

CHAPTER 195  
FORMERLY  
SENATE BILL NO. 78  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

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:

Section 1. Amend Subchapter IX, Chapter 41, Title 21 of the Delaware Code as follows:

§ 4176E. Operation of a vehicle causing serious physical injury to a vulnerable user.

(a) As used in this section, “vulnerable user” means any of the following:

(1) A pedestrian that is lawfully on or within a highway, crosswalk, improved or unimproved shoulder of a highway, or sidewalk.

(2) An individual actively engaged in work upon a highway, in work upon utility facilities upon or along a highway, or in the provision of emergency services upon, within, or adjacent to a highway.

(3) An individual riding an animal or driving an animal-drawn carriage, or a passenger of the individual, lawfully on or within a highway or improved or unimproved shoulder of a highway.

(4) An individual operating or a passenger on or in any of the following, when any of the following is lawfully on or within a highway, crosswalk, improved or unimproved shoulder of a highway, or sidewalk:

a. A farm tractor or similar vehicle designed primarily for farm use.

b. A skateboard.

c. Roller skates.

d. In-line skates.

e. A scooter.

f. A moped.

g. A bicycle or a device that is an extension of a bicycle, such as an extend-a-bike, a bicycle trailer, or a child’s bicycle seat.

h. A motorcycle.

i. A nonmotorized or motorized wheelchair.

j. An electric personal assistive mobility device.

(b) A person is guilty of operation of a vehicle causing serious physical injury to a vulnerable user when, in the course of driving or operating a motor vehicle or OHV in violation of any provision of this chapter other than § 4177 of this title, the person’s driving or operation of the vehicle or OHV causes serious physical injury, as defined in § 222 of Title 11, to a vulnerable user.

(c) The Superior Court has original and exclusive jurisdiction over a violation of this section by a person 18 years of age or older. Notwithstanding any provision of law to the contrary, an offense which is within the original or exclusive jurisdiction of another court and which may be joined properly with a violation of this section is deemed to be within the original and exclusive jurisdiction of the Superior Court.

(d) A person who violates this section is guilty of a violation. Unless suspended under subsection (e) of this section, the Superior Court must impose upon a person convicted under this section all of the following:

(1) A fine of \$550.

(2) A suspension of the person's license or driving privileges, or both, for up to 1 year.

(3) A requirement that the person complete a traffic safety course approved by the Division of Motor Vehicles.

(4) A requirement that the person perform not less than 10, nor more than 100, hours of community service which must include activities related to driver improvement and providing public education on traffic safety.

(e) The Superior Court may suspend up to \$500 of the fine and the imposition of the suspension of the person's license or driving privileges, or both. Any sentence suspended under this subsection must be suspended on the condition that the person completes the remaining provisions of the sentence. If any sentence is suspended, the Superior Court shall set a hearing date at a time within 1 year of the date of sentencing. At that hearing, the Superior Court shall do one of the following:

(1) If the person has successfully completed the requirements described in paragraphs (d)(3) and (d)(4) of this section, dismiss the penalties suspended under this subsection.

(2) If the person has not successfully completed the requirements described in paragraphs (d)(3) and (d)(4) of this section do one of the following:

a. Grant the person an extension based on good cause shown. The Court may not grant more than 1 extension for good cause shown.

b. Impose those portions of the sentence suspended under subsection (e) of this section.

(f) Nothing in this section is deemed to preclude prosecution under any other provision of this chapter.

Section 2. Amend § 4176, Title 21 of the Delaware Code as follows:

§ 4176. Careless or inattentive driving.

(d)(1)-(3) [Repealed.]

Approved October 5, 2017