

CHAPTER 189
FORMERLY
SENATE BILL NO. 56
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO HEAVY VEHICLE REGISTRATION, AND TO CREATE A TASK FORCE TO REVIEW THE EXISTING DELAWARE HEAVY VEHICLE WEIGHT LAW TO DETERMINE THE FEASIBILITY OF ITS IMPLEMENTATION.

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

Section 1. Amend Title 21, Section 2105(j) of the Delaware Code by deleting the phrase “January 1, 2010” and inserting in lieu thereof the phrase “July 1, 2011”.

Section 2. Legislative findings and directives. The General Assembly finds as follows:

(A) There is concern about the feasibility of implementation of the existing heavy vehicle weight law and how any proposed implementation may affect the trucking, construction and agricultural industries in Delaware.

(B) The current law may increase the cost of doing business for Delaware industries that utilize heavy vehicles while conducting business in Delaware.

(C) The current law (passed in 1990) has been delayed by previous acts of the General Assembly three times due to perceived inconsistencies and flaws within the law.

(D) The current law is scheduled to become effective on January 1, 2010, and some issues have not yet been addressed.

Section 3. The General Assembly directs that a Task force be created for the purpose of reviewing the existing law, focusing on the following:

1. Analysis of the current law and fiscal impact on the trucking, farming and construction industry in the event the State reduces truck registered weights to the manufacturer’s gross vehicle weight rating (MGVWR) as outlined in the existing law;

2. Analysis of traffic, safety and roadway and maintenance impacts related to heavy vehicle travel in Delaware and any relation the existing law, if implemented, would have on these concerns;

3. Provide a workable solution for truck owners who no longer have a MGVWR sticker on their vehicles and cannot provide evidence of what the MGVWR is for their vehicles; and

4. Explore the validity and merits of an exemption for agricultural vehicles hauling fresh, unprocessed produce in state.

Section 4. The General Assembly further directs that the task force provide legislative recommendations for any changes to the current law needed to eliminate any inconsistencies, which may include changes to ensure that any new law applies equally to all vehicles that traverse Delaware roadways.

Section 5. The General Assembly further directs the task force shall be made up of the following members:

1. Two (2) representatives of the Division of Motor Vehicles;
2. Two (2) representatives of the Department of Transportation;
3. One (1) representative of the Department of Agriculture;

4. One (1) representative of the Department of Safety and Homeland Security Administration;
5. Two (2) representatives of the Delaware State Police; and
6. One (1) representative of the Office of Highway Safety.
7. Two (2) members of the Delaware Farm Bureau; and
8. Two (2) members from the Transportation and Trucking Industry.

Section 6. The General Assembly further directs that administrative support for the task force shall be provided equally from the Division of Motor Vehicles and the Department of Safety and Homeland Security. The Task Force will provide a report of recommendations that will be submitted to the President Pro Tempore and Speaker of the House of Representatives by no later than January 1, 2010.

Section 7. The designation of Task Force members identified in subsections 1 through 6 of Section 5 shall be made by the heads of the respective agencies. The President Pro Tempore of the Senate shall select the Task Force members identified in subsections 7 and 8 of Section 5.

Approved July 30, 2009