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Rep. Morrison
Sens. Hansen, Hoffner, Pettyjohn, Sokola, Sturgeon,
Walsh, Wilson; Rep. D. Short

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 233
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REMOVAL OF ICE AND SNOW FROM VEHICLES.

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

Section 1. Amend Subchapter XI, Chapter 41, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4186A. Ice and snow removal from vehicles.

(a) A person operating a vehicle shall remove accumulated ice and snow from the exterior surfaces of the vehicle prior to operation.

(b) A driver who violates this subsection is subject to a civil penalty of not less than \$25 and not more than \$75 for each violation. Each day that a driver violates this subsection is a separate violation. A driver may not receive more than 1 penalty for a violation of this section in a 24 hour period.

(c) A driver is not required to remove ice and snow that accumulates on a vehicle, other than on the windshield, during a period when the vehicle is being continuously operated.

(d) When ice or snow dislodges from a moving vehicle and causes property damage or physical injury, the following civil penalties apply:

(1) The driver of a non-commercial vehicle is subject to a civil penalty of not less than \$200 and not more than \$1,000 for each occurrence.

(2) The operator, owner, lessee, or bailee of a commercial vehicle is subject to a civil penalty of not less than \$500 and not more than \$1,500 for each occurrence.

(e) No motor vehicle points may be assessed against a person for failing to comply with this section, and there may be no entry made on the person's driving record for failing to comply with this section.

(f) Notwithstanding any law to the contrary, a police officer is authorized to make an administrative stop for purposes of enforcing this section, upon reasonable and articulable suspicion that a violation of this section has occurred.

(g) This section does not apply to any of the following:

(1) A person operating a vehicle on a roadway with a speed limit of 25 miles per hour or less.

(2) A farm tractor, as defined in § 101 of this title.

(3) A vehicle that is registered as a farm vehicle exempt from inspection pursuant to § 2113 of this title.