval, regardless of any legal or equitable interest they might  
25 have in the vehicle.

#### SYNOPSIS

During the 151st General Assembly, House Bill No. 328 was passed updating the law relating to drag racing and other speed contests. This bill makes a small change to that law by specifying that tag-surrender in lieu of impoundment is available as a penalty only for Delaware-registered vehicles.