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Rep. Lambert  
Sens. Bonini, Lockman, S. McBride, Sokola, Walsh;  
Reps. Baumbach, Bolden, Kowalko, Morrison

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 40

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF  
INSURANCE FOR ALL MOTOR VEHICLES.

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

1           Section 1. Amend § 2118, Title 21 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           §2118. Requirement of insurance for all motor vehicles required to be registered in this State; penalty.

4           (s)(1) Whoever violates any subsection of this section shall be fined for the first offense not less than \$1,500 nor  
5     more than \$2,000 and shall have that person's driving license and/or privileges suspended for 6 months. For each  
6     subsequent offense occurring within 3 years of a former offense, that person shall be fined not less than \$3,000 nor more  
7     than \$4,000 and shall have that person's driver's license and/or driving privilege suspended for 6 months. ~~The minimum~~  
8     ~~fine levied for a violation of subsection (a), (b) or (p) of this section shall not be subject to suspension or avoidance for any~~  
9     ~~reason, including the securing of insurance between the time of arrest and sentencing, if the person subject to such fines has~~  
10    ~~been in violation for a period of 30 or more consecutive days unless such person affirmatively proves that the insurer did~~  
11    ~~not send notice to the named insured as required under subsection (l) of this section.~~ The minimum fine levied for a  
12    violation of subsection (a), (b), or (p) of this section may be suspended, in whole or in part, by the Court if evidence is  
13    presented that the defendant has secured insurance between the date of charge and the date of sentencing.

14           (2) Failure of the owner or operator to produce an insurance identification card for insurance which is in full force  
15     and effect at the time of the offense shall be presumptive evidence that such person is operating such person's vehicle  
16     without having insurance required by this title.

17           (3) Notwithstanding the penalties specified above, anyone convicted of driving without minimum insurance as  
18     required in this section shall have such person's privileges of driving suspended in this State until such time as such person  
19     has furnished proof of insurance to the Division of Motor Vehicles.

SYNOPSIS

This bill allows the Court to suspend an amount of the fine for uninsured driving if the defendant provides  
evidence that they have now secured insurance, demonstrating compliance with the law.

Author: Senator Brown