



SPONSOR: Rep. Hilovsky & Rep. D. Short & Sen. Wilson
Reps. Jones Giltner, Osienski, Parker Selby, Yearick,
Cooke; Sen. Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 329

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:

1 Section 1. Amend § 4134, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4134. Operation of vehicles on approach of authorized emergency vehicles; stationary vehicles.

4 (a) On the immediate approach of an authorized emergency vehicle making use of audible or visual signals, or of a
5 police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the
6 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
7 the roadway, clear of any intersections, and shall relinquish the right-of-way until the authorized emergency vehicle has
8 passed, except when otherwise directed by a police officer. If the driver is unable to safely drive to such a position, they
9 must slow to at least 20 miles per hour less than the posted speed limit.

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

11 a. A stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal
12 by displaying alternately flashing red, blue, blue and white, red and white, red and blue, or red, white and blue
13 lights.

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

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

18 d. A stationary vehicle owned or operated by a public utility, which is giving a signal by displaying
19 alternately flashing amber, white, or amber and white lights.

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

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

24 a. Proceed with caution and yield the right-of-way by making a lane change into a lane not adjacent to
25 that of a stationary vehicle described in this subsection, if possible with due regard to safety and traffic conditions,
26 if on a roadway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the
27 approaching vehicle.

28 b. Proceed with caution and reduce the speed of the vehicle to a safe speed while passing a stationary
29 vehicle described in this subsection, if changing lanes would be impossible or unsafe.

30 (c) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due
31 regard for the safety of all persons using the highway.

32 (d) Any person violating subsection (b) of this section who hits, strikes, or in any way contacts an emergency
33 responder, causing physical injury, with that person's vehicle is guilty of a class F felony.

34 (e) A person who violates this section is subject to the following fine:

35 (1) For a first offense, a fine of ~~\$150~~ \$500.

36 (2) For a ~~subsequent~~ second offense, a fine of ~~\$300~~ \$1000.

37 (3) For any subsequent offenses, a fine of \$2000 and a 90-day suspension of their driver's license.

SYNOPSIS

This Act addresses the growing concern over the safety of emergency responders. It increases the penalties for persons who violate this section, which requires drivers to yield the right of way to an emergency vehicle making use of audible or visual signals, or a police vehicle using an audible signal only. The fines are increased and after two penalties, a person who violates this section will be subject to a 90-day suspension of their driver's license. This change in fines and loss of driving privileges increases the penalty to make this a serious offense. This Act also clarifies that a driver who is unable to safely yield the right of way must slow to at least 20 miles per hour less than the posted speed limit.

There have been numerous accidents causing personal injury and even death by inattentive drivers. Hopefully, this will help improve awareness and safety and avoid putting our Police, Fire, Ambulance, Paramedics, Fire Police, DeIDOT employees, tow truck operators , utility crews and the distressed citizen broken down on our highways in jeopardy.