SPONSOR: Rep. Cooke & Sen. Poore
Reps. K. Johnson, Osienski, Harris; Sen. Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 352
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ENFORCEMENT AND REMOVAL OF ABANDONED VEHICLES.

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

Section 1. Amend § 4402, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4402. Enforcement; removal of abandoned vehicles; transfer thereof.

(a) This chapter shall be enforced with respect to state or public highways or property within a municipality which maintains a police force by that police force. In all other instances, the State Police or the Department of Safety and Homeland Security (hereinafter "Department") shall enforce this chapter, except that, in New Castle County, the New Castle County Police shall have concurrent authority to enforce this chapter. ~~New Castle County Code Enforcement Constables~~ County code enforcement constables in each county and municipal police shall have concurrent authority to enforce ~~the notice provisions of~~ subsections (d) and (e) of this section. The Department of Transportation shall have a limited role in causing vehicles to be removed from state or public highways, as stated herein.

(d) If an abandoned vehicle is on private property with the consent of the owner or occupant thereof, of if an abandoned vehicle is owned by the owner or occupant of the private property where the vehicle is located, representatives of the Department, ~~or~~ State Police, a county code enforcement constable, or a municipal police officer may enter upon the property where such vehicle is located to ascertain its ownership. The Department, county, or municipality shall notify the owner of the abandoned vehicle by certified mail sent to the owner's last known address to remove such vehicle within 7 days from the date of the mailing. If the vehicle is not removed within 7 days or if the owner cannot be located for the purpose of sending the written notice, then representatives of the Department, ~~or~~ State Police, county code enforcement, or municipal police may enter upon the property where the vehicle is located and conspicuously affix thereto a sticker or tag showing the time and date of its affixing, advising the owner that if the vehicle is not removed within 24 hours from the time of the affixing of the sticker, the vehicle shall be removed to a storage area designated by the ~~Department~~ Department, ~~or the~~ State ~~Police.~~ Police, a county code enforcement agency, or a municipal police department. This subsection shall not

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apply to automobile graveyards as defined in § 1202(b)(2) of Title 17 nor to any vehicle on private property which is not visible from the street or road and is not otherwise a nuisance or a health or fire hazard.