



SPONSOR: Rep. Smyk & Sen. Lawson
Reps. Carson, Collins, Cooke, Morris; Sens. Ennis,
Hocker, Richardson, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 295

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

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

1 Section 1. Amend § 4315, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4315. Penalties for §§ 4301-4316.

4 (a) Whoever violates §§ 4301-4305 of this title shall for the first offense be fined not less than \$25 nor more than
5 \$115. For each subsequent like offense, the person shall be fined not less than \$57.50 nor more than \$230, or imprisoned
6 not less than 10 nor more than 30 days, or both.

7 (b) Whoever violates §§ 4306-4311 of this title, except for § 4306(c) of this title, shall for the first offense be
8 fined not less than \$10 nor more than \$28.75. For each subsequent like offense, the person shall be fined not less than
9 \$28.75 nor more than \$100. Whoever violates § 4306(c) of this title shall be subject to a fine of at least \$50 and not to
10 exceed \$250. For each subsequent offense such person shall be subject to a fine of at least \$125 and not to exceed \$500.

11 (c) Whoever violates § 4311A of this title shall be fined \$500.

12 (d) Whoever being the operator, owner or custodian of any motor vehicle which is operated in violation of §§
13 4312-4316 of this title shall be fined not less than \$28.75 nor more than \$100.

14 (e) In case of any violation of §§ 4301-4316 of this title by any common carrier or person operating under a
15 permit or certificate issued by any public authority, in addition to the penalties prescribed in this section, such permit or
16 certificate shall be revoked or, in the discretion of the issuing authority suspended until such sections are satisfactorily
17 complied with.

18 (f) A violation of § 4303(c) of this title shall also constitute a moving violation which shall be part of the person's
19 driving record.

20 (g) A violation of §§ 4306, 4308, or 4313 may be dismissed before trial if the defendant establishes that repairs
21 have been made so that the vehicle is in compliance.

22 Section 2. Amend § 4358, Title 21 of the Delaware Code by making deletions as shown by strike through and
23 insertions as shown by underline as follows:

24 § 4358. Penalties.

25 Whoever violates this subchapter shall for the first offense be fined not less than \$10 nor more than \$28.75. For
26 each subsequent like offense, the person shall be fined not less than \$28.75 nor more than \$100. A violation of §§ 4333,
27 4334, 4336, 4337, or 4351 may be dismissed before trial if the defendant establishes that repairs have been made so that the
28 vehicle is in compliance.

SYNOPSIS

 This bill would allow a court of competent jurisdiction to dismiss minor equipment violations upon a showing that repair(s) have been made. The sections include inoperative horn, missing rear-view mirror, improper window tint, and inoperable headlights, taillights, turn signal lights, and lighting on a motorcycle.