Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

CHAPTER 362
FORMERLY
HOUSE BILL NO. 401
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FREE SURF FISHING VEHICLE PERMITS FOR CERTAIN VOLUNTEERS.

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

Section 1. Amend § 4701(a)(5), Title 7 of the Delaware Code, by adding thereto a new subparagraph (E), to read:

§ 4701. Powers and duties.

(a) The Department of Natural Resources and Environmental Control may:

(5)(A) Establish and collect such user charges, which shall approximate and reasonably reflect all costs necessary to defray the expenses of the Department for the use of the facilities and services it provides in areas it administers. The Department shall, in addition, establish and impose a schedule of fees for entrance to state parks and for surf fishing vehicles and snowmobiles on said lands, with the concurrence and approval of the General Assembly. The Secretary of the Department of Natural Resources and Environmental Control shall establish the period and areas on which park fees and user charges shall be imposed. The Secretary shall annually prepare a schedule of park entrance and surf fishing vehicle and snowmobile fees pursuant to this section and submit the same as part of the Department's annual operating budget proposal. All of the fees collected pursuant to this section shall be deposited in the General Fund of this State and designated solely for park operations and maintenance; provided, however, that no fee shall be imposed on any recognized veteran's service organization for the use of any state park or portion thereof for purposes of patriotic or memorial services, provided that advance written notification of not less than 15 days is given to the agency and does not conflict with other previously scheduled activities within the park;

(E) A resident who is an active Delaware volunteer firefighter, an active Delaware volunteer emergency medical technician (EMT), or a life-member of a Delaware volunteer fire department is entitled to receive annually, without charge, a surf fishing vehicle permit. A firefighter, EMT, or life-member who volunteers in Delaware but lives out of state is entitled to receive annually, at the Delaware resident rate, a surf fishing vehicle permit.

(i) "Active Delaware volunteer firefighter" means a person who is a member of a Delaware volunteer fire department and who responds to at least 20 percent of the department's annual alarms and/or crew calls as a non-paid firefighter.

(ii) "Active volunteer emergency medical technician" or "EMT" means a person who is a member of a Delaware volunteer fire department or a Delaware volunteer ambulance company and who responds to at least 20 percent of the department's or company's annual emergency medical service calls as a non-paid EMT, EMT-C, or EMT-P, as described in 16 Del.C. § 9701(11), (12), and (13) respectively.

(iii) "Life-member of a Delaware volunteer fire department" means a person who is a member of a Delaware volunteer fire department and who has been awarded Life Membership status by that department.

(iv) To qualify without charge for a surf fishing vehicle permit pursuant to this subparagraph, the firefighter, EMT, or life-member must submit annually to the Department an original letter on official fire department or ambulance company letterhead, signed by the fire department's or ambulance company's president and authenticated by the president of the Delaware Volunteer Firefighter's Association. The letter must explain how the person qualifies for a surf fishing vehicle permit under this subparagraph.

(v) One surf fishing vehicle permit may be issued annually to a vehicle registered to the qualifying active Delaware Volunteer Firefighter, active Emergency Medical Technician (EMT), or life member in accordance with procedures established by the Department.

Section 2. This bill becomes effective on January 1, 2013.

Approved July 27, 2012