



SPONSOR: Sen. Mantzavinos & Sen. Walsh & Rep. K. Williams &  
Rep. Brady & Rep. Mitchell  
Sens. Ennis, Lopez, Sokola, Townsend; Rep. Ramone

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 89

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

WHEREAS, certain roads in this State are intended and designed for truck traffic; and

WHEREAS, the Department of Transportation and municipalities are authorized to erect traffic control devices to  
limit truck traffic to roads in this State that are intended and designed for truck traffic; and

WHEREAS, there is a need to clarify and strengthen State law to ensure truck traffic is directed onto roads in this  
State that are intended and designed for truck traffic.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all  
members elected to each house thereof concurring therein):

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

§ 4505. Traffic control devices.

(a) For purposes of this section:

(1) "Commercial vehicle" means as defined under § 101 of this title and includes a truck.

(2) "Local service" means an origin, destination, or service located directly on a restricted roadway segment  
or at a location that can only be accessed by a restricted roadway segment.

(3) "Residential service" means an origin, destination, or service located at a building that is used as a  
residence.

(4) "Service" means a stop at any of the following:

a. A point where freight originates, terminates, or is handled.

b. A facility for food, fuel, repair, or rest.

c. A location where commercial motor carriers maintain an operating facility.

d. A location where labor is performed.

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

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

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

(2) ~~Traffic Order~~ traffic control devices may be erected on any highway prohibiting the operation of trucks or other commercial vehicles thereover on the highway, with or without exceptions for local service or residential service.

(d)(1) The Secretary of the Department shall submit an order issued under subsection (c) of this section to the Registrar of Regulations for publication in the Register of Regulations. The Secretary shall also publish the order on the Department's website with other similar orders.

(2) An incorporated municipality exercising its authority under § 134(e) of Title 17 shall submit notice of the municipality's action to the Registrar of Regulations for publication in the Register of Regulations. For a state-maintained highway, the notice must include a certification from the Department that the notice has been approved by the Department. The Secretary shall publish the notice on the Department's website with orders issued by the Department under paragraph (d)(1) of this section.

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

(f)(1) For purposes of this subsection:

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

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

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

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

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

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

51                   2. A fine for all excess weight up to and including 5,000 pounds in the amount of 2.3 cents per pound  
52                   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  
53                   imprisonment not to exceed 30 days or both.

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

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

57                   2. A fine for all excess weight up to and including 5,000 pounds in the amount of 5.75 cents per  
58                   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  
59                   of imprisonment not to exceed 60 days or both.

60                   (4) A violation of paragraph (c)(2) this section is punishable as follows:

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

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

65                   (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) Provides definitions of terms used on traffic control devices that limit the size or weight of vehicles or prohibit the operation of trucks or other commercial vehicles on the highway, including terms that provide exceptions to posted prohibitions, including "local service" and "residential service".

(2) Requires the Secretary, and a municipality exercising its authority under § 134(e) of Title 17 (regarding prohibiting the operation of trucks or other commercial vehicles or imposing limits as to the weight of trucks or other commercial vehicles on designated highways), to submit an order issued under this Act to the Registrar of Regulations for publication in the Register of Regulations and publish the order on the Department's website.

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

(4) 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.

(5) 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.

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