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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 58

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REMOVAL OF ICE AND SNOW FROM MOVING VEHICLES.

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

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

3 § 4186A. Ice and snow removal from moving vehicles.

4 (a)(1) A person operating a vehicle shall remove accumulated ice and snow from the exterior surfaces of the
5 vehicle prior to operation.

6 (2)a. A driver who violates this subsection is subject to a civil penalty of not less than \$25 and not more than
7 \$75 for each violation.

8 b. Each day that a driver violates this subsection is a separate violation.

9 c. A driver may not receive more than 1 penalty for a violation of this section in a 24 hour period.

10 (3) A driver is not required to remove ice and snow that accumulates on a vehicle, other than on the
11 windshield, during a period when the vehicle is being continuously operated.

12 (b) When ice or snow dislodges from a moving vehicle and strikes and causes property damage or physical injury,
13 the following civil penalties apply:

14 (1) The driver of a non-commercial vehicle is subject to a civil penalty of not less than \$200 and not more
15 than \$1,000 for each occurrence.

16 (2) If the ice or snow dislodges from a commercial vehicle, the operator, owner, lessee, or bailee is subject to
17 a civil penalty of not less than \$500 and not more than \$1,500 for each occurrence.

18 (c) No motor vehicle points may be assessed against a person for failing to comply with this section, and there may
19 be no entry made on the person's driving record for failing to comply with this section.

20 (d) Notwithstanding any law to the contrary, a police officer is authorized to make an administrative stop for
21 purposes of enforcing this section, upon reasonable and articulable suspicion that a violation of this section has occurred.

SYNOPSIS

This Act requires that accumulated snow and ice be removed from services of a vehicle before it is operated and imposes a civil penalty for a violation. This Act also creates a civil penalty for each instance where snow or ice dislodges from a moving vehicle and causes property damage or personal injury but this penalty is not an exclusive remedy for property damage or personal injury.

Author: Senator Sturgeon