



SPONSOR: Rep. Oberle
Reps. Cathcart, D. Ennis, Fallon,
Lofink, Reynolds, Roy; Sens.
Henry, Sokola

HOUSE OF REPRESENTATIVES

140th GENERAL ASSEMBLY

HOUSE BILL NO.

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT
PROTECTION SYSTEM SAFETY ACT.

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

1 Section 1. Amend § 4802(a), Title 21, of the Delaware Code by deleting the words “any
2 passenger in the front seat” and inserting in lieu thereof the words “each occupant of the passenger
3 compartment of the motor vehicle who is 16 years of age or older.”

4 Section 2. Amend § 4802(d), Title 21, Delaware Code by deleting that subsection in its entirety.

5 Section 3. Amend § 4802(g), Title 21, Delaware Code by deleting it in its entirety and inserting
6 in lieu thereof the following:

7 “(g) A violation of this section shall be an offense punishable by a fine of no more than
8 \$28.75 for each violation. The failure to wear a seat belt by more than one person in the same
9 vehicle at the same time, as required by this section, shall not be treated as a separate offense.

10 Any fine imposed herein shall be in addition to the penalty assessment imposed by 11 Del. C. §
11 9012(a).”.

12 Section 4. Amend § 4802(h), Title 21, Delaware Code by deleting that subsection in its entirety.

SYNOPSIS

Over the past year, Delaware has experienced a significant increase in motor vehicle fatalities. In many cases, the persons killed were not wearing their seat belts. Delaware has also witnessed a decline in seat belt compliance. In an effort to increase seat belt compliance, thereby saving lives, this legislation establishes as a primary offense failure to wear a seat belt. As such, Delaware law enforcement officers will be able to lawfully stop motor vehicles based upon the non-use of a seat belt by an occupant of the passenger compartment of a motor vehicle. The legislation also allows for the assessment of points for such violations. Other states that have enacted primary seat belt laws have seen a corresponding increase in seat belt compliance.