



[§ 4130.](#) | [§ 4131.](#) | [§ 4132.](#) | [§ 4133.](#) | [§ 4134.](#) | [§ 4135.](#) | [§ 4136.](#)

## TITLE 21

### Motor Vehicles

#### Operation and Equipment

#### CHAPTER 41. RULES OF THE ROAD

#### Subchapter IV. Right-of-Way

#### **§ 4130. Vehicle obstructing traffic.**

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. (60 Del. Laws, c. 701, § 27; 70 Del. Laws, c. 186, § 1.)

#### **§ 4131. Vehicle approaching or entering intersection.**

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The right-of-way rules declared in subsections (a) and (b) of this section are modified at through highways and otherwise as stated in this chapter. (21 Del. C. 1953, § 4131; 54 Del. Laws, c. 160, § 1.)

#### **§ 4132. Vehicle turning left.**

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard. (21 Del. C. 1953, § 4132; 54 Del. Laws, c. 160, § 1.)

### **§ 4133. Vehicle entering roadway.**

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. (21 Del. C. 1953, § 4133; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 28.)

### **§ 4134. Operation of vehicles on approach of authorized emergency vehicles [Effective until Jan. 1, 2007]**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersections and shall relinquish the right-of-way until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (21 Del. C. 1953, § 4134; 54 Del. Laws, c. 160, § 1; 59 Del. Laws, c. 351, § 1.)

### **§ 4135. Entering or crossing divided highway from crossover or other intervening space between opposing lanes.**

The driver of a vehicle about to drive onto or across a lane or lanes of a divided highway from the intervening space between opposing lanes where there is no official traffic-control device shall yield the right-of-way to any vehicle approaching on the divided highway. (21 Del. C. 1953, § 4135; 57 Del. Laws, c. 616.)

### **§ 4136. Driving upon sidewalk or bicycle path by vehicles and bicycles.**

(a) No person shall drive any motor vehicle upon a sidewalk or bicycle path or sidewalk area or bicycle path area except upon a permanent or duly authorized temporary driveway.

(b) A person riding a bicycle upon a sidewalk or bicycle path lawfully used by

pedestrians shall give audible signal before overtaking and passing such pedestrian.

(c) A person shall not ride a bicycle upon a sidewalk in a business district, when use of a sidewalk is prohibited by official traffic-control devices or when a usable bicycle-only lane has been provided adjacent to the sidewalk. (60 Del. Laws, c. 701, § 29.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 353 and including 75 Del. Laws, c. 357, 376 and 379 effective June 29, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.



[§ 4106.](#) | [§ 4107.](#) | [§ 4108.](#) | [§ 4109.](#) | [§ 4110.](#) | [§ 4111.](#) | [§ 4112.](#) | [§ 4112A.](#)

## TITLE 21

### Motor Vehicles

#### Operation and Equipment

#### CHAPTER 41. RULES OF THE ROAD

#### Subchapter II. Traffic Signs, Signals and Markings

#### **§ 4106. Authorized emergency vehicles.**

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the speed limits so long as the driver does not endanger life or property;

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible or visual signals meeting the requirements of this title, except that an authorized emergency vehicle operated as a police vehicle need not make use of such signals.

(d) The driver of an emergency vehicle is not liable for any damage to or loss of property or for any personal injury or death caused by the negligent or wrongful act or omission of such driver except acts or omissions amounting to gross negligence or willful or wanton negligence so long as the applicable portions of subsection (c) have been followed. The owner of such emergency vehicle may not assert the defense of governmental immunity in any action on account of any damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of such driver or owner.

(e) Authorized emergency vehicles within the meaning of this chapter mean vehicles of a fire department, police vehicles, ambulances, vehicles used by a fire chief, assistant fire chief, fire engineer or fire police officer of any duly organized fire company in the performance of those duties, the vehicle of the State Forester in the performance of the State Forester's duties, the vehicle of the Forest Fire Control Supervisor in the performance of the Forest Fire Control Supervisor's duties, the vehicles of the State Emergency Response Team in the performance of its duties and emergency vehicles of state, federal, county or municipal departments or public service corporations as are designated or authorized by the Secretary of Safety and Homeland Security. (21 Del. C. 1953, § 4106; 54 Del. Laws, c. 160, § 1; 61 Del. Laws, c. 461, § 1; 63 Del. Laws, c. 162, § 1; 63 Del. Laws, c. 300, § 1; 68 Del. Laws, c. 251, § 1; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 89, § 281(a).)

#### **§ 4107. Obedience to and required traffic-control devices.**

(a) The driver of any vehicle shall obey the instructions of any traffic-control device applicable thereto placed in accordance with this title, unless otherwise directed as authorized in § 4103 of this title, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(b) No provision of this chapter for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official traffic-control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. This subsection shall not operate to relieve a driver of the duty to operate a vehicle with due regard to the safety of all persons using the highway.

(c) Whenever a particular section does not state that traffic-control devices are required, such section shall be effective even though no traffic-control devices are erected or in place.

(d) In the event a traffic-control signal is erected and maintained at a place other than an intersection, this title shall be applicable except as to those provisions which by their nature can have no application.

(e) Whenever traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(f) Any traffic-control device placed pursuant to this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence. (21 Del. C. 1953, § 4107; 54 Del. Laws, c. 160, § 1; 57 Del. Laws, c. 670, § 13A; 60 Del. Laws, c. 701, § 10; 70 Del. Laws, c. 186, § 1.)

#### **§ 4108. Traffic-control signal legend.**

(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively 1 at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a traffic-control device at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Unless otherwise directed by a pedestrian-control signal as provided in § 4109 of this title, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Circular yellow or yellow arrow:

a. Vehicular traffic facing the circular yellow signal is thereby warned that a red signal for the previously permitted movement will be exhibited immediately thereafter.

b. Vehicular traffic facing the yellow arrow signal shown alone or in combination with another indication is thereby warned that the previously displayed green arrow signal is being terminated. The yellow arrow signal may be followed by a red signal or a green signal.

c. Pedestrians facing a yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Red indication:

a. Vehicular traffic facing the red signal shall stop before crossing the stop limit, whether marked by sign or painted line, or if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown or as provided in subparagraph b. of this paragraph.

b. When a traffic-control device is not in place prohibiting such turn, vehicular traffic facing a circular red signal may cautiously enter the intersection to turn right, or to turn left from a one-way roadway onto a one-way roadway.

c. When turns on red are permitted, the right to proceed to turn after stopping shall be subject to the rule applicable after making a stop as at a stop sign.

d. No pedestrian facing such signal shall enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.

(4) Green arrow or arrows:

a. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

b. Vehicles facing such signals are thereby advised that other traffic movements may be prohibited from the lane or lanes that the signal indication controls. Making or attempting to make any prohibited movement is unlawful.

c. Pedestrians facing such signals shall not enter the roadway unless they can do so safely and without interfering with any vehicular traffic.

(b) When lane use control signals are placed over the individual lanes of roadway or highway, vehicular traffic may travel in any lane or lanes over which a green signal is shown, but shall not enter or travel in any lane or lanes over which a red signal is shown. Left turns may be made across such lane if not otherwise prohibited. Vehicular traffic shall move from any lane over which a steady amber

signal is displayed as soon as the movement can be made in safety. Vehicular traffic may use a lane over which a flashing yellow signal is displayed for the purpose of making a left turn.

(c) In the event that traffic signals are in place and no lighted indication is visible to an approaching driver, the approaching driver shall reduce speed and prepare to yield to other vehicles in or approaching the intersection.

(d) Whoever violates this section shall be fined not less than \$75 nor more than \$115. Whoever violates paragraph (a)(3) of this section shall be fined not less than \$75 nor more than \$230. For each subsequent offense of paragraph (a)(3) within 2 years, the person shall be fined not less than \$100 nor more than \$575, or imprisoned not less than 10 nor more than 60 days, or both.

(e) Notwithstanding any provision of the Delaware Code to the contrary, any local government, municipality, town or county, whether incorporated or unincorporated, shall pay to the General Fund any sums collected under this section or any substantially conforming ordinances and regulations enacted by local authorities that exceed the maximum fine permitted under the law as it existed prior to the effective date of subsection (d). (21 Del. C. 1953, § 4108; 54 Del. Laws, c. 160, § 1; 58 Del. Laws, c. 430; 58 Del. Laws, c. 570; 60 Del. Laws, c. 701, § 11; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 407, § 1.)

#### **§ 4109. Pedestrian-control signals.**

Whenever special pedestrian-control signals exhibiting the words or symbols "Walk" or "Don't Start" or "Don't Walk" are in place, such signals shall take precedence over pedestrian movements outlined in § 4108 of this title. Such signals shall apply as follows:

(1) Walk or Flashing Walk. -- Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the driver of all vehicles.

(2) Don't Walk or Flashing Don't Walk or Don't Start. -- No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to the nearest sidewalk or safety island. (21 Del. C. 1953, § 4109; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 12; 70 Del. Laws, c. 186, § 1.)

#### **§ 4110. Traffic signals.**

(a) Whenever a flashing red, yellow or green signal is used in a traffic signal or with a traffic sign, it shall require obedience by vehicle traffic as follows:

(1) Flashing Red. -- When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before crossing the stop limit whether marked by a sign or painted line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop as at a stop sign.

(2) Flashing Yellow or Green. -- When a yellow or green lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signals only with caution.

(b) In the event that flashing signals are in place and no lighted indication is visible to an approaching driver, the approaching driver shall reduce speed and prepare to yield to other vehicles in or approaching the intersection. If facing a stop sign, the approaching driver shall stop and proceed as from a stop sign.

(c) This section shall not apply at railroad grade crossings. (21 Del. C. 1953, § 4110; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 13; 67 Del. Laws, c. 46, § 72; 70 Del. Laws, c. 186, § 1.)

#### **§ 4111. Display of unauthorized signs, signals or markings.**

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising, and no person shall attach to any traffic sign or signal any other sign containing commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, in compliance with § 1108 of Title 17.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice. (21 Del. C. 1953, § 4111; 54 Del. Laws, c. 160, § 1.)

#### **§ 4112. Interference with official traffic-control devices or railroad signs or signals or other street signs.**

No person shall, without lawful authority, attempt to or, in fact alter, damage, deface, injure, twist, knock down, interfere with the operation of or remove any public roadway, bridge, drain, light, gate or traffic-control device, railroad sign or signal or other appurtenance or any inscription, shield or insignia thereon or any other part thereof or other type of highway signs erected by the State regardless of whether such sign is classified as regulatory or informational. Whoever violates this section shall, for the first offense, be fined not less than \$57.50 nor more than \$230, or imprisoned for not more than 10 days, or both. For each subsequent like offense committed within 2 years, the person shall be fined not less than \$115 nor more than \$460, or imprisoned for not more than 30 days, or both. Whoever violates this section shall in addition to any fine or incarceration make restitution to the State for actual costs incurred to replace the traffic-control device. (21 Del. C. 1953, § 4112; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 14; 62 Del. Laws, c. 383, §§ 1-3; 68 Del. Laws, c. 9, § 23; 70 Del. Laws, c. 186, § 1.)

#### **§ 4112A. Traffic control signal preemption devices.**

(a) As used in this section, "traffic control signal preemption device" means any device that emits a pulse of light or other signal that, when received by a detector attached to a traffic control signal alters or interferes with normal operation of the traffic control device.

(b) Except as provided in subsection (d) of this section, a traffic control signal preemption device may not be installed on a motor vehicle, may not be transported in the passenger compartment of a motor vehicle, and may not be operated by the driver or passenger of a motor vehicle. Violation of this subsection is an unclassified misdemeanor and upon arrest the device shall be seized and those convicted shall forfeit the traffic control signal preemption device and shall also be fined not less than \$ 250 nor more than \$ 750 and/or be sentenced to up to 3 months incarceration at Level V.

(c) No one may sell a traffic control signal preemption device, whether or not installed in a vehicle, to any person or entity for any intended use other than operation as permitted under subsection (d) of this section. Violation of this subsection is a class A misdemeanor.

(d) Installation of a traffic control signal preemption device is permitted on the following vehicles, and operation of the device is permitted as follows:

(1) Law enforcement vehicles registered to state, county, or local authorities, when responding to a bona fide emergency, when used in combination with sirens and/or flashing lights.

(2) Vehicles registered to local fire departments and state or federal firefighting vehicles, when responding to a bona fide emergency, when used in combination with sirens and/or flashing lights.

(3) Vehicles that are designed and used exclusively as ambulances, paramedic or rescue vehicles, when responding to a bona fide emergency, when used in combination with sirens and/or flashing lights.

(4) Vehicles that are equipped and used exclusively as organ transport vehicles, when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization, when used in combination with sirens and/or flashing lights.

(5) Vehicles registered to the Delaware Emergency Management Agency when responding to a bona fide emergency, when used in combination with sirens and/or flashing lights.

(6) Vehicles owned and operated by the Department of Transportation equipped to install, test and repair traffic signals when used for that express purpose.

(7) Department of Transportation vehicles that are expressly authorized by the Secretary of the Department of Transportation. (74 Del. Laws, c. 231, § 1.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 353 and including 75 Del. Laws, c. 357, 376 and 379 effective June 29, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.



[§ 7101.](#) | [§ 7102.](#) | [§ 7103.](#) | [§ 7104.](#)

## TITLE 21

### Motor Vehicles

### Miscellaneous

## CHAPTER 71. FUNERAL PROCESSIONS

### § 7101. Definitions.

(a) "Funeral director" and "funeral establishment" shall have the same meaning as set forth in § 3101 of Title 24.

(b) "Funeral procession" means 2 or more vehicles, including a funeral lead vehicle or a funeral escort vehicle, accompanying the body of a deceased person or traveling to the church, chapel or other location where the funeral service or entombment is to be held.

(c) "Funeral lead vehicle" means any authorized law enforcement vehicle, or non-law enforcement motor vehicle properly equipped pursuant to § 7102 of this title [omitted] or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A hearse may serve as the funeral lead vehicle.

(d) "Funeral escort" means a person or entity that provides escorts for funeral processions, including funeral home personnel, law enforcement personnel and/or any other agency authorized by the Department of Safety and Homeland Security to operate emergency vehicles.

(e) "Funeral escort vehicle" means any motor vehicle that is properly equipped pursuant to § 7102 of this title [omitted] and which escorts a funeral procession. (72 Del. Laws, c. 456, § 1; 74 Del. Laws, c. 110, § 138.)

### § 7102. [Omitted.] (72 Del. Laws, c. 456, § 1.)

**§ 7103. Driving in funeral processions.**

(a) Pedestrians and operators of vehicles not part of a funeral procession shall not drive between, obstruct, hinder or in any way interfere with the vehicles of a funeral procession being led by a funeral lead vehicle or funeral escort vehicle.

(b) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(c) Any ordinance, law or regulation stating that motor vehicles shall be operated to allow sufficient space enabling any other vehicle to enter and occupy such space without danger shall not be applicable to vehicles in a funeral procession.

(d) Each vehicle which is part of a funeral procession shall have its headlights, either high or low beam, and tail lights activated, and except for funeral lead vehicles and funeral escort vehicles, must have the flashing hazard lights activated if the vehicle is so equipped.

(e) Funeral processions shall be subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching emergency vehicle giving an audible and/or visual signal.

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a police officer.

(3) Operators in a funeral procession must exercise due care when participating in a funeral procession. (72 Del. Laws, c. 456, § 1.)

**§ 7104. Penalties.**

Whoever violates this chapter shall be guilty of a moving violation, the penalty for which shall be prescribed by § 4205 of this title. (72 Del. Laws, c. 456, § 1.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 353 and including 75 Del. Laws, c. 357, 376 and 379 effective June 29, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe

privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.



[§ 4331.](#) | [§ 4332.](#) | [§ 4333.](#) | [§ 4334.](#) | [§ 4335.](#) | [§ 4336.](#) | [§ 4337.](#) | [§ 4338.](#) | [§ 4339.](#) | [§ 4340.](#) | [§ 4341.](#) | [§ 4342.](#) | [§ 4343.](#) | [§ 4344.](#) | [§ 4345.](#) | [§ 4346.](#) | [§ 4347.](#) | [§ 4348.](#) | [§ 4349.](#) | [§ 4350.](#) | [§ 4351.](#) | [§ 4352.](#) | [§ 4353.](#) | [§ 4354.](#) | [§ 4355.](#) | [§ 4356.](#) | [§ 4356A.](#) | [§ 4357.](#) | [§ 4358.](#)

## TITLE 21

### Motor Vehicles

#### Operation and Equipment

#### CHAPTER 43. EQUIPMENT AND CONSTRUCTION OF VEHICLES

#### Subchapter II. Lights

#### § 4331. When lighted lamps are required.

(a) Every vehicle upon a highway within this State at any time from sunset to sunrise, or during fog, smoke, rain or when windshield wipers are in use because of weather conditions or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead shall display lighted lamps and illuminating devices, exclusive of parking lamps, as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(b) The portion of subsection (a) of this section criminalizing the failure to display lighted lamps and illuminating devices when windshield wipers are in use because of weather conditions shall constitute a secondary offense in that no person shall be stopped by a police officer for that failure alone. (36 Del. Laws, c. 10, §§ 128, 130; Code 1935, §§ 5666, 5668; 21 Del. C. 1953, § 4331; 50 Del. Laws, c. 292, § 1; 59 Del. Laws, c. 504, § 1; 69 Del. Laws, c. 417, §§ 1-3.)

#### § 4332. Visibility distance and mounted height of lamps.

(a) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps

or devices shall be visible, said provisions shall apply during the times stated in § 4331 of this title in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. (36 Del. Laws, c. 10, §§ 128, 130; Code 1935, §§ 5666, 5668; 21 Del. C. 1953, § 4332; 50 Del. Laws, c. 292, § 1.)

### **§ 4333. Head lamps on motor vehicles.**

(a) Every motor vehicle, trailer, semitrailer and pole motor-driven cycle shall be equipped with at least 2 head lamps with at least 1 on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least 1 and not more than 2 head lamps which shall comply with the requirements and limitations of this chapter.

(c) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 24 inches, to be measured as set forth in § 4332(b) of this title. (36 Del. Laws, c. 10, §§ 128, 130; Code 1935, §§ 5666, 5668; 21 Del. C. 1953, § 4333; 50 Del. Laws, c. 292, § 1; 51 Del. Laws, c. 235.)

### **§ 4334. Tail lamps.**

(a) Every motor vehicle, trailer, semitrailer and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least 1 tail lamp, mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided, that, in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. Provided, however, that every such above mentioned vehicle, other than a truck tractor, registered in this State and manufactured or assembled after July 1, 1956, shall be equipped with at least 2 tail lamps mounted on the rear, which, when lighted as herein required, shall comply with this section.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 20 inches.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. (36 Del. Laws, c. 10, § 128; Code 1935, § 5666; 21 Del. C. 1953, § 4334; 50 Del. Laws, c. 292, § 1.)

#### **§ 4335. New vehicles to be equipped with reflectors.**

(a) Every new motor vehicle hereafter sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, 2 red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least 1 reflector meeting the requirements of this section, and except that vehicles of the type mentioned in § 4338 of this title shall be equipped with reflectors as required in those sections applicable thereto.

(b) Every such reflector shall be mounted on the vehicle at a height not less than 20 inches nor more than 60 inches measured as set forth in § 4332(b) of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 350 feet to 100 feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles. (21 Del. C. 1953, § 4335; 50 Del. Laws, c. 292, § 1.)

#### **§ 4336. Stop lamps and turn signals required on new motor vehicles.**

It shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this State, or for any person to drive such vehicle on the highways, unless equipped with at least 1 stop lamp meeting the requirements of § 4347 of this title. (21 Del. C. 1953, § 4336; 50 Del. Laws, c. 292, § 1.)

#### **§ 4337. Application of succeeding sections.**

Those sections of this chapter which follow immediately, including §§ 4338-4342 of this title, relating to clearance and marker lamps, reflectors and stoplights, shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors and certain trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and such vehicles shall be equipped as required and all lamp equipment required shall be lighted at times mentioned in § 4331 of this title, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet. (21 Del. C. 1953, § 4337;

50 Del. Laws, c. 292, § 1.)

**§ 4338. Additional equipment required on certain vehicles.**

In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in § 4337 of this title:

(1) On every bus or truck, whatever its size, there shall be the following:

On the rear, 2 reflectors, 1 at each side, and 1 stoplight;

(2) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subdivision (1) of this section:

On the front, 2 clearance lamps, 1 at each side; on the rear, 2 clearance lamps, 1 at each side; on the side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear; on each side, 2 reflectors, 1 at or near the front and 1 at or near the rear;

(3) On every truck tractor:

On the front, 2 clearance lamps, 1 at each side; on the rear, 1 stoplight;

(4) On every trailer or semitrailer having a gross weight in excess of 3,000 pounds:

On the front, 2 clearance lamps, 1 at each side; on each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear; on each side, 2 reflectors, 1 at or near the front and 1 at or near the rear; on the rear, 2 clearance lamps, 1 at each side; also 2 reflectors, 1 at each side and 1 stoplight;

(5) On every pole trailer in excess of 3,000 pounds gross weight:

On each side, 1 side marker lamp and 1 clearance lamp which may be in combination to show to the front, side and rear; on the rear of the pole trailer or load, 2 reflectors, 1 at each side;

(6) On every trailer, semitrailer or pole trailer weighing 3,000 pounds gross or less:

On the rear, 2 reflectors, 1 on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stoplight on the towing vehicle, then such vehicle shall also be equipped with 1 stoplight. (21 Del. C. 1953, § 4338; 49

Del. Laws, c. 220, § 25; 50 Del. Laws, c. 292, § 1.)

### **§ 4339. Color of clearance lamps, side marker lamps, backup lamps and reflectors.**

(a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stoplight or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white or amber. (21 Del. C. 1953, § 4339; 50 Del. Laws, c. 292, § 1.)

### **§ 4340. Mounting of reflectors, clearance lamps and side marker lamps.**

(a) Reflectors, when required by § 4338 of this title, shall be mounted at a height not less than 24 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both. (21 Del. C. 1953, § 4340; 50 Del. Laws, c. 292, § 1.)

### **§ 4341. Visibility of reflectors, clearance lamps and marker lamps.**

(a) Every reflector upon any vehicle referred to in § 4338 of this title shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when

directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at a distance of 500 feet from the side of the vehicle on which mounted. (21 Del. C. 1953, § 4341; 50 Del. Laws, c. 292, § 1.)

#### **§ 4342. Obstructed lights not required.**

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (21 Del. C. 1953, § 4342; 50 Del. Laws, c. 292, § 1.)

#### **§ 4343. Lamp or flag on projecting load.**

(a) Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the time specified in § 4331 of this title, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be, in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(b) This section does not apply to:

(1) Any vehicle carrying wooden prefabricated roof trusses in an inverted position, if the trusses do not extend more than 10 feet beyond the rear of the bed or body of the vehicle;

(2) A combination of vehicles carrying an indivisible load if the load is not over 70 feet long, and the load is being transported during daylight hours; or

(3) Any vehicle or combination of vehicles carrying:

- a. Piling, poles or mill logs;
- b. Nursery stock; or
- c. Crew or racing shells.

(c) Subject to the maximum length limits of this section, the load on any vehicle operated alone or the load on the front vehicle of a combination of vehicles:

(1) Except as provided in paragraph (2) of this subsection, may not extend more than 3 feet beyond the foremost part of the vehicle; and

(2) May extend more than 3 feet beyond the foremost part of a vehicle equipped with front-end loading attachments and containers used in collecting garbage, rubbish, refuse or recyclable materials when the vehicle is actively engaged in collecting garbage, rubbish, refuse or recyclable materials. (21 Del. C. 1953, § 4343; 50 Del. Laws, c. 292, § 1; 71 Del. Laws, c. 249, §§ 1, 2.)

#### **§ 4344. Lamps on parked vehicles.**

(a) Every vehicle, except motorcycles, shall be equipped with at least 1 lamp which, when lighted, shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and a red light visible from a distance of 500 feet to the rear of the vehicle. The lamp shall be situated so that 1 such lamp, or combination of lamps meeting the requirements of this section, is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(b) Whenever a vehicle (whether attended or unattended) is parked or stopped upon a street or highway, at a time when there is insufficient light to reveal any person or object within a distance of 500 feet upon the highway, such vehicle shall be equipped with and shall display lamps meeting the requirements of subsection (a) of this section, but it shall not be necessary to display the lamps upon a vehicle which is lawfully parked upon a portion of a roadway which is ordinarily or customarily used for parking vehicles.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (36 Del. Laws, c. 10, §§ 134, 141; 37 Del. Laws, c. 10, § 34; Code 1935, §§ 5672, 5679; 45 Del. Laws, c. 292, § 2; 21 Del. C. 1953, § 4344; 50 Del. Laws, c. 292, § 1; 60 Del. Laws, c. 384, § 1.)

#### **§ 4345. Lamps on other vehicles and equipment.**

Every vehicle, including animal-drawn vehicles and vehicles referred to in § 4355 (c) of this title, not specifically required by this subchapter to be equipped with lamps or other lighting devices, shall at all times specified in § 4331 of this title be equipped with at least 1 lamp displaying a white light visible from a distance of not less than 500 feet to the front of said vehicle and shall also be equipped with 2 lamps displaying red light visible from a distance of not less than 500 feet to the rear of said vehicle, or as an alternative, 1 lamp displaying a red light visible from a distance of not less than 500 feet to the rear and 2 red reflectors visible for distances of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps. (21 Del. C. 1953, § 4345; 50 Del. Laws, c. 292, § 1.)

#### **§ 4346. Spot lamps and auxiliary lamps.**

(a) Spot lamps. -- Any motor vehicle may be equipped with not to exceed 2 spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

(b) Fog lamps. -- Any motor vehicle may be equipped with not to exceed 2 fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in § 4349 of this title.

(c) Auxiliary passing lamp. -- Any motor vehicle may be equipped with not to exceed 1 auxiliary passing lamp mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. Section 4349 of this title shall apply to any combination of head lamps and auxiliary passing lamps.

(d) Auxiliary driving lamp. -- Any motor vehicle may be equipped with not to exceed 1 auxiliary driving lamp mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. Section 4349 of this title shall apply to any combination of head lamps and auxiliary driving lamps. (21 Del. C. 1953, § 4346; 50 Del. Laws, c. 292, § 1.)

#### **§ 4347. Signal lamps and signal devices.**

(a) Any motor vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall

display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake and be incorporated with 1 or more other rear lamps.

(b) Any motor vehicle may be equipped and when required under this chapter shall be equipped with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for such purpose, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than 100 feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Where mechanical signal devices are used for such purpose, said devices shall be self-illuminated when in use at the times mentioned in § 4331 of this title.

(c) No stop lamp or signal lamp or device shall project a glaring light. (21 Del. C. 1953, § 4347; 50 Del. Laws, c. 292, § 1.)

#### **§ 4348. Additional lighting equipment.**

(a) Any motor vehicle may be equipped with not more than 2 side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than 2 backup lamps either separately or in combination with other lamps, but any such backup lamp shall not be lighted when the motor vehicle is in forward motion.

(d)(1) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing and when so equipped may display such warning in addition to any other warning signals required by this subchapter.

(2)a. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display

simultaneously flashing white or amber lights, or any shade of color between white and amber.

b. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red.

c. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

(3) When installed by the vehicle manufacturer, flashing lights may be installed upon any motor vehicle being used by a fire chief, assistant fire chief, fire engineer, fire police officer, police officer, a firefighter who is a member of any regularly established fire company or by an ambulance attendant who is a member of any regularly established ambulance service. The lights shall be used only in response to duty as a first responder. Only those firefighters or ambulance attendants of regularly established fire companies duly designated as first responders by their respective fire chief, or those ambulance attendants of other regularly established ambulance services duly designated as first responders by their respective ambulance captain, shall be authorized to use such flashing lights, notwithstanding § 4353(c) of this title. Nothing in this section shall be interpreted to grant emergency vehicle status to firefighters or ambulance attendants making use of such signals in their personal vehicles pursuant to § 4106 of this title. Flashing lights as used in this subsection shall mean a sudden and transient outburst of bright light either operated or activated by four-way flashers and/or by a high and low beam headlight switch on the vehicle. (21 Del. C. 1953, § 4348; 50 Del. Laws, c. 292, § 1; 70 Del. Laws, c. 414, § 1.)

#### **§ 4349. Multiple beam road lighting equipment.**

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(1) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none

of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(3) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State after January 1, 1956, which has multiple beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. (21 Del. C. 1953, § 4349; 50 Del. Laws, c. 292, § 1.)

### **§ 4350. Use of multiple beam road lighting equipment.**

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 4331 of this title, the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in § 4349(2) of this title shall be deemed to avoid glare at all times, regardless of road contour and loading;

(2) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in § 4349(1) of this title. (21 Del. C. 1953, § 4350; 50 Del. Laws, c. 292, § 1.)

### **§ 4351. Lighting equipment on motor-driven cycles.**

The head lamp or head lamps upon every motor-driven cycle may be of the single beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every such head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour, and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour;

(2) In the event the motor-driven cycle is equipped with a multiple beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in § 4349(1) of this title, and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in § 4349 of this title;

(3) In the event the motor-driven cycle is equipped with a single beam lamp or lamps, such lamps shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes. (21 Del. C. 1953, § 4351; 50 Del. Laws, c. 292, § 1.)

### **§ 4352. Number of driving lamps required or permitted.**

(a) At all times specified in § 4331 of this title, at least 2 lighted lamps shall be displayed, 1 on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as required in this subchapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of 4 of any such lamps on the front of a vehicle shall be lighted at any 1 time when upon a highway. (21 Del. C. 1953, § 4352; 50 Del. Laws, c. 292, § 1.)

### **§ 4353. Special restrictions on lamps.**

(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than 300 candlepower, shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this subchapter.

(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment, vehicles authorized by the Secretary of Safety and Homeland Security if determined to be in the interest of public safety, or on any vehicle as a means of indicating a right or left turn or the presence of a

vehicular hazard requiring unusual care in approaching, overtaking or passing. (21 Del. C. 1953, § 4353; 50 Del. Laws, c. 292, § 1; 65 Del. Laws, c. 468, § 1; 75 Del. Laws, c. 89, § 281(b).)

#### **§ 4354. Standards for lights on snow removal equipment.**

(a) The Department of Safety and Homeland Security shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow removal equipment when operated on the highways of this State in lieu of the lamps otherwise required on motor vehicles by this subchapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(b) It shall be unlawful to operate any snow removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section. (21 Del. C. 1953, § 4354; 50 Del. Laws, c. 292, § 1; 57 Del. Laws, c. 670, § 15C; 74 Del. Laws, c. 110, § 138.)

#### **§ 4355. Scope and effect of regulations.**

(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this subchapter, or which is equipped in any manner in violation of this subchapter or for any person to do any act forbidden or fail to perform any act required under this subchapter.

(b) Nothing contained in this subchapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with this subchapter.

(c) This subchapter, with respect to equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. (21 Del. C. 1953, § 4355; 50 Del. Laws, c. 292, § 1.)

#### **§ 4356. Use of flashing lights.**

(a) Any motor vehicle used by a fire chief, assistant fire chief, fire engineer, fire police officer and Chief EMS officer may have placed upon such motor vehicle

flashing blue and white lights. Such flashing blue and white lights shall be used by the fire chief, assistant fire chief, fire engineer, fire police officer and Chief EMS officer of any regularly established fire company or ambulance company only in the performance of their duties. The white lights permitted under this subsection shall be embedded in, or otherwise associated with the activation or operation of, the headlamps and/or the flashing turn signal lights of the vehicle.

(b) A police vehicle, a volunteer fire company-owned vehicle or a City of Wilmington bureau of fire-owned vehicle may have placed upon such vehicle flashing blue and red lights or flashing blue, red and/or white lights. (21 Del. C. 1953, § 4357; 53 Del. Laws, c. 13; 61 Del. Laws, c. 155, § 1; 62 Del. Laws, c. 165, § 2; 68 Del. Laws, c. 37, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 20, §§ 1, 2.)

#### **§ 4356A. Use of revolving or flashing green light.**

Any motor vehicle used by a fire department or police department and emergency vehicles of state, federal, county or municipal departments, or public service corporations as are designated or authorized as emergency vehicles by the Secretary of Safety and Homeland Security, may be equipped with a green revolving or flashing light for use only when the vehicle is in service at an accident, fire or disaster scene to signify a command post to which fire and police officials may report for instructions or orders, or for use on hazardous material response vehicles traveling to such scene on the request of the fire department or the police department. Such green revolving or flashing lights may only be used on a vehicle for the purposes and in the manner stated in this section. (63 Del. Laws, c. 365, § 1; 75 Del. Laws, c. 89, § 281(c).)

#### **§ 4357. Carrying of flares in certain vehicles; use upon becoming disabled.**

(a) No person shall operate any vehicle having a width in any part in excess of 80 inches or a gross weight of vehicle and load of 8,000 pounds or more upon the highways of this State outside of a business or residential district during the period when lighted lamps must be displayed on vehicles, unless there shall be carried in such vehicle at least 3 flares, or 3 red electric lanterns or 3 portable red emergency reflectors capable of being distinguished at a distance of not less than 600 feet under normal atmospheric conditions at night.

(b) Whenever any vehicle described in subsection (a) of this section or its lighting equipment is disabled during the period when lighted lamps must be displayed and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residential district, the driver or other person in charge of such vehicle shall cause flares, lanterns or reflectors to be lighted and placed upon the highway, 1 at a distance of approximately 100 feet in advance of such vehicle, 1 at a distance of approximately 100 feet to the rear of

the vehicle and the third upon the roadway alongside of the vehicle. If the vehicle is transporting flammables, 3 red reflectors shall be so placed so as to afford a warning of the presence of the vehicle on the highway in lieu of such other signals and no open burning flare shall be placed adjacent to any such vehicle. (21 Del. C. 1953, § 4358; 57 Del. Laws, c. 545, § 2.)

### **§ 4358. Penalties.**

Whoever violates this subchapter shall for the first offense be fined not less than \$10 nor more than \$28.75. For each subsequent like offense, the person shall be fined not less than \$28.75 nor more than \$100. (21 Del. C. 1953, § 4356; 50 Del. Laws, c. 292, § 1; 65 Del. Laws, c. 503, § 24; 68 Del. Laws, c. 9, § 46; 70 Del. Laws, c. 186, § 1.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 353 and including 75 Del. Laws, c. 357, 376 and 379 effective June 29, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.



[§ 401.](#) | [§ 402.](#) | [§ 403.](#) | [§ 404.](#) | [§ 405.](#) | [§ 406.](#) | [§ 407.](#) | [§ 408.](#) | [§ 409.](#) | [§ 410.](#) | [§ 411.](#) | [§ 412.](#) | [§ 413.](#) | [§ 414.](#)  
 | [§ 415.](#) | [§ 416.](#) | [§ 417.](#) | [§ 418.](#) | [§ 419.](#) | [§ 420.](#) | [§ 421.](#) | [§ 422.](#) | [§ 423.](#) | [§ 424.](#) | [§ 425.](#) | [§ 426.](#)

## TITLE 17

### Highways

#### CHAPTER 4. DELAWARE INTERSTATE HIGHWAY DIVISION

##### § 401. Definitions.

As used in this chapter:

(1) "Crossing" shall include a bridge or bridges over the Delaware River or a tube or tubes under said River and all approaches thereto and approach highways and all other buildings or structures connected with any such bridge or tube and all equipment essential to the operation thereof and also all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or operation thereof and may include any elevated or depressed highways connecting any such bridge or tube with a state road.

(2) "Department" means the Department of Transportation established under this title, or if said Department shall be abolished, any board, commission or officer succeeding to the principal functions thereof, or to whom the powers given by this chapter to said Department shall be given by law.

(3) "Revenues of the Division" means the proceeds of tolls, rates, rents and other charges for the use of toll crossings constructed by the Division under authority of this chapter, including, upon the satisfaction of the indenture and supplemental indentures securing the payment of all bonds issued prior to July 27, 1955, under the authority of Chapter 275 of the Laws of Delaware, 1945, as provided by § 414 of this title, the proceeds of tolls, rates, rents and other charges for the use of the Delaware Memorial Bridge. (17 Del. C. 1953, § 401; 50 Del. Laws, c. 492, § 25; 57 Del. Laws, c. 671, §§ 3A, 3B; 60 Del. Laws, c. 503, § 18.)

##### § 402. Purpose.

Substantial and accumulated annual increases experienced in highway traffic for the United States as a whole and particularly for Delaware plus the concentration of interstate traffic flow through Delaware caused by the construction of the Delaware Memorial Bridge and the New Jersey Turnpike have forced upon the State the need for new construction and reconstruction of highway facilities out of all proportion to funds available to the State Highway Department. Presently scheduled express highway construction in the adjoining states of Maryland and Pennsylvania will very shortly bring to the boundaries of Delaware increased interstate traffic. To provide supplemental funds for certain highway construction and reconstruction, to provide for payment of a proportionate share of such highway construction and reconstruction costs by the interstate traffic which is producing the need for such added expenditures and to enable the State to discharge the obligations which this traffic has imposed upon it, the Delaware Memorial Bridge Division of the State Highway Department (originally created as the Delaware Crossing Division under authority of Chapter 193 of the Laws of Delaware, 1947, which as amended and revised appears as Chapter 3 of this title) is reorganized and reconstituted within the Department of Transportation with the powers and duties specified in this chapter. (17 Del. C. 1953, § 402; 50 Del. Laws, c. 492, § 1; 57 Del. Laws, c. 671, § 3C; 60 Del. Laws, c. 503, § 18.)

#### **§ 403. Control, operation and revenues of Delaware Memorial Bridge and approaches vested in Department.**

The control, operation, tolls and other revenues of the Delaware Memorial Bridge and its approaches, and all of the real and personal property appurtenant thereto or used in connection therewith, shall vest in the Department subject to the rights of the holders of outstanding Delaware Memorial Bridge Revenue Bonds of the State issued prior to July 27, 1955, under the authority of Chapter 275 of the Laws of Delaware, 1945, as amended, and the State covenants that the control, operation, tolls and other revenues of said Delaware Memorial Bridge, its approaches and all real and personal property appurtenant thereto or used in connection therewith shall remain vested in the Department so long as said bonds or any bonds issued under the authority of this chapter shall remain outstanding and unpaid, or until all of the Delaware Memorial Bridge Revenue Bonds issued under authority of Chapter 275 of the Laws of Delaware, 1945, as amended, have been paid in full or provision shall have been made for the payment thereof in the manner provided by the indenture between the Department and the Equitable Trust Company of Wilmington, Delaware, dated June 1, 1948, and the supplemental indentures between said Department and said Equitable Trust Company, dated June 1, 1951 and January 1, 1952, securing the payment of the Delaware Memorial Bridge Revenue Bonds now outstanding. The Delaware Memorial Bridge shall be operated and extensions and improvements made thereto and the tolls and revenue derived therefrom accounted for and applied in strict conformity with said indenture and supplemental indentures. (17 Del. C. 1953, § 404; 50 Del. Laws, c. 492, § 3; 57 Del. Laws, c. 671, § 3D.)

**§ 404. Contracts for maintenance of Delaware Memorial Bridge or repairs or improvements.**

The Department may make and enter into all contracts and agreements with any firm, corporation, public body or authority of this State or any other state which it may consider necessary to or advisable for the maintenance of the Delaware Memorial Bridge or for repairs or additions thereto or improvements thereon. (17 Del. C. 1953, § 405; 50 Del. Laws, c. 492, § 4; 57 Del. Laws, c. 671, § 3D.)

**§ 405. Construction of toll crossings, highways, express highways and parallel service roads; operation of competitive commercial enterprises.**

The Department may, with the approval of the Governor, construct toll crossings over or under the Delaware River between the State of Delaware and the State of New Jersey and may construct, reconstruct or improve such highways and express highways, as defined in § 101 of this title, in the State as the Department, in its sole discretion, designates necessary to carry traffic to and from the Delaware Memorial Bridge and to and from any other toll crossing constructed after July 27, 1955, or to be constructed, by the Department under this chapter, provided that no commercial enterprise or activity for serving motorists, other than emergency services for disabled vehicles, shall be conducted within or on any property designated as, or acquired for or in connection with any such express highway. The Department may construct on such property at locations it deems appropriate connecting service roads parallel to such express highways in such manner as to facilitate the establishment and operation of competitive commercial enterprises for serving motorists on private property abutting such service roads. The cost of such parallel service roads may be included in the cost of construction, reconstruction or improvement of expressways authorized in this chapter. In considering any construction, reconstruction or improvement of highways as herein authorized, the Department shall give first consideration to express highways for the use of traffic to and from the Delaware Memorial Bridge. (17 Del. C. 1953, § 406; 50 Del. Laws, c. 492, § 5; 57 Del. Laws, c. 671, §§ 3D-3F.)

**§ 406. Acquisition of property for toll crossings.**

(a) The Department may purchase within this State and within the State of New Jersey, if permitted to do so by the laws of that State, such lands, sand, earth, gravel, stone, buildings, structures, rights-of-way, franchises, easements and other interests in land, including lands under water and riparian rights of any person, copartnership, association, railroad or other corporation or other municipality or political subdivision deemed by the Department to be necessary for the construction, maintenance or operation of any toll crossing which the Department may acquire, construct or maintain under this chapter upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon by it and the owner thereof and to take title thereto in the name of

the State or, if such property so purchased be located in the State of New Jersey, to take title thereto in the name of the Department if permitted by the laws of the State of New Jersey to do so, or, in the discretion of the Department, to take such title in the name of an individual or a corporation as trustee for the Department. Whenever a price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown, the Department may acquire by condemnation any of the above mentioned properties located within this State and deemed by the Department to be necessary as aforesaid for said purposes.

(b) Whenever valid title to any of the properties mentioned in subsection (a) of this section which are located in the State of New Jersey cannot be acquired by the Department in its own name or in that of the trustee or nominee by amicable agreement with the owner or owners and the Highway Commissioner of the State of New Jersey or other appropriate officer or agency of the State of New Jersey is willing to condemn, for the use of and to become a part of the highway system of the State of New Jersey, and such property deemed by the Department necessary for constructing, maintaining or operating any toll crossing which the Department may construct and maintain, if reimbursed for the condemnation money or damages awarded in such condemnation and expenses thereof, the Department may enter into an agreement of reimbursement with the Highway Commissioner of the State of New Jersey or such other appropriate officer or agency for such condemnation money or damages and expenses and to secure the same by a deposit of cash or otherwise and may reimburse said Highway Commissioner of the State of New Jersey or the State of New Jersey or other appropriate officer or agency thereof for all condemnation money or damages and costs legally awarded or incurred in such condemnation. When such property is so acquired by the Highway Commissioner of the State of New Jersey or other appropriate officer or agency of said State as a part of the highway system of that State, the Department may construct, maintain and operate thereon or thereunder any toll crossing which the Department may construct and maintain under this chapter as fully as though title thereto had been acquired by the Department. The Department shall pay all costs and expenses of acquiring such properties out of its unencumbered revenues or out of the proceeds of the sale of its revenue bonds. (17 Del. C. 1953, § 407; 50 Del. Laws, c. 492, § 6; 57 Del. Laws, c. 671, §§ 3D, 3G.)

#### **§ 407. Use of lands under Delaware River.**

The State of Delaware consents to the use by the Department, in any manner whatsoever in the performance of its duties under this chapter, of all lands lying under the waters of the Delaware River which are within the State and are deemed by the Department to be necessary for the construction and operation of the Delaware Memorial Bridge and of any other toll crossing which the Department may construct or maintain under this chapter. (17 Del. C. 1953, § 408; 50 Del. Laws, c. 492, § 7; 57 Del. Laws, c. 671, § 3D.)

**§ 408. Regulations for use of Bridge or other toll crossings for public utility facilities; penalty for violations.**

(a) The Department may establish regulations respecting the use of the Delaware Memorial Bridge and/or any other toll crossing which it may construct or maintain by this chapter by any person, partnership, association or corporation desiring to use said crossing, its approaches, appurtenances or any part thereof, including the approach highways connecting with such Bridge, for placing therein or thereon gas or oil pipe lines, telephone, telegraph and electric wires or cables or for any other purpose and to fix the terms, conditions and rates of charge for such use.

(b) Whoever violates any regulation established by the Department in respect of the use of any such crossing, including regulations established by the Department regulating traffic over any such crossing and its approaches or approach highways, shall be fined not more than \$100 for each such offense. (17 Del. C. 1953, § 409; 50 Del. Laws, c. 492, § 8; 57 Del. Laws, c. 671, § 3D.)

**§ 409. Insurance.**

The Department shall procure and keep in force adequate insurance upon any toll crossing constructed or operated by it, including adequate use and occupancy insurance as well as insurance to defray the cost of removing obstacles from the Delaware River in the event of a collapse or other injury to such crossing. (17 Del. C. 1953, § 410; 50 Del. Laws, c. 492, § 9; 57 Del. Laws, c. 671, § 3D.)

**§ 410. Employment of general manager, guards and toll keepers; indemnity bond.**

(a) The Department may employ a general manager for the purpose of supervising the operation of toll crossings constructed or maintained by it and may appoint such number of guards and toll keepers as may be deemed advisable by it for the proper operation of the Delaware Memorial Bridge and any toll crossing over the Delaware River constructed or maintained by the Department.

(b) The general manager, guards and toll keepers shall have the powers of a constable in the performance of their duties, and the Department shall procure and keep in force at all times a fidelity bond or bonds issued by a bonding company qualified to do business in this State to protect the Department against loss arising from the fraudulent or dishonest conduct of any such persons with respect to funds or property of the Department or of the State within the control of the Department, and the Department may pay the costs of such bond or bonds out of its revenues. (17 Del. C. 1953, § 411; 50 Del. Laws, c. 492, § 10; 57 Del.

Laws, c. 671, § 3D.)

#### **§ 411. Other crossings prohibited.**

(a) As long as any bonds issued prior to July 27, 1955, under Chapter 275 of the Laws of 1945, as amended, shall remain outstanding and unpaid or until provision shall have been made for the payment thereof as provided in the indentures securing such bonds, no bridge or tunnel over or under the Delaware River for the use of the traveling public or for the transportation of goods or other property, having a terminus in this State within the distance of 10 miles north along the shore of the Delaware River and 20 miles south along such shore of the Delaware terminus of the Delaware Memorial Bridge shall, after July 27, 1955, be constructed and operated by the State, by the Department or other agency of the State or by any county, municipal corporation or political subdivision of the State or by any agency or instrumentality thereof or by any public body or authority not created by an act of Congress of the United States or by any person, copartnership, association or corporation not created by or acting under authority of an act of Congress of the United States.

(b) The State covenants that if the Department shall issue bonds under this chapter, no crossing of the Delaware River shall thereafter be constructed and operated by the State, by the Department or by any other agency of the State or by any county, municipal corporation or political subdivision of the State or by any agency or instrumentality thereof or by any public body or authority not created by an act of Congress of the United States or by any person, copartnership, association or corporation not created by or acting under authority of an act of Congress of the United States, which shall compete with the Delaware Memorial Bridge or with any toll crossing over or under the Delaware River to be constructed in whole or in part out of the proceeds of such bonds, and the Department may agree with the holders of its bonds as to the character and location of any crossing which shall be deemed to be a competitive crossing within the meaning of this section, and such determination shall be binding upon the State and the Department, so long as any of such bonds remain outstanding and unpaid or until provision for their payment shall have been made in the manner provided in the resolution or indenture pursuant to which such bonds shall have been issued. (17 Del. C. 1953, § 412; 50 Del. Laws, c. 492, §§ 11, 23; 57 Del. Laws, c. 671, § 3D.)

#### **§ 412. Exemption from taxation.**

All toll crossings constructed or operated and maintained by the Department under this chapter and all property acquired or used by the Department in connection therewith shall at all times be free from all taxation within this State. (17 Del. C. 1953, § 413; 50 Del. Laws, c. 492, § 12; 57 Del. Laws, c. 671, § 3D.)

**§ 413. Bonds for construction of facilities.**

The Department may issue, in the name of the State, revenue bonds of the State, payable solely from the revenues of the Department, for the purpose of paying the cost of construction (including interest during the period of construction and for 1 year thereafter) of any toll crossing which it may construct under this chapter or to defray the cost of constructing or improving highways, and for the purpose of refunding any bonds issued under this chapter, at or prior to the maturity thereof. (17 Del. C. 1953, § 414; 50 Del. Laws, c. 492, § 13; 57 Del. Laws, c. 671, §§ 3D, 3H.)

**§ 414. Bonds for refunding of outstanding obligations.**

The Department may issue, in the name of the State, revenue bonds of the State, payable solely from the revenues of the Department, at any time after July 27, 1955, for the purpose of refunding at or prior to maturity, all bonds issued prior to such date under the authority of Chapter 275 of the Laws of Delaware, 1945, as amended, in an aggregate principal amount not exceeding the principal amount of said outstanding bonds and the redemption premium, if any, required to be paid upon their redemption prior to maturity, the fees and expenses of the trustee named in the indenture and supplemental indentures securing such bonds, the interest which will become due upon such bonds to the date of their redemption and all legal and other expenses incident to the issuance of said bonds, and the Department may deposit with the trustee named in the indenture and supplemental indentures securing the payment of said outstanding bonds, out of the proceeds of such refunding bonds, such amount as shall be required to authorize such trustee to satisfy such indenture and supplemental indentures. (17 Del. C. 1953, § 415; 50 Del. Laws, c. 492, § 14; 57 Del. Laws, c. 671, § 3D.)

**§ 415. Form and terms of bonds; disposition of proceeds.**

(a)(1) All bonds issued under the authority of this chapter shall be dated, shall bear interest at such rate or rates, not exceeding 5 percent per annum, payable semiannually, shall mature at such time or times and may be made redeemable before maturity at such times and at such price or prices and under such terms and conditions as may be fixed by the Department prior to the issuance of the bonds.

(2) The principal of and the interest upon such bonds may be made payable in any lawful medium.

(3) The Department shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be any bank or trust company within or without the State.

(4)a. The bonds shall be signed by the Secretary of Transportation and the Great Seal of the State or a facsimile thereof shall be affixed thereto and shall be attested by the Secretary of State and any coupons attached thereto shall bear the facsimile signature of the Secretary of Transportation.

b. In case any officer whose signature or facsimile thereof shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall, nevertheless, be valid for all purposes, as if the officer had remained in office until delivery.

(5) All bonds issued under this chapter shall have, and are declared to have, all the qualities and incidents of negotiable instruments under Title 6.

(6) Such bonds and the income therefrom shall be exempt from all taxation by the State or by any political subdivision, agency or authority thereof.

(7)a. The bonds may be issued in coupon or registered form, or both, as the Department may determine, and provision may be made for the registration of any coupon bond as to principal alone or as to both principal and interest, and for the reconversion of any bonds registered both as to principal and interest into coupon bonds.

b. The Department may exchange such bonds for bonds issued under Chapter 275 of the Laws of Delaware 1945, as amended, or issued under this chapter or may sell such bonds either at public or private sale in such manner and for such price as it may determine to be for the best interests of the State, but no such sale may be at a price so low as to require the payment of interest on money received therefor at more than 5 percent per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values.

(c)(1) The proceeds of such bonds, exclusive of accrued interest, shall be used solely for the purposes specified in the resolution of the Department authorizing the issuance thereof, or as set forth in the indenture securing their payment, which purposes may include redemption premiums, interest on bonds to be refunded to the redemption date or date of maturity thereof and all legal and other expenses of their issuance and shall be disbursed under such restrictions, if any, as said resolution or trust indenture may provide.

(2) The proceeds of such bonds shall at no time revert to the General Fund of the State Treasury but shall at all times be available to the Department for the aforesaid purposes, provided, however, that if the proceeds of the bonds of any issue shall exceed the amount required for the purpose or purposes for which such bonds are authorized to be issued, the surplus may be used for any purpose

of the Department authorized in this chapter or for the payment of the principal of or interest on its outstanding bonds.

(d)(1) Prior to the preparation of definitive bonds the Department may issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.

(2) The Department may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost.

(3) Such bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this chapter. (17 Del. C. 1953, § 415; 50 Del. Laws, c. 492, § 15; 57 Del. Laws, c. 671, §§ 3D, 3I; 60 Del. Laws, c. 503, § 19; 70 Del. Laws, c. 186, § 1.)

#### **§ 416. Bonds as legal investments for institutions and fiduciaries, and as legal deposit.**

Bonds issued under the authority of this chapter are made securities in which all state and municipal officers and administrative departments, boards and commissions of the State, all banks, bankers, savings banks, trust companies, saving and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever, who now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control; and such bonds are made securities which may properly and legally be deposited with and received by any state, county or municipal officer or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may after July 27, 1955 be authorized by law. (17 Del. C. 1953, § 417; 50 Del. Laws, c. 492, § 15.)

#### **§ 417. Credit of State not pledged.**

Bonds issued under this chapter shall be payable exclusively from the revenues of the Department and shall contain a statement on their face that the state shall not be obligated to pay the bonds or the interest thereon except from such revenues, and that the faith and credit of the State are not pledged to the payment of the principal or interest on such bonds. The issuance of bonds under this chapter shall not directly or indirectly or contingently obligate the State to levy or pledge any form of taxation whatever therefor or to make any appropriation for their payment. (17 Del. C. 1953, § 418; 50 Del. Laws, c. 492, § 16; 57 Del. Laws, c. 671, § 3D.)

**§ 418. Trust indenture.**

(a) In the discretion of the Department, each and any issue of such bonds may be secured by a trust indenture by and between the Department and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State.

(b) Such trust indenture may pledge or assign the revenues of the Department, but shall not convey or mortgage any toll crossing or other properly operated or maintained by the Department.

(c) Either the resolution providing for the issuance of the bonds or such trust indenture may contain such provisions specifying, defining, protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Department in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of any toll crossing or additions thereto, and the custody, safeguarding and application of all moneys, and may also provide that any toll crossing constructed by the Department shall be constructed and paid for under the supervision and approval of consulting engineers employed or designated by the Department, and satisfactory to the original purchasers of the bonds issued therefor, and may also require that the security given by contractors and by any other depository of the proceeds of the bonds or revenues or other moneys be satisfactory to such purchasers.

(d) It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the Department.

(e) Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations.

(f) In addition to the foregoing, such trust indenture may contain such other provisions as the Department may deem reasonable and proper for the security of the bondholders.

(g) All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repairs of any toll crossing to which such indenture is related or may be paid out of the revenues of the Department. (17 Del. C. 1953, § 419; 50 Del. Laws, c. 492, § 17; 57 Del. Laws, c. 671, § 3D.)

**§ 419. Remedies of bondholders and trustees.**

Any holder of bonds issued under this chapter or any of the coupons attached thereto and the trustee under the trust indenture, if any, except to the extent the rights given by this chapter may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the United States or of the state or granted under this chapter or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this chapter or by such resolution or trust indenture, to be performed by the Department or any officer thereof, including the fixing, charging and collecting of tolls for the use of any toll crossing operated by the Department.

Such resolution or trust indenture may contain provisions under which any holder of such bonds or the trustee under such trust indenture shall be entitled to the appointment of a receiver in the event of a default, and any receiver so appointed shall have and be entitled to exercise all the rights and powers of the Department with respect to the crossings operated or maintained by the Department and all of the appropriate rights and powers of a receiver in equity. (17 Del. C. 1953, § 420; 50 Del. Laws, c. 492, § 18; 57 Del. Laws, c. 671, § 3D.)

#### **§ 420. Power to collect and pledge tolls and revenues; fixation of tolls, rates or charges.**

(a) The Department may make and enforce such rules and regulations and establish, levy and collect (or authorize by contract, franchise, lease or otherwise, the establishment, levy and collection of) such tolls, rents, rates and other charges for the use of any toll crossing operated by the Department or any improvements or extensions thereof as it may deem necessary, proper, desirable and reasonable, and the Department may pledge such tolls, rates, rents and other revenues, or any part thereof, either presently received or to be received in the future, or both, as security for the repayment with interest of any moneys borrowed by it or advanced to it and as security for the satisfaction of any other obligation assumed by it under the authority of this chapter.

(b) Such tolls, rates, rents and other charges shall be so fixed and adjusted so as to provide funds at least sufficient, together with any other revenues of the Department, to pay the cost of maintaining, repairing and operating the toll crossings operated and maintained by the Department, and the principal of and the interest upon the outstanding revenue bonds of the Department, subject, however, to any applicable law or regulation of the United States of America now in force or enacted or made after July 27, 1955. Such tolls and all other revenues of the Department shall not revert to the General Fund of the State Treasury but shall at all times be available to the Department for the purposes set forth in this chapter. Such tolls, rates, rents or other charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of

the State.

(c) The Department shall not impose, establish, levy or collect a toll that it would otherwise be permitted to impose, establish, levy or collect under this section, for any emergency vehicle of a volunteer fire company or volunteer ambulance company, or any emergency vehicle engaged in the ordinary course of business of a volunteer fire company or a volunteer ambulance company.

(d) The Department shall not impose, establish, levy or collect a toll that it would otherwise be permitted to impose, establish, levy or collect under this section for any emergency vehicle of a police agency, including marked, semi-marked or unmarked vehicles, engaged in the ordinary course of business of a state, county or municipal police agency. (17 Del. C. 1953, § 421; 50 Del. Laws, c. 492, § 19; 57 Del. Laws, c. 671, § 3D; 70 Del. Laws, c. 269, § 1; 70 Del. Laws, c. 468, § 1.)

### **§ 421. Contributions.**

The Department, in addition to the moneys which may be received from the sale of bonds and from the collection of tolls and other revenues derived under this chapter, shall have authority to accept from any federal agency or other public or private body, or from any other source, grants or contributions of money or property for or in aid of the construction, maintenance or operation of the toll crossings maintained and operated by it or for or in aid of the construction, reconstruction or improvement of any highway which is authorized by this title, or for the payment of its bonds. (17 Del. C. 1953, § 422; 50 Del. Laws, c. 492, § 20; 57 Del. Laws, c. 671, §§ 3D, 3J.)

### **§ 422. Moneys as trust funds.**

All moneys received pursuant to this chapter, whether as proceeds from the sale of bonds or grants or other contributions, or as tolls and revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this chapter. The Department shall, in the resolution authorizing the issuance of bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds and the tolls and revenues to be received, to any officer, agency, bank or trust company, who shall act as trustee of such funds, and shall hold and apply the same to the purposes of this chapter, subject to such regulations as this chapter and such resolution or trust indenture may provide. (17 Del. C. 1953, § 423; 50 Del. Laws, c. 492, § 21; 57 Del. Laws, c. 671, § 3D.)

### **§ 423. State covenant for control of crossings.**

The State covenants and agrees with the holders of any of the bonds issued by the Department under this chapter, for which there may be pledged the revenues of the Department or any part thereof, that so long as said bonds or obligations

remain outstanding and unpaid and unless and until adequate provision is made by law for the protection of the persons advancing money upon such obligations, the State will not diminish or impair the power of the Department or of any successor thereof to operate or control any toll crossing constructed or maintained and operated by it, including the Delaware Memorial Bridge or to establish, levy and collect tolls, rates, rents or other charges in connection therewith. (17 Del. C. 1953, § 424; 50 Del. Laws, c. 492, § 22; 57 Del. Laws, c. 671, § 3D.)

#### **§ 424. Pecuniary interest of member or employee; penalty.**

Whoever, being a member or employee of the Department, is directly or indirectly pecuniarily interested in any contract or subcontract made in connection with the construction, improvement, repair, operation or maintenance of any toll crossing operated or maintained by the Department shall be fined not more than \$1,000 or imprisoned not more than 2 years or both. (17 Del. C. 1953, § 425; 50 Del. Laws, c. 492, § 24; 57 Del. Laws, c. 571, §§ 3D, 3K.)

#### **§ 425. Penalty for nonpayment of toll.**

Whoever uses or attempts to use any toll crossing operated or maintained by the Department without paying the toll at the rate then in force for such use, shall be fined not more than \$100 or imprisoned not more than 30 days or both. (17 Del. C. 1953, § 426; 50 Del. Laws, c. 492, § 24; 57 Del. Laws, c. 671, § 3D.)

#### **§ 426. Construction of chapter.**

This chapter shall be liberally construed to carry its purposes into effect. (17 Del. C. 1953, § 427; 50 Del. Laws, c. 492, § 26.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 353 and including 75 Del. Laws, c. 357, 376 and 379 effective June 29, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.



[§ 4301.](#) | [§ 4302.](#) | [§ 4303.](#) | [§ 4304.](#) | [§ 4305.](#) | [§ 4306.](#) | [§ 4307.](#) | [§ 4308.](#) | [§ 4309.](#) | [§ 4310.](#) | [§ 4311.](#) | [§ 4311A.](#)  
| [§ 4312.](#) | [§ 4313.](#) | [§ 4313A.](#) | [§ 4314.](#) | [§ 4315.](#) | [§ 4316.](#) | [§ 4317.](#) | [§ 4318.](#)

## TITLE 21

### Motor Vehicles

#### Operation and Equipment

#### CHAPTER 43. EQUIPMENT AND CONSTRUCTION OF VEHICLES

#### Subchapter I. Equipment Requirements

#### **§ 4301. Hard rubber tires.**

Every solid rubber tire on a vehicle moved on any highway shall have rubber at least 1 inch thick above the edge of the flange of the entire periphery on its entire traction surface. (36 Del. Laws, c. 10, § 121; Code 1935, § 5659; 21 Del. C. 1953, § 4301.)

#### **§ 4302. Projections from periphery of tires; exceptions.**

(a) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire, except as otherwise provided in this section. Farm machinery with tires having protuberances which will not injure the highway may be used, and tire chains of reasonable proportions may be used upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

(b) The use of studded tires on all motor vehicles using the highways of this State is permitted from October 15 to April 15. (36 Del. Laws, c. 10, § 121; Code 1935, § 5659; 21 Del. C. 1953, § 4302; 58 Del. Laws, c. 128.)

#### **§ 4303. Brakes -- General requirements.**

(a) Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and any trailer or semitrailer attached thereto including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least 2 wheels and shall be so constructed that no part which is liable to failure shall be common to the two. A motorcycle need be equipped with only 1 brake. All brakes shall be maintained in good working order and shall conform to regulations, not inconsistent with this subchapter, to be promulgated by the Secretary. All brakes shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(b) All braking distances specified in this subchapter shall apply to all vehicles mentioned herein, whether such vehicles are loaded or are not loaded to the maximum capacity permitted under Chapter 45 of this title. (36 Del. Laws, c. 10, § 123; 40 Del. Laws, c. 38, § 8; Code 1935, § 5661; 21 Del. C. 1953, § 4303; 57 Del. Laws, c. 670, § 15A.)

#### **§ 4304. Brakes -- Performance requirements.**

(a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed 1 percent.

(b) Under the road conditions mentioned in subsection (a) of this section, the hand brake shall be adequate to stop the vehicle within a distance of 55 feet and the hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the road conditions mentioned in subsection (a) of this section, the service brakes upon a motor vehicle equipped with 2-wheel brakes only shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet. (36 Del. Laws, c. 10, § 123; 40 Del. Laws, c. 38, § 8; Code 1935, § 5661; 21 Del. C. 1953, § 4304.)

#### **§ 4305. Brakes -- Trailers and semitrailers.**

No trailer or semitrailer with a gross weight of load and vehicle in excess of 4,000 pounds shall be operated on the highways of this State at a speed in excess of 10 miles per hour unless equipped with suitable brakes controlled by the operator of the towing vehicle. (36 Del. Laws, c. 10, § 123; Code 1935, § 5661; 21 Del. C. 1953, § 4305.)

#### **§ 4306. Horns and other sound devices; unlawful use.**

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.

(b) Except as otherwise provided, no vehicle shall be equipped with and no person shall use upon a vehicle any siren, exhaust, compression or spark plug whistle, and no person at any time shall use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.

(c) No person operating or occupying a motor vehicle on any street, highway, alley, or parking lot shall operate or permit the operation of any music amplification system, including, but not limited to, any radio, tape player, compact disc player, or any other electrical device used for the amplification of music in or on the motor vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unaided hearing faculties, however, words or phrases need not be discernible and bass reverberation alone shall be sufficient to so constitute.

(d) Subsection (c) of this section shall not apply to those in a parade which has been issued a permit nor to commercially licensed vendors in the legitimate operation of their businesses.

(e) Subsection (c) of this section shall not apply to any municipality of this State with a population in excess of 50,000 which has an ordinance addressing noise violations of that type. In the event that any such municipality repeals its ordinance without substituting requirements at least as restrictive as those found in subsection (c) of this section, then the provisions of subsection (c) of this section shall take effect within that municipality. (36 Del. Laws, c. 10, § 124; Code 1935, § 5662; 21 Del. C. 1953, § 4306; 74 Del. Laws, c. 399, § 1.)

#### **§ 4307. Warning devices for emergency vehicles.**

(a) Every police, fire department and fire patrol vehicle and every ambulance used for emergency calls, except as provided in subsection (b) of this section, shall be equipped with a bell, siren or exhaust whistle.

(b) A vehicle used by a fire chief, deputy chief, assistant fire chief, chief fire engineer or fire police officer of a duly organized fire department, which is not owned by or the property of the fire department, shall not be equipped with such warning devices. (36 Del. Laws, c. 10, § 124; Code 1935, § 5662; 21 Del. C. 1953, § 4307; 57 Del. Laws, c. 670, § 15A; 61 Del. Laws, c. 461, § 2; 62 Del. Laws, c. 165, § 1; 70 Del. Laws, c. 186, § 1.)

### **§ 4308. Rearview mirror.**

All motor vehicles and motorcycles shall be equipped with a mirror so placed that the driver thereof may readily ascertain the presence of any vehicle traveling in the same direction and overtaking the driver's vehicle. (36 Del. Laws, c. 10, § 125; Code 1935, § 5663; 21 Del. C. 1953, § 4308; 70 Del. Laws, c. 186, § 1.)

### **§ 4309. Obstructions to view on windshield or windows.**

(a) No person shall drive any vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear window of such motor vehicle, other than a certificate or other paper required to be so displayed by law.

(b) No person shall drive upon a highway a vehicle with a removable windshield placard issued pursuant to § 2135 of this title or pursuant to a similar statute of any other state or country hanging from or attached to the vehicle's front windshield rearview mirror. A person may be found guilty of violating this subsection whether or not the placard is valid. (36 Del. Laws, c. 10, § 126; Code 1935, § 5664; 21 Del. C. 1953, § 4309; 73 Del. Laws, c. 397, § 4.)

### **§ 4310. Windshield wiper.**

Every windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be so constructed as to be controlled or operated by the driver of the vehicle. (36 Del. Laws, c. 10, § 126; Code 1935, § 5664; 21 Del. C. 1953, § 4310.)

### **§ 4311. Mufflers; cutout prohibited.**

(a) No person shall drive a motor vehicle, including a motorcycle, on a highway, including residential streets, unless such motor vehicle or motorcycle is equipped with a muffler in good working order and in accordance with manufacturer's specifications and in constant operation to prevent excessive or unusual noise.

(b) No person shall use a "muffler cutout" on any motor vehicle upon a highway.

(c) It shall be unlawful to sell or offer for sale any muffler without interior baffle plates or other effective muffling devices or to sell or offer for sale any "guttled muffler," "muffler cutout" or "straight exhaust."

(d) The provisions of this section shall only apply if there is not a violation of § 4311A of this title. (36 Del. Laws, c. 10, § 127; 37 Del. Laws, c. 10, § 34; Code 1935, § 5665; 21 Del. C. 1953, § 4311; 59 Del. Laws, c. 371, § 1; 61 Del. Laws,

c. 478, § 1; 75 Del. Laws, c. 164, § 3.)

**§ 4311A. Muffler requirements for commercial vehicles equipped with engine compression brake devices.**

(a) No person shall drive a commercial vehicle equipped with an engine compression brake device on a highway, including residential streets, unless such commercial vehicle is also equipped with a muffler in good working order and in accordance with manufacturer's specifications and in constant operation to prevent excessive noise.

(b) For the purposes of this section, "engine compression brake device" shall mean any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine. (75 Del. Laws, c. 164, § 1.)

**§ 4312. Safety glass -- Equipment; definition.**

(a) No person shall operate, on any public highway or street in this State, any motor vehicle which is registered in the State and which has been manufactured or assembled on or after July 1, 1937, unless such motor vehicle and/or any trailer drawn thereby is equipped with safety glass, wherever glass is used in partitions, doors, windows or windshields.

(b) The term "safety glass" as used in this subchapter means glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken. (40 Del. Laws, c. 35, §§ 1, 2; Code 1935, §§ 5714, 5715; 41 Del. Laws, c. 234, § 1; 21 Del. C. 1953, § 4312.)

**§ 4313. Safety glass -- Federal safety standards applicable to windshield, front side windows and side wings; window tinting.**

(a) No person shall operate any motor vehicle on any public highway, road or street with the front windshield, the side windows to the immediate right and left of the driver and/or side wings forward of and to the left and right of the driver that do not meet the requirements of Federal Motor Vehicle Safety Standard 205 in effect at the time of its manufacture.

(b) Nothing in this section shall prohibit the use of any products or materials along the top edge of the windshield so long as such products or materials are transparent and do not encroach upon the AS-1 portion of the windshield as provided by FMVSS 205 and FMVSS 128.

(c) No person shall operate any motor vehicle on any public highway, road or street which does not conspicuously display a certificate by the manufacturer of any "after manufacture" window tinting material which may have been installed that such window tinting material meets the requirements of FMVSS 205 in effect at the time of the vehicle's manufacture. It shall be a valid defense to any charge under this subsection if the person so charged produces in court a validated mandatory inspection notice showing that the Division of Motor Vehicles has examined the motor vehicle since the date of offense and certifies compliance with FMVSS 205.

(d) No person shall be convicted under this section if that person possesses a statement signed by a licensed practitioner of medicine and surgery or osteopathic medicine or optometry verifying that tinted windows are medically necessary for the owner or usual operator of said vehicle.

(e) This section shall not apply to anodized glass which is correctly installed in the windshield and windows of an antique motor vehicle or street rod, as such are defined in §§ 2196 and 2197 of this title or of a motor vehicle validly insured under an antique, classic or street rod designated motor vehicle insurance policy that covers the motor vehicle, pursuant to § 2118 of this title.

(f) This section shall not apply to any surveillance vehicles operated by a police officer, as defined under § 8401(5) of Title 11. This exception shall not apply to marked vehicles, or those unmarked vehicles used primarily for regular duty patrols. (40 Del. Laws, c. 35, § 4; Code 1935, § 5717; 46 Del. Laws, c. 63; 21 Del. C. 1953, § 4313; 57 Del. Laws, c. 670, § 15B; 64 Del. Laws, c. 33, § 1; 67 Del. Laws, c. 227, § 1; 68 Del. Laws, c. 210, § 1; 70 Del. Laws, c. 357, § 1; 71 Del. Laws, c. 396, § 1; 74 Del. Laws, c. 393, § 1.)

#### **§ 4313A. Commercial window tinting.**

(a) No person who installs window tinting material in motor vehicles as part of a commercial activity shall do so in violation of the requirements of § 4313 of this title.

(b) Whoever violates subsection (a) of this section shall be fined not less than \$100 nor more than \$500. If any fee was charged for such installation, the violator shall pay restitution to the owner of the vehicle in the amount of the fee charged for installing the illegal window tinting. (74 Del. Laws, c. 39, § 1.)

#### **§ 4314. Lights and reflectors; change of original design or performance of vehicle.**

A person may not use on any motor vehicle or trailer any light, lamp or reflector that tends to change the original design or performance of the motor vehicle or

trailer, unless the light, lamp or reflector is of a type that has been approved by the Department and is mounted, adjusted and aimed in accordance with regulations adopted by the Secretary. Such regulations shall not violate the Federal Motor Vehicle Safety Standards. (66 Del. Laws, c. 109, § 1.)

### **§ 4315. Penalties for §§ 4301-4316.**

(a) Whoever violates §§ 4301-4305 of this title shall for the first offense be fined not less than \$25 nor more than \$115. For each subsequent like offense, the person shall be fined not less than \$57.50 nor more than \$230, or imprisoned not less than 10 nor more than 30 days, or both.

(b) Whoever violates §§ 4306-4311 of this title, except for § 4306(c) of this title, shall for the first offense be fined not less than \$10 nor more than \$28.75. For each subsequent like offense, the person shall be fined not less than \$28.75 nor more than \$100. Whoever violates § 4306(c) of this title shall be subject to a fine of at least \$50 and not to exceed \$250. For each subsequent offense such person shall be subject to a fine of at least \$125 and not to exceed \$500.

(c) Whoever violates § 4311A of this title shall be fined \$500.

(d) Whoever being the operator, owner or custodian of any motor vehicle which is operated in violation of §§ 4312-4316 of this title shall be fined not less than \$28.75 nor more than \$100.

(e) In case of any violation of §§ 4301-4316 of this title by any common carrier or person operating under a permit or certificate issued by any public authority, in addition to the penalties prescribed in this section, such permit or certificate shall be revoked or, in the discretion of the issuing authority suspended until such sections are satisfactorily complied with. (36 Del. Laws, c. 10, §§ 141, 142; 37 Del. Laws, c. 10, § 34; 38 Del. Laws, c. 30; 40 Del. Laws, c. 35, § 6; 40 Del. Laws, c. 37, § 1; Code 1935, §§ 5679, 5680, 5719; 45 Del. Laws, c. 292, § 2; 46 Del. Laws, c. 61; 21 Del. C. 1953, § 4315; 65 Del. Laws, c. 503, § 22; 68 Del. Laws, c. 9, §§ 41-43; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 399, §§ 2, 3; 75 Del. Laws, c. 164, § 2.)

### **§ 4316. Directional signal lights.**

All new vehicles licensed in this State must be equipped with directional signal lights. (21 Del. C. 1953, § 4316; 49 Del. Laws, c. 96, § 1.)

### **§ 4317. Protectors or flaps behind rear wheels of vehicles.**

(a) No person shall operate, cause or permit to be operated any bus or

commercial motor vehicle having a gross weight of 8,000 pounds or more, including semitrailers and trailers, upon the highways of this State unless it is equipped with suitable metal protectors or substantial flexible flaps behind the rearmost wheels of the vehicle or combination to prevent the projection of rocks, dirt, water or other substances to the rear and to minimize side spray.

(b) The flap, shield or other device shall extend down from the vehicle's body to not more than 8 inches above the road surface, but not more than 15 inches when the vehicle is in an unloaded condition. The protector or flap shall extend laterally at least the width of the tire being protected.

(c) If any bus or commercial motor vehicle, including semitrailers and trailers, is so designed or constructed that the objectives in subsection (a) of this section are accomplished by reason of fender or body construction or other means of enclosure, either permanent or temporary, then the requirements of this section have been satisfied.

(d) This section shall not apply to any farm tractor or to uncoupled truck tractors or other vehicles where the construction is such that complete freedom around the wheel area is necessary to secure the designed use of the vehicle.

(e) The Director of the Division of Motor Vehicles shall set and adopt such regulations as are necessary to implement this section.

(f) Whoever violates this section shall for the first offense be fined not less than \$10 nor more than \$28.75. For each subsequent like offense, the person shall be fined not less than \$28.75 nor more than \$100. (21 Del. C. 1953, § 4359; 57 Del. Laws, c. 684; 58 Del. Laws, c. 410; 65 Del. Laws, c. 503, § 23; 68 Del. Laws, c. 9, § 44; 70 Del. Laws, c. 186, § 1.)

### **§ 4318. Bumper, frame rail, and body heights.**

(a) No passenger vehicle or station wagon that is required to be registered under Chapter 21 of this title shall be registered or operated upon any highway of the State if the bumper height of such vehicle exceeds 22 inches from the ground to the bottom of the bumper, or if the vehicle frame rail is higher than the attached bumper, or if the maximum distance between the vehicle body and vehicle frame rail exceeds 3 inches.

(b) Vehicles not included in subsection (a) of this section that are required to be registered under Chapter 21 of this title shall not be registered or operated upon any highway of the State if the bumper height of such vehicle exceeds 30 inches from the ground to the bottom of the bumper, or if the vehicle frame rail is higher than the attached bumper, or if the maximum distance between the vehicle body and vehicle frame rail exceeds 3 inches.

(c) The following vehicles are exempt from this section: antique motor vehicles registered under § 2196 of this title; authorized emergency vehicles; motor vehicles with a gross vehicle weight rating of 10,000 pounds or greater; and vehicles registered with farm truck plates (FT tags), as defined in § 2113(1) of this title.

(d) Any person found guilty of operating a motor vehicle in violation of this section shall, for the first offense, be fined not less than \$50 nor more than \$115. For each subsequent like offense within one year, such person shall be fined not less than \$100 nor more than \$230. Measurements made with an over-the-counter measuring device shall be prima-facia evidence of a violation. (62 Del. Laws, c. 147, § 1; 68 Del. Laws, c. 9, § 45; 70 Del. Laws, c. 85, § 1; 70 Del. Laws, c. 186, § 1.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 353 and including 75 Del. Laws, c. 357, 376 and 379 effective June 29, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.



[§ 4101.](#) | [§ 4102.](#) | [§ 4103.](#) | [§ 4104.](#) | [§ 4105.](#)

## TITLE 21

### Motor Vehicles

#### Operation and Equipment

#### CHAPTER 41. RULES OF THE ROAD

##### Subchapter I. Obedience to and Effect of Traffic Laws

#### **§ 4101. Provisions refer to vehicles upon highways; exceptions; powers of local authorities.**

(a) The provisions of this title relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) That subchapter IX of this chapter shall apply upon highways and elsewhere throughout the State.

(3) That subchapter VIII of this chapter and § 4164 of this title shall apply upon highways and elsewhere throughout the State, except that subchapter VIII of this chapter and § 4164 of this title shall not apply upon any nonresidential, commercial property. For the purposes of this paragraph, "elsewhere" shall mean only those areas regulated by traffic-control devices which have been reviewed and approved as acceptable for the area by the Delaware Department of Transportation.

(4) Upon application by a majority of persons having a property interest in a private road or way upon which motor vehicles are driven, the appropriate agency or officer of any town, city or county in which such private property is located may petition the Department of Safety and Homeland Security (hereinafter "Department") in a manner prescribed by the Department, requesting the

Department assume jurisdiction over such private property. Upon acceptance of jurisdiction over the private property, the Department shall, by written notice, so notify each governmental body and property owner affected and shall supply copies of such notice to all appropriate courts and law-enforcement agencies. One week following the official acceptance of such jurisdiction, all provisions of Title 17 and this title shall apply to the affected private property. The installation and maintenance of all traffic-control devices authorized by the Department of Transportation shall be undertaken by the owners at no cost to the State.

(b) Local authorities, except as expressly authorized by law, shall not enact or enforce any rules or regulations contrary to this chapter. Traffic ordinances and regulations adopted by local authorities, and substantially conforming to the sections of this chapter, shall have the same force and effect as the traffic laws of this title. Whenever any provision of this title refers to a specific section of this title, such section shall be deemed to include substantially conforming ordinances and regulations enacted by local authorities. The court's notice of conviction for violating a local ordinance or regulation that substantially conforms to this title, when included in the person's driving record, shall be deemed to be equivalent to a violation of the state statute to which it conforms. This section shall not be deemed to affect the jurisdiction for violations of local traffic ordinances or regulations nor the fine to be imposed for such a violation. Local authorities may regulate the use of the highways by processions or assemblages. Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use nor requiring other or different or additional conditions than those specified in this chapter or otherwise regulating such use as seems best to such owner.

(c) The authority to authorize, maintain, install and remove all traffic-control devices necessary to implement this title is provided to the Department of Transportation and to local authorities in their respective jurisdictions by Chapter 1 of Title 17. Unless otherwise provided in this title, the authorities granted are uniformly applicable to all sections of this title.

(d) Liability for failure of owner to comply with traffic light signals. --

(1) The Department of Public Safety and/or the governing body of any city or any county may provide, by regulation or ordinance, for the establishment of a program imposing monetary liability on the owner of a motor vehicle for failure to comply with traffic light signals in accordance with the provisions of this subsection. This subsection allows the Department of Transportation and/or the governing body of any city or county to install and operate traffic light signal violation monitoring systems; provided however, that in the event the installation other than by the Department of Transportation on state-maintained streets or roads, the Department of Transportation must first approve such installation; and provided further that the duration of the yellow light change interval, at any

intersection where a traffic control photographic system or other traffic light signal violation monitoring system is in use, must be no less than the yellow light change interval duration specified in the design manual developed by the Department of Transportation.

(2) Liability -- The owner or operator of a vehicle which has failed to comply with a traffic light signal, as evidenced by information obtained from a traffic light signal violation monitoring system, shall be subject to a civil or administrative assessment not to exceed \$75; provided, however, that the city or county may provide for an additional assessment not to exceed \$10 if the civil or administrative assessment is not paid within 20 days, which assessment may be increased to an amount not to exceed \$20 if the assessment is not paid within 45 days, and may be increased to an amount not to exceed \$30 if the assessment is not paid within 90 days. Court costs or similar administrative fees not to exceed \$35 may also be assessed against an owner or operator who requests a hearing to contest the violation and is ultimately found or pleads responsible for the violation or who fails to pay or contest the violation in a timely manner. No assessments and court costs other than those specified in this subsection may be imposed. A violation for which a civil assessment is imposed under this subsection shall not be classified as a criminal offense and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance. Assessments collected as a result of a traffic control signal monitoring system shall be paid to the city or county which controlled the monitoring system, or the General Fund for personnel, after first being applied to reimburse the applicable state agencies for their costs of administering such systems.

(3) Definitions -- For purpose of this subsection only:

a. "Owner" means the registered owner of such vehicle on record with this or any other state; provided, however, that in the event that the owner is a vehicle leasing company, the "owner," for purposes of this subsection, shall mean the person shown on the records to be the lessee of such vehicle. Vehicle rental companies are excluded from the definition of "owner."

b. "Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces 2 or more photographs, or 2 or more microphotographs, or a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this subsection.

(4) Summons and notice of violation -- Any nonresident owner or operator of any motor vehicle which is operated or driven on the public streets, roads, turnpikes or highways of this State is deemed to have submitted to the jurisdiction of the Delaware courts for purposes of this subsection. Notwithstanding any other provision of the Delaware Code, a summons for a violation of this subsection may

be executed by mailing to any Delaware resident or nonresident by first class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Division of Motor Vehicles of this or any other state, as appropriate. Collection actions, including default judgment and execution, may proceed based upon jurisdiction obtained through the mailing by first class mail of a summons and subsequent court notices pursuant to this subsection. Every initial mailing shall include the:

- a. Name and address of the owner of the vehicle;
- b. Registration number of the motor vehicle involved in the violation;
- c. Violation charges;
- d. Location where the violation occurred;
- e. Date and time of the violation;
- f. Copies of 2 or more photographs, or microphotographs or other recorded images, taken as proof of the violation;
- g. Amount of the civil assessment imposed and the date by which the civil assessment should be paid;
- h. Information advising the summonsed person of the matter, time and place by which liability as alleged in the notice may be contested, and warning that the failure to pay the civil assessment or to contest liability in a timely manner is an admission of liability and may result in a judgment being entered against the summonsed person and/or the denial of the registration or the renewal of the registration of any of the owner's vehicles; and
- i. Notice of the summonsed person's ability to rebut the presumption that the summonsed person was the operator of the vehicle at the time of the alleged violation and the means for rebutting such presumption.

(5) Payment by voluntary assessment -- Persons electing to pay by voluntary assessment shall make payments to the entity designated on the summons for payment. Such entity may be the Justice of the Peace Court or an entity designated by the Court, the Department of Safety and Homeland Security, or by the city or county in which the traffic light was located. Procedures for payment under this subsection shall be as provided by court rule or policy directive of the Justice of the Peace Court, by regulation of the Department of Safety and Homeland Security, or by regulation, code or ordinance of the applicable city or county, and shall be in lieu of the procedures set forth in § 709 of this title.

(6) Procedures to contest the violation -- A person receiving the summons pursuant to this subsection may request a hearing to contest the violation by notifying, in writing, the entity designated on the summons within 20 days of the date. Upon receipt of a timely request for a hearing a civil hearing shall be scheduled and the defendant notified of the hearing date by first class mail. A civil hearing shall be held by the Justice of the Peace Court or such other entity as designated by the Department of Safety and Homeland Security or applicable county or city. The hearing may be informal and shall be held in accordance with Justice of the Peace Court rules or policy directive, regulation of the Department of Safety and Homeland Security, or by regulation, code or ordinance of the applicable city or county. Additional administrative collection processes may be established by Court rule, policy directive, regulation, code or ordinance, as applicable. Costs for such hearing shall not be assessed against the prevailing party. There shall be no right of transfer to the Court of Common Pleas.

(7) Failure to pay or successfully contest the violation -- If the owner or an operator identified by the owner fails to pay the civil penalty by voluntary assessment, request a hearing within the required time or submit an affidavit stating that the owner or operator identified was not the driver, the Division of Motor Vehicles may refuse to renew the registration of the owner's vehicle operated at the time the summons was issued. If the owner or an operator identified by the owner is found responsible at a hearing and fails to pay as ordered by the Court, or requests a hearing and fails to appear, the Division of Motor Vehicles shall suspend the license of the owner or operator.

Upon receiving a record of failure to comply, the clerk may enter a civil traffic judgment against the owner or operator in the amount of the civil penalty, costs, and any applicable penalty amounts, giving credit for any amount paid. Such judgment may, upon motion, be transferred by the Court to the civil docket. Any judgment so transferred may be executed and enforced or transferred in the same manner as other judgments of the Court and the Division of Public Safety or its designee, or the applicable city or county shall have authority to seek such execution, enforcement or transfer.

(8) Proof of violation -- Proof of a violation of this subsection shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this subsection. A certificate, or facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a traffic light signal violation monitoring system shall constitute prima facie evidence of the facts contained therein, if the certificate, or facsimile thereof, is sworn to or affirmed by a technician employed by a locality authorized to impose assessments pursuant to this subsection. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to regulation, ordinance or other law adopted pursuant to this subsection.

(9) Presumptions -- The owner of any vehicle found to be in violation of this subsection shall be held prima facie responsible for such violation in the same manner as provided for under § 7003 of this title, unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. Such presumption shall be rebutted if the owner:

a. Furnishes an affidavit by regular mail to the entity indicated on the summons that the owner was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle, or attaches a certified copy of a police report showing that the vehicle or license plate (s) thereof had been reported to the police as stolen prior to the time of the alleged violation of this subsection; or

b. Provides proof in court that the owner was not the operator of the vehicle at the time of the alleged violation or that the owner failed to comply with the traffic signal either in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession.

A summons may be issued to a person identified by affidavit or evidence in court as the actual operator of the vehicle shown to have violated the traffic light signal. There shall be a presumption that the person so identified was the driver. The presumption may be rebutted as described in this subsection.

(10) Notwithstanding any other provision in this section, if the motor vehicle which is found by the traffic light signal violation monitoring system to have failed to comply with a traffic light signal is commercially licensed, then the owner of that vehicle shall be sent notice of the date, time and location of the violation with 2 photographs thereof. Within 10 days of the receipt of said notice, the owner of the vehicle shall provide the law enforcement agency which has issued the summons with the name and address of the driver of the vehicle at the date, time and location of the violation and, within the same time period, shall provide the driver of the vehicle with the photographs of the violation. After receipt by the law enforcement agency which has issued the summons of the name and address of the driver of the vehicle at the time of the violation, the driver of the vehicle shall be prima facie responsible for such violation in the same manner as provided for under § 7003 of this title and shall be subject to the provisions of this section. Failure of the owner of the vehicle found to be in violation of subsection (d) to provide the name and address of the driver at the time of the violation within the period prescribed shall cause the owner to be held responsible as set forth in subsection (d)(4) of this section.

(11) Any person found responsible for a civil traffic offense shall have a right of appeal only in those cases in which the civil penalty imposed exceeds \$100, upon

giving bond with surety satisfactory to the judge before whom such person was found responsible, such appeal to be taken and bond given within 15 days from the time of the finding of responsible. Such appeal shall operate as a stay or supersedeas of all proceedings in the court below in the same manner that a certiorari from the Superior Court operates. The taking of such appeal shall constitute a waiver by the appellant of the appellant's right to a writ of certiorari in the Superior Court. Additional penalty assessments for late payment/response pursuant to subsection (d)(2) of this section shall be included in determining the amount of the civil penalty for purposes of determining the right to an appeal. (21 Del. C. 1953, § 4101; 54 Del. Laws, c. 160, § 1; 57 Del. Laws, c. 670, § 13A; 58 Del. Laws, c. 515, § 1; 60 Del. Laws, c. 701, § 8; 63 Del. Laws, c. 449, § 1; 68 Del. Laws, c. 390, §§ 1, 2; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 89, §§ 1, 2; 73 Del. Laws, c. 204, § 1; 74 Del. Laws, c. 66, § 1; 74 Del. Laws, c. 110, §§ 84, 85, 138; 74 Del. Laws, c. 301, § 1; 75 Del. Laws, c. 56, §§ 1-12.)

### **§ 4102. Required obedience to traffic laws.**

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter. (21 Del. C. 1953, § 4102; 54 Del. Laws, c. 160, § 1.)

### **§ 4103. Obedience to authorized persons directing traffic.**

(a) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or authorized flagperson or fire police officer or uniformed adult school crossing guard invested by law with authority to direct, control or regulate vehicle and pedestrian traffic. This subsection shall not operate to relieve a driver of the duty to operate the driver's vehicle with due regard to the safety of all persons using the highway.

(b) Any driver who, having received a visual or audible signal from a police officer identifiable by uniform, by motor vehicle or by a clearly discernible police signal to bring the driver's vehicle to a stop, operates the vehicle in disregard of the signal or interferes with or endangers the operation of the police vehicle or who increases speed or extinguishes the vehicle's lights and attempts to flee or elude the police officer shall be guilty of a class G felony, with a minimum fine of \$575 which may not be suspended. Upon receiving notice of such conviction the Secretary, at the Secretary's discretion, may forthwith revoke the operator's or chauffeur's license of the person so convicted for a period of 2 years. For each subsequent like offense, the person shall be guilty of a class E felony, with a minimum fine of \$1,150 which may not be suspended. Upon receiving a court notice of conviction for a subsequent like offense, the Secretary shall revoke the operator's or chauffeur's license for an additional 3-year period. It shall be an affirmative defense for this section if the driver proceeds at or below the posted speed limit to a safe location or, at nighttime to a well lit reasonable location and

stops the vehicle at that point that the driver is not guilty of this section.

(c) If any vehicle is witnessed by a police officer to be in violation of subsection (b) of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the persons in whose name such vehicle is registered, to whom a rental vehicle is leased or whose name appears on a company's records as driving a company vehicle, committed such violation of subsection (b) of this section. (21 Del. C. 1953, § 4103; 54 Del. Laws, c. 160, § 1; 57 Del. Laws, c. 141; 57 Del. Laws, c. 670, § 13B; 60 Del. Laws, c. 701, § 9; 64 Del. Laws, c. 164, § 1; 68 Del. Laws, c. 9, § 21; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 289, §§ 1-3.)

#### **§ 4104. Persons riding animals or driving animal-drawn vehicles.**

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application. (21 Del. C. 1953, § 4104; 54 Del. Laws, c. 160, § 1.)

#### **§ 4105. Persons and vehicles working on highways and utilities; exceptions.**

(a) Unless specifically made applicable, the provisions of this title, except those contained in subchapter IX of this chapter, shall not apply to persons, motor vehicles and other equipment while actually engaged in work upon a highway or in work upon utility facilities along a highway, so long as proper traffic-control devices are posted, but shall apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by traffic-control devices.

(c) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of the Secretary of Public Safety.

(d) Traffic-control devices shall be used as required in the standards adopted under § 147 of Title 17. Failure to comply with this section shall be cause for immediate cessation of operations in the affected area and the immediate reopening of the highway in a safe manner.

(e) Failure to comply with the lawful order to effect immediate cessation of operations and the reopening of the highway shall subject the violator to a fine of not less than \$115 nor more than \$575.

(f)(1) The driver of a vehicle who violates any of the following sections of this title shall be fined not less than double the enumerated amount for a 1st offense when the violation occurs within any highway construction or maintenance area indicated by traffic-control devices:

- a. § 4102 relating to obedience to traffic laws;
- b. § 4103 relating to obedience to authorized persons directing traffic;
- c. § 4107 relating to obedience to traffic-control devices;
- d. § 4110 relating to flashing signals;
- e. § 4114 relating to driving on the right side of roadway;
- f. § 4115 relating to passing vehicles proceeding in opposite directions;
- g. § 4116 relating to overtaking a vehicle on left;
- h. § 4117 relating to when overtaking on the right is permitted;
- i. § 4118 relating to limitations on overtaking on the left;
- j. § 4119 relating to further limitations on driving to the left of center of roadway;
- k. § 4120 relating to no-passing zones;
- l. § 4122 relating to driving on roadways laned for traffic;
- m. § 4123 relating to following too closely;
- n. § 4164 relating to stop signs and yield signs;
- o. § 4168 relating to general speed restrictions;
- p. § 4169 relating to specific speed limits;
- q. § 4175 relating to reckless driving;
- r. § 4176 relating to careless or inattentive driving;

- s. § 4177 relating to operation of vehicle while under the influence of alcohol and/or drugs;
- t. § 4178 relating to stopping, standing or parking; and
- u. § 4184 relating to limitations on backing.

(2) As used in this subsection, the phrase "within any highway construction or maintenance area indicated by traffic-control devices" shall mean that area between the first traffic-control device informing road users of their approach toward a work zone area until the last traffic-control device indicating all restrictions are removed and normal vehicle operations can resume. The phrase shall also include detour routes for highway construction or maintenance marked by traffic-control devices. "Traffic-control devices" and "work zone" shall have the same meaning as adopted pursuant to § 147 of Title 17, as amended. "Highway construction and maintenance area" shall also include construction and maintenance for utilities or railroads within or adjacent to the highway rights-of-way.

(3) Whenever practical, signs designed in compliance with regulations of the Department shall be appropriately placed to notify motorists that increased penalties apply for moving violations in construction or maintenance areas. However, the failure to post or an improper posting of such signs shall not be a defense to a violation of this section. (21 Del. C. 1953, § 4105; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 700, § 3; 67 Del. Laws, c. 342, § 1; 68 Del. Laws, c. 9, § 22.)

NOTICE: The Delaware Code appearing on this site was prepared by the Division of Research of Legislative Council of the General Assembly with the assistance of the Government Information Center, under the supervision of the Delaware Code Revisors and the editorial staff of LexisNexis, includes all acts up to and including 75 Del. Laws, c. 353 and including 75 Del. Laws, c. 357, 376 and 379 effective June 29, 2006.

DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.