SPONSOR: Sen. Sokola
Sen. Peterson; Reps. Osienski, Wilson

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 150

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD.

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 Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4105A Vulnerable Users

(a) If a person commits an offense under this chapter that contributes to the serious physical injury of a vulnerable user lawfully in the public right-of-way, the court shall, in addition to any other penalty imposed for that offense:

(1) Impose a sentence that requires the person convicted of the offense to:

a. Complete a traffic safety course approved by the Delaware Division of Motor Vehicles;

b. Perform up to 100 hours of community service, which must include activities related to driver improvement and providing public education on traffic safety;

(2) Impose, but suspend on the condition that the person complete the requirements of paragraph (a)(1) of this section,

a. A fine of not more than $550; and

b. A suspension of driving privileges as provided in § 2733(a)(2) of this title; and

c. Set a hearing date up to 1 year from the date of sentencing. At that hearing, the court shall:

1. If the person has successfully completed the requirements described in paragraph (a)(1) of this section, dismiss the penalties imposed under paragraphs (a)(2)a. and b. of this section.

2. If the person has not successfully completed the requirements described in paragraph (a)(1) of this section, either:

a. Grant the person an extension based on good cause shown, or

b. Impose the penalties under paragraphs (a)(2)a. and b. of this section.

(b) The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury of a vulnerable user of the public right-of-way. If so noted, the

person receiving the citation shall not be permitted to use the voluntary assessment process otherwise permitted under § 709 of this title.

§ 4176 Careless or inattentive driving.

~~(d)(1) In addition to any other penalty imposed for an offense committed under this section, if the finder of fact determines that the commission of that offense contributed to the serious physical injury of a vulnerable user lawfully in the public right-of-way, the court shall:~~

~~a. Impose a sentence that requires the person convicted of the offense to:~~

~~1. Complete a traffic safety course approved by the Delaware Division of Motor Vehicles;~~

~~2. Perform up to 100 hours of community service, which must include activities related to driver improvement and providing public education on traffic safety;~~

~~b. Impose, but suspend on the condition that the person complete the requirements of paragraph (d)(1)a. of this section,~~

~~1. A fine of not more than $550; and~~

~~2. A suspension of driving privileges as provided in § 2733(a)(2) of this title; and~~

~~3. Set a hearing date up to 1 year from the date of sentencing. At that hearing, the court shall:~~

~~A. If the person has successfully completed the requirements described in paragraph (d)(1)a. of this section, dismiss the penalties imposed under paragraphs (d)(1)b.1. and 2. of this section.~~

~~B. If the person has not successfully completed the requirements described in paragraph (d)(1)a. of this section, either: I. Grant the person an extension based on good cause shown, or II. Impose the penalties under paragraphs (d)(1)b.1. and 2. of this section.~~

~~(2) The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury of a vulnerable user of the public right-of-way. If so noted, the person receiving the citation shall not be permitted to use the voluntary assessment process otherwise permitted under § 709 of this title.~~

~~(3) As used herein, "vulnerable user of a public right-of-way" means:~~

~~a. A pedestrian, including those persons actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way; or~~

~~b. A person riding an animal; or~~

~~c. A person operating any of the following on a public right-of-way, crosswalk, or shoulder of the highway:~~

~~1. A farm tractor or similar vehicle designed primarily for farm use;~~

~~2. A skateboard;~~

~~3. Roller skates;~~

~~4. In-line skates;~~

~~5. A scooter;~~

~~6. A moped;~~

~~7. A bicycle; or~~

~~8. A motorcycle.~~

SYNOPSIS

This bill allows that penalties for violations of rules of the road are enhanced when a victim is vulnerable user (as defined) of a right-of-way who experiences serious physical injury. It expands vulnerable user protection from careless or inattentive driving violations to all rules of the road.

Author: Senator Sokola