SPONSOR: Sen. Lavelle
Sens. Lawson, Richardson; Reps. Keeley, K. Williams

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 152

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ICE AND SNOW ON CERTAIN EXPOSED SURFACES OF A MOVING VEHICLE.

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

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

§ 4186A Ice and snow on certain exposed surfaces of a moving vehicle.

(a)(1) Each driver of a moving vehicle operated on a highway in this State shall have an affirmative duty to make all reasonable efforts to remove accumulated ice and snow from certain exposed surfaces of the vehicle prior to operation. The surfaces shall be the hood, trunk, windshield, windows, and roof of a motor vehicle, the cab of a truck, the top of a trailer or semitrailer being drawn by a motor vehicle, and the top of an intermodal freight container being carried by an intermodal chassis. A person who violates the provisions of this subsection may be stopped on a highway by a law enforcement officer who believes the accumulated ice and/or snow may pose a threat to persons or property and shall be subject to a civil penalty of not less than $25 or more than $75 for each offense regardless of whether any snow or ice is dislodged from the motor vehicle. Every day upon which a violation occurs shall be considered a separate violation, but no person shall be subject to more than one fine for a violation of this subsection in a period of 24 consecutive hours.

(2) This section shall not apply to any driver of a vehicle operated during a snow or ice storm that began and continued for the duration of the vehicle's operation or to any operator of a vehicle while it is parked.

(b) When ice and/or snow is dislodged from a moving vehicle and strikes another vehicle or pedestrian causing physical injury or property damage, the following penalties shall apply:

(1) The operator of a non-commercial motor vehicle shall be subject to a civil penalty of not less than $200 or more than $1,000 for each offense.

(2) The operator, owner, lessee, bailee or any one of the aforesaid of a commercial motor vehicle shall be subject to a civil penalty of not less than $500 or more than $1,500 for each offense.

(c) No motor vehicle points shall be assessed for a violation of this section.

SYNOPSIS

This Act places a duty on the drivers of motor vehicles to clean ice and snow off of their vehicles prior to driving on the State's highways. Greater penalties are provided for ice or snow dislodging from a moving vehicle and causing physical injury or property damage.

AUTHOR: Sen. Lavelle