



SPONSOR: Sen. Delcollo & Sen. Walsh & Rep. Brady &
Rep. Mitchell & Rep. K. Williams
Sen. Hansen

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 182

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TRAFFIC CONTROL DEVICES FOR SIZE AND WEIGHT OF VEHICLES AND LOADS.

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

1 Section 1. Amend § 4505, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4505. Traffic control devices.

4 (a) The Secretary of ~~Transportation~~ the Department may implement this chapter ~~by erection of traffic control~~
5 ~~devices and provided further that: and §§ 134 and 141 of Title 17 by erecting traffic control devices.~~

6 (b) The Secretary of the Department may do all of the following:

7 (1) Traffic Order traffic control devices ~~may be~~ erected on any highway establishing the maximum permitted
8 weight of any vehicle including load that may be driven ~~thereover.~~ on the highway.

9 (2) Traffic Order traffic control devices ~~may be~~ erected on any highway prohibiting the operation of trucks or
10 other commercial vehicles ~~thereover.~~ on the highway.

11 (c) The Secretary of the Department shall submit an order issued under subsection (b) of this section to the
12 Registrar of Regulations for publication in the Register of Regulations. The Secretary shall also publish the order on the
13 Department's website with other similar orders.

14 (d) It is unlawful for a person to drive or move or, being the owner, cause or knowingly permit to be driven or
15 moved, any vehicle or combination of vehicles in violation of a traffic control device erected under subsection (b) of this
16 section.

17 (e)(1) For purposes of this subsection:

18 a. "First offense" means a person has not, before the date of this offense, previously been convicted of
19 violating the traffic control device at the location of the offense.

20 b. "Subsequent like offense" means a person has, before the date of this offense, been convicted of
21 violating the traffic control device at the location of the offense.

22 (2) Section 4508 of this title does not apply to a violation of subsection (b) of this section.

23 (3) A violation of paragraph (b)(1) of this section is punishable as follows:

24 a. For a first offense, by both of the following:

25 1. A fine of not less than \$250 nor more than \$450 or by a term of imprisonment of not more than 30
26 days or both.

27 2. A fine for all excess weight up to and including 5,000 pounds in the amount of 2.3 cents per pound
28 and a fine for all excess weight over 5,000 pounds in the amount of 5.75 cents per pound or by a term of
29 imprisonment not to exceed 30 days or both.

30 b. For a subsequent like offense, by both of the following:

31 1. A fine of not less than \$500 nor more than \$650 or by a term of imprisonment of not more than 60
32 days or both

33 2. A fine for all excess weight up to and including 5,000 pounds in the amount of 5.75 cents per
34 pound and a fine for all excess weight over 5,000 pounds in the amount of 11.5 cents per pound or by a term
35 of imprisonment not to exceed 60 days or both.

36 (4) A violation of paragraph (b)(2) this section is punishable as follows:

37 a. For a first offense, by a fine of not less than \$250 nor more than \$450 or by a term of imprisonment of
38 not more than 30 days or both.

39 b. For a subsequent like offense, by a fine of not less than \$450 nor more than \$650 or by a term of
40 imprisonment of not more than 60 days or both.

41 (5) A subsequent like offense under this subsection constitutes a moving violation.

SYNOPSIS

This Act makes the following changes related to traffic control devices erected on order of the Secretary of the Department of Transportation ("Secretary") limiting the size and weight of vehicles and loads permitted on a specific highway:

(1) Requires the Secretary to submit the order to the Registrar of Regulations for publication in the Register of Regulations and publish the order on the Department's website.

(2) Clarifies that violation of a traffic control device erected by order of the Secretary is a specific offense.

(3) Increases the monetary penalty for a violation of a traffic control device erected by order of the Secretary over the existing penalty in § 4508 of Title 21.

(4) Makes a subsequent violation of a traffic control device erected by order of the Secretary a moving violation, which results in the Department assessing points on an individual's license based on the violation.

Author: Senator Delcollo