



SPONSOR: Sen. Ennis & Rep. Carson & Rep. Dorsey Walker &
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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 217

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO EMERGENCY VEHICLES.

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

1 Section 1. Amend § 4106 of Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4106. Authorized emergency vehicles.

4 (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit
5 of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise
6 the privileges set forth in this section, but subject to the conditions herein stated.

7 (b) The driver of an authorized emergency vehicle may:

8 (1) Park or stand, irrespective of the provisions of this chapter;

9 (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe
10 operation;

11 (3) Exceed the speed limits so long as the driver does not endanger life or property;

12 (4) Disregard regulations governing direction of movement or turning in specified directions.

13 (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is
14 making use of audible or visual signals meeting the requirements of this title, except that an authorized emergency vehicle
15 operated as a police vehicle need not make use of such signals.

16 (d) The driver of an emergency vehicle is not liable for any damage to or loss of property or for any personal
17 injury or death caused by the negligent or wrongful act or omission of such driver except acts or omissions amounting to
18 gross or wilful or wanton negligence so long as the applicable portions of subsection (c) of this section have been followed.
19 The owner of such emergency vehicle may not assert the defense of governmental immunity in any action on account of
20 any damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or
21 omission of such driver or owner.

22 (e) Authorized emergency vehicles within the meaning of this chapter mean vehicles of a fire department, police
23 vehicles, ambulances, vehicles used by a fire chief, deputy fire chief, assistant fire chief, chief engineer or fire police officer
24 of any duly organized fire company in the performance of those duties, vehicles under the control of the Delaware State
25 Fire Prevention Commission, the vehicle of the State Forester in the performance of the State Forester's duties, the vehicle
26 of the Forest Fire Control Supervisor in the performance of the Forest Fire Control Supervisor's duties, the vehicles of the
27 State Emergency Response Team in the performance of its duties, the vehicles of the Department of Correction, Bureau of
28 Prisons and Bureau of Community Corrections in the performance of their respective duties, and emergency vehicles of
29 state, federal, county or municipal departments or public service corporations as are designated or authorized by the
30 Secretary of Safety and Homeland Security.

SYNOPSIS

Historically, vehicles under the control of the Delaware State Fire Commission have been equipped with emergency lights. This bill amends Section 4106 to clarify and confirm that vehicles of the Delaware State Fire Prevention Commission are emergency vehicles that may be equipped with emergency lights.

Author: Senator Ennis