



SPONSOR: Sen. Wilson & Rep. Carson  
Sens. Ennis, Hocker, Lawson, Pettyjohn, Richardson;  
Reps. Briggs King, Cooke, Dorsey Walker, Gray,  
Mitchell, D. Short

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 126

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OPERATION OF VEHICLES ON  
APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

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

1           Section 1. Amend § 4134, Title 21 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 4134. Operation of vehicles on approach of authorized emergency vehicles.

4           (a) ~~Upon~~ On the immediate approach of an authorized emergency vehicle making use of audible or visual signals,  
5     or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall  
6     yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge  
7     or curb of the ~~roadway~~ roadway, clear of any ~~intersections~~ intersections, and shall relinquish the right-of-way until the  
8     authorized emergency vehicle has passed, except when otherwise directed by a police officer.

9           (b) ~~Upon~~ On approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is  
10    giving a signal by displaying alternately flashing red, blue, blue and white, red and white, red and blue, or red, white and  
11    blue lights, or ~~upon~~ on approaching a stationary authorized vehicle of the Department of Transportation, which is giving a  
12    signal by displaying alternately flashing amber or red and amber lights, or ~~upon~~ on approaching a stationary tow truck,  
13    which is giving a signal by displaying alternately flashing amber, white, or amber and white lights, or ~~upon~~ on approaching  
14    a stationary vehicle owned or operated by a public utility, which is giving a signal by displaying alternately flashing amber,  
15    white, or amber and white lights, a person who drives an approaching vehicle shall do either of the following:

16           (1) Proceed with caution and yield the right-of-way by making a lane change into a lane not adjacent to that of  
17    ~~such a stationary vehicle described in subsection (b) of this section~~, if possible with due regard to safety and traffic  
18    conditions, if on a roadway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the  
19    approaching ~~vehicle; or, vehicle.~~

20           (2) Proceed with caution and reduce the speed of the vehicle to a safe speed while passing ~~such a stationary~~  
21    vehicle described in subsection (b) of this section, if changing lanes would be impossible or unsafe.

22 (c) This section ~~shall not operate to~~ does not relieve the driver of an authorized emergency vehicle from the duty  
23 to drive with due regard for the safety of all persons using the highway.

24 (d) Any person violating subsection (b) of this section who hits, strikes, or in any way contacts an emergency  
25 responder, causing physical injury, with that person's vehicle ~~shall be~~ is guilty of a class F felony.

26 (e) A person who violates this section is subject to the following fine:

27 (1) For a first offense, a fine of \$150.

28 (2) For a subsequent offense, a fine of \$300.

#### SYNOPSIS

This Act prescribes specific fines for violating § 4134 of Title 21. Previously, a violation of § 4134 would have been subject to the penalties outlined in § 4205 of Title 21. The amount of the penalties in § 4205 are as follows: for a first offense, a fine of not less than \$25 nor more than \$75. For each subsequent like offense, a fine of not less than \$57.50 nor more than \$95. Section 4205 is a general penalty provision that establishes penalties for violations of Chapter 41 of Title 21 or Chapter 42 of Title 21 in the event that the penalties are not otherwise prescribed.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Wilson