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
AS AMENDED BY
SENATE AMENDMENT NO. 1

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.

LC : MJC : CM : 4801510047
LC : HVW : NMX : 5081510067
Released: 05/18/2021 02:19 PM

(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 or height 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 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.

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

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

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

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

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

a. For a first offense, by 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.

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

(5) A subsequent like offense under this subsection constitutes a moving violation.