



SPONSOR: Rep. Valihura & Sen. McDowell & Rep. M Marshall;
Rep. Johnson

HOUSE OF REPRESENTATIVES
144th GENERAL ASSEMBLY

HOUSE BILL NO. 240

AN ACT TO AMEND TITLES 10, 11, 18, 21 AND 30 OF THE DELAWARE CODE RELATING TO THE CREATION AND CLASSIFICATION OF CERTAIN MINOR OFFENSES AS CRIMES, VIOLATIONS OR CIVIL INFRACTIONS AND THE JURISDICTION, PROCEDURES AND RELATED PROVISIONS THEREFROM.

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

1 Section 1. Amend § 233, Title 11 of the Delaware Code by adding a new subsection “(d)” thereto to read as
2 follows:

3 “(d) Notwithstanding any contrary provision of this Section or any other law, rule or regulation, a civil
4 infraction as that term is defined in this Code shall not be deemed to be a crime or offense as defined in
5 this Section.”.

6 Section 2. Amend Title 11 of the Delaware Code by adding a new § 236 thereto which shall read as follows:

7 “§ 236. Definition of civil infraction.

8 (a) ‘Civil infraction’ means any violation of any statute in this Code that is explicitly designated as a
9 civil infraction by such statute or by a statute directly related thereto, and for which no imprisonment may
10 be imposed nor any assessment in excess of \$1,150.

11 (b) Notwithstanding any contrary provisions of § 233 of this Title or any other law, rule or
12 regulation, no violation of a statute in this Code that is explicitly designated as a civil infraction shall be
13 considered to be a crime or offense as defined in § 233 of this Title.

14 (c) Unless the statute defining a civil infraction or a statute directly related thereto expressly
15 provides otherwise, there shall be no entry on the criminal record or motor vehicle operating record of a
16 person held liable for an assessment for a civil infraction. Unless the statute defining a civil infraction or
17 a statute directly related thereto expressly provides otherwise, no motor vehicle points shall be assessed
18 against any person held liable for an assessment for a civil infraction. Whenever a statute defining a civil
19 infraction or a statute directly related thereto provides that there shall be an entry on the criminal record or
20 motor vehicle operating record of a person held liable for an assessment for a civil infraction, that entry
21 shall clearly identify such as a civil infraction and not a crime or offense as defined in § 233 of this Title
22 21.”.

23 Section 3. Amend § 2701(a), Title 11 of the Delaware Code by deleting the first sentence of that subsection and
24 substituting in lieu thereof the following:

25 “(a) The Justices of the Peace shall have original jurisdiction to hear, try and finally determine all
26 violations and civil infractions alleged to have been committed. They shall have original
27 jurisdiction to hear, try and finally determine all offenses and civil infractions committed within
28 the City of Wilmington against any of the laws, ordinances, regulations or charter of the City.”.

29 Section 4. Amend § 2701(b), Title 11 of the Delaware Code by deleting the first two (2) sentences of that
30 subsection and by substituting in lieu thereof the following:

31 “(b) The Court of Common Pleas for the State shall have original jurisdiction to hear, try and finally
32 determine all misdemeanors, violations and civil infractions alleged to have been committed
33 within the State, except where jurisdiction over such infractions or offenses is vested exclusively
34 in another Court.”.

35 Section 5. Amend § 5301, Title 11 of the Delaware Code by adding a subsection “(d)” thereto to read as follows:

36 “(d) Notwithstanding any law, rule or regulation to the contrary, any civil infraction that is within the
37 exclusive or original jurisdiction of another Court and which may be joined properly with civil
38 infractions, crimes or offenses that are within the jurisdiction of this Court shall also be deemed
39 to be within the jurisdiction of this Court. The proceedings in any case in which a civil
40 infraction and crimes or offenses have been properly joined shall be governed by the rules of
41 criminal procedure applicable to the crimes or offenses so joined.”.

42 Section 6. Amend § 5303, Title 11 of the Delaware Code by designating the entirety of the language of that
43 Section as subsection “(a)” thereof and by adding a subsection “(b)” thereto to read as follows:

44 “(b) Where a Justice of the Peace or alderman or mayor of any incorporated city or town has
45 jurisdiction and power to hear and finally determine the matter, no person may elect to have a
46 case that involves only a civil infraction or civil infractions tried by the Court.”.

47 Section 7. Amend § 5901, Title 11 of the Delaware Code by designating the entirety of the language of that
48 Section as subsection “(a)” thereof and by adding a subsection “(b)” thereto to read as follows:

49 “(b) No person may elect to have a case that involves only a civil infraction or civil infractions tried
50 by the Court of Common Pleas.”.

Section 8. Amend Chapter 19, Title 11 of the Delaware Code by adding a new Section thereto designated as § 1902A, which shall read as follows:

“§ 1902A. Stop for civil infraction.

(a) Notwithstanding any law, rule or regulation to the contrary, a peace officer is authorized to make an administrative stop of any person abroad, or in a public place, for purposes of enforcing any provision of this Code designated as a civil infraction when the officer has a reasonable and articulable suspicion that a violation of such a provision of this Code has occurred.

(b) Whenever any person is stopped for a civil infraction pursuant to subsection (a) of this Section, the peace officer may detain that person for a reasonable period of time necessary to identify the person, check for outstanding warrants, check the status of the person’s driver’s license or driving privileges, insurance identification card or a vehicle’s registration, where applicable to the purposes of the stop, where applicable to the purposes of the stop, and complete and issue a summons for or notice of the civil infraction.

(c) (1) Any person who is stopped pursuant to subsection (a) of this Section is required to identify himself or herself to the peace officer by giving his or her name, current address, and date of birth. When issued a summons pursuant to §1907A of this Title, the person is also required to sign an acknowledgement of receipt of the summons for or notice of the civil infraction. A person who fails to reasonably identify himself or herself to a peace officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a summons or notice for the civil infraction.

(2) Nothing in this subsection shall be deemed to preclude the continued detention of a person initially stopped pursuant to the provisions of this Section when a law enforcement officer has reasonable ground to suspect that the person is committing, has committed or is about to commit a crime or offense. Nothing in this subsection shall be deemed to preclude the arrest of a person initially stopped pursuant to the provisions of this Section when a law enforcement officer has probable cause to believe that the person is committing, has committed or is about to commit a crime or offense.

(d) An administrative stop made pursuant to this Section is not an arrest and shall not be recorded as an arrest in any official record.”.

Section 9. Amend § 1903, Title 11 of the Delaware Code by striking the phrase “§ 1902 of this Title” and by inserting in lieu thereof the phrase “§ 1902 or § 1902A of this Title”.

Section 10. Amend Chapter 19, Title 11 of the Delaware Code by adding a new Section thereto designated as § 1907A, which shall read as follows:

“§ 1907A. Summons for civil infraction.

(a) An investigating peace officer may issue a summons to a person for purposes of enforcing any provision of this Code designated as a civil infraction upon reasonable and articulable suspicion that a violation of such a provision of this Code has occurred. The summons issued shall be for an appearance at a subsequent date before a Justice of the Peace Court which is located in the same County wherein the infraction occurred, unless a Justice of the Peace Court located in another County is closer to the place where the infraction occurred, in which case the investigating officer may summon the person to appear at a subsequent date before said Court.

(b) Any summons for a civil infraction issued pursuant to this Section shall be in a written form substantially similar to that provided for in § 1907 of this Title or, where appropriate, in the form of a Uniform Traffic Complaint and Summons as provided for in Title 21 of this Code.

(c) If the person fails to appear in answer to the summons he or she shall be subject to the provisions of § 1907 of this Title, the provisions of § 702 of Title 21 or the provisions of Chapter 76 of Title 10.”.

Section 10A. Amend § 8513, Title 11 of the Delaware Code by adding a new subsection ‘(h)’ thereto to read as follows:

“(h) Notwithstanding any law or court rule to the contrary, criminal history record information disseminated pursuant to subsection (c) of this section shall not include information pertaining to any finding of responsibility for a civil infraction as set forth in § 236 of this Title. Nothing in this subsection shall prevent dissemination of such information to any court or criminal justice agency.”

Section 11. Amend § 701, Title 21 of the Delaware Code by deleting the word “arrests” as it appears in subsection (c) of that Section and replacing thereto with “stops” and by redesignating subsections (c), (d) and (e) of that Section as subsections (d), (e) and (f) thereto respectively.

Section 12. Further amend § 701, Title 21 of the Delaware Code by striking the title of the section striking subsections (a) and (b) of that Section in its entirety and by substituting in lieu thereof the following:

“§ 701. Arrest without warrant for motor vehicle violations; administrative stops for civil traffic infractions.

(a) The Secretary of Safety and Homeland Security, the Secretary of Safety and Homeland Security’s deputies, Division of Motor Vehicles investigators, State Police, state detectives and other police officers authorized by law to make arrests for violation of the motor vehicle and traffic laws of this State, provided such officers are in uniform or displaying a badge of office or an official police identification folder, may arrest a person without a warrant:

(1) For any violation of this Title, other than one (1) designated as a civil infraction as defined in § 236 of Title 11, that is committed in their presence; or

(2) For any violation of this Title, other than one designated as a civil infraction as defined in § 236 of Title 11, when the violation is determined by personal observation by another law enforcement officer who communicates the information to the arresting officer by radio or other telecommunications device, provided that the arresting officer is working in conjunction with the observing officer, the arresting officer is immediately advised of the violation and the vehicle or person being apprehended is the vehicle or person detected.

(b) Any law enforcement officer authorized to arrest without warrant under subsection (a) of this Section is further authorized at the scene of a motor vehicle accident, upon reasonable and probable cause to believe, based upon personal investigation which may include information obtained from eyewitnesses, that a violation of this Title, other than one designated as a civil infraction as defined in § 236 of Title 11, has been committed by any person then and there present, to arrest such person without a warrant of arrest.

(c) (1) Notwithstanding any contrary provision of any law, rule or regulation, any law enforcement officer authorized to arrest without warrant under subsections (a) or (b) of this Section is further authorized to make an administrative stop for purposes of enforcing any provision of this Title designated as a civil infraction as defined in § 236 of Title 11, upon reasonable and articulable suspicion that a violation of such a provision of this Title has occurred.

- 137 (2) Whenever any person is stopped for a civil infraction set forth in this Title, the law
138 enforcement officer may detain that person for a reasonable period of time necessary to
139 identify the person, check for outstanding warrants, check the status of the person's
140 driver's license or driving privileges, insurance identification card, and the vehicle's
141 registration, and complete and issue a summons for or notice of the civil infraction.
- 142 (3) Any person requested to identify himself or herself to a law enforcement officer
143 pursuant to an investigation of a civil infraction set forth in this Title has a duty to
144 identify himself or herself, give his or her current address, and sign an
145 acknowledgement of receipt of the summons for or notice of the civil infraction or
146 otherwise take receipt or custody of such acknowledgement in a manner prescribed by
147 law.
- 148 (4) Nothing in this subsection shall be deemed to preclude the continued detention of a
149 person initially stopped pursuant to the provisions of this subsection when a law
150 enforcement officer has reasonable ground to suspect that the person is committing, has
151 committed or is about to commit a crime or offense. Nothing in this subsection shall be
152 deemed to preclude the arrest of a person initially stopped pursuant to the provisions of
153 this subsection when a law enforcement officer has probable cause to believe that the
154 person is committing, has committed or is about to commit a crime or offense.”.

155 Section 13. Amend Chapter 5, Title 11 of the Delaware Code by redesignating current § 1257A as § 1257B and
156 by adding a new Section thereto designated as § 1257A, which shall read as follows:

157 “§ 1257A. Resisting detention for an administrative stop; class B misdemeanor.

158 A person is guilty of resisting detention for an administrative stop when the person
159 intentionally:

- 160 (a) prevents or attempts to prevent a peace officer from effecting a detention of
161 the person or another person for an administrative stop made pursuant to
162 §1902A of this Title or §701 of Title 21; or
- 163 (b) flees from a peace officer who is effecting such stop; or

(c) fails to provide the identifying information required or otherwise submit to the procedures provided under §1902A of this Title or §701 of Title 21 of the Delaware Code when such an administrative stop is effected.

Resisting detention for an administrative stop is a class B misdemeanor.”.

Section 14. Amend § 703, Title 21 of the Delaware Code by redesignating current subsections (c), (d), (e), (f), and (g) thereof as subsections (d), (e), (f), (g), and (h) and by inserting a new subsection “(c)” thereto as follows:

“(c) An investigating peace officer may issue a summons to a person for purposes of enforcing any provision of this Title designated as a civil infraction upon reasonable and articulable suspicion that a violation of such a provision of this Title has occurred. The summons issued shall be for an appearance at a subsequent date before a Justice of the Peace Court which is located in the same County wherein the infraction occurred, unless a Justice of the Peace Court located in another County is closer to the place where the infraction occurred, in which case the investigating officer may summon the person to appear at a subsequent date, before said Court. Notwithstanding the foregoing, any case in which a person is issued a summons within the corporate limits of the city of Milford for the purpose of enforcing any provision of this Title designated as a civil infraction shall be heard and adjudicated in the nearest available Justice of the Peace Court location in Kent County. Once properly within the jurisdiction of a particular Justice of the Peace Court location, that location shall retain jurisdiction until final adjudication, unless a transfer of venue is permitted by statute or court rule.”.

Section 15. Amend § 703A, Title 21 of the Delaware Code by designating the current language of that Section as subsection (a) of that Section and by inserting a new subsection “(b)” thereto as follows:

“(b) Unless a statute within this Title defining a civil infraction or a statute directly related thereto expressly provides otherwise, there shall be no entry on the motor vehicle operating record of a person held liable for an assessment for a civil infraction. Unless the statute within this Title defining a civil infraction or a statute directly related thereto expressly provides otherwise, no motor vehicle points shall be assessed against any person held liable for an assessment for a civil infraction. When reporting of a finding of liability for a civil infraction is required, such reporting shall be deemed acceptable if it is made in either written form or by electronic data

192 transfer. The original documents related to the finding of responsibility shall be retained by the
193 Court and forwarded to the Division upon request.”.

194 Section 16. Amend § 709(a), Title 21 of the Delaware Code by deleting the first two sentences of that subsection
195 and by substituting in lieu thereof the following:

196 “(a) Applicability.
197 Any duly constituted peace officer in the State who charges any person with any of the offenses
198 hereinafter designated ‘motor vehicle offenses subject to voluntary assessment’ or who issues a
199 summons for a civil infraction set forth in this Title may indicate on the Uniform Traffic
200 Complaint and Summons that the fine or civil assessment shall be paid by voluntary assessment
201 unless the driver requests a hearing. When a voluntary assessment is permitted and the Uniform
202 Traffic Complaint and Summons is properly executed by the officer, the driver may dispose of
203 the charge or civil infraction without the necessity of personally appearing in the Court to which
204 the Uniform Traffic Complaint and Summons is returnable.”.

205 Section 17. Further Amend § 709, Title 21 of the Delaware Code by striking the language of subsections (e), (f),
206 (g), (h), (i), (j) and (k) of that Section in its entirety and by substituting in lieu thereof the following:

207 “(e) Offenses or civil infractions designated as ‘motor vehicle offenses or civil infractions subject to
208 voluntary assessment’; exceptions.

209 All offenses or civil infractions as now or hereafter set forth in this Title and all motor vehicle
210 offenses or civil infractions falling within the scope of § 5211(a) of Title 30 are hereby
211 designated as motor vehicle offenses or civil infractions subject to voluntary assessment except
212 for the following offenses:

- 213 (1) Violation of § 2118 of this Title;
214 (2) Violation of § 2118A of this Title;
215 (3) Violation of § 2701 of this Title;
216 (4) Violation of § 2751 of this Title;
217 (5) Violation of § 2752 of this Title;
218 (6) Violation of § 2756 of this Title;
219 (7) Violation of § 4103 of this Title;
220 (8) Violation of § 4175 of this Title;

221 (9) Violation of § 4175A of this Title;
222 (10) Violation of § 4176A of this Title;
223 (11) Violation of § 4176B of this Title;
224 (12) Violation of § 4177 of this Title;
225 (13) Violation of § 4177L of this Title;
226 (14) Violation of § 4177M of this Title;
227 (15) Violation of § 4201 of this Title;
228 (16) Violation of § 4202 of this Title;
229 (17) Any violation of Chapter 67 of this Title; and
230 (18) Violations of other Sections of this Title which are deemed not appropriate for processing
231 by voluntary assessment.
232 (f) Procedures for voluntary assessment.
233 (1) At the time of making an arrest or stop for any offense or civil infraction subject to this
234 Section, the arresting or investigating officer shall determine whether the offense or
235 civil infraction may be handled as a voluntary assessment. If the officer determines that
236 the offense or civil infraction may be so treated, the officer may indicate on the
237 Uniform Traffic Complaint and Summons that payment shall be made by voluntary
238 assessment, unless the driver requests a hearing on the charge(s) or infraction(s). The
239 officer shall inform the detained or arrested person of the Court or voluntary assessment
240 center to which payment should be submitted if the person does not request a hearing.
241 No officer shall receive or accept custody of a payment.
242 (2) A driver who has been given a Uniform Traffic Complaint and Summons which
243 specifies that payment be made by voluntary assessment shall pay the fine or civil
244 assessment, together with costs and penalty assessments, within 30 days from the date
245 of arrest or stop during which time payment must be received by the applicable Court
246 or voluntary assessment center.
247 (3) In lieu of paying the voluntary assessment, a driver who has been given a voluntary
248 assessment may request a hearing by notifying, in writing, the Court or the voluntary
249 assessment center to which payment is to be made within 30 days of the date of arrest

or stop. If the driver makes a timely request for a hearing in a matter involving a crime or offense, the charge shall be prosecuted as if the voluntary assessment had not been permitted and the officer shall swear to the ticket prior to trial. If the driver makes a timely request for a hearing in a matter involving a civil infraction, the infraction shall be proceeded upon as if the voluntary assessment had not been permitted and the provisions of this Title and Chapter 76 of Title 10 shall apply.

(4) If a voluntary assessment is not issued or the driver declines to accept the voluntary assessment, the officer shall follow the procedure for arrest as set forth in Chapter 19 of Title 11, or in the case of a civil infraction, the officer shall follow the procedures set forth in this Title and Chapter 76 of Title 10.

(g) Penalty or assessment.

The penalty or assessment for offenses or civil infractions for which a voluntary assessment payment is made shall be the minimum fine or assessment for each specific offense charged and/or civil infraction alleged and fines and assessments shall be cumulative if more than one (1) offense or infraction is charged or alleged. Provisions of this subsection as to penalties or assessments under voluntary assessment shall not apply if the voluntary assessment payment is not received by the voluntary assessment center or the applicable Court within 30 days from the date of arrest or stop.

(h) Court costs; applicability of Delaware Victim Compensation Law.

In lieu of any other Court costs, and provided the offense or civil infraction is not subject to other proceedings under this Section, each fine or assessment for an offense or civil infraction under this Section shall be subject to Court costs for processing a voluntary assessment agreement as prescribed by § 9801 of Title 10. Each fine or assessment for an offense or civil infraction under this Section shall be subject also to the penalty assessment which is or may be provided for in the Delaware Victim Compensation Law, Chapter 90 of Title 11, and any other penalty assessments as provided by law.

(i) Effect of payment of fine or signature; repeat offenders.

(1) Payment of the prescribed fine, civil assessment, costs, or penalty assessment is an admission of *nolo contendere* for an offense or violation or an answer of no contest of

responsibility for a civil infraction, a waiver of the right to a hearing, and a complete satisfaction of the violation or civil infraction, except as provided in paragraph (2) of this subsection. Anything in this Section notwithstanding, if an agreement for a voluntary assessment is signed by the driver, the signature of the driver shall constitute an acknowledgment of guilt of the stated offense or an admission of responsibility for the stated civil infraction and an agreement to pay the fine or assessment, together with costs and penalty assessment within 30 days from the date of arrest or stop. Payment does not waive any administrative penalty which may be lawfully charged to the violator's driving record by the Department of Transportation.

(2) In the event that, following compliance with the payment provisions of this Section, it is determined that within the two-year period immediately preceding the violation or infraction, the person was convicted of, found responsible for or made a payment pursuant to this Section in satisfaction of a violation or infraction of the same Section of this Title, personal appearance before the Court to which the summons is returnable or the Court which is associated with the applicable voluntary assessment center may be required.

(j) Failure to pay a voluntary assessment.

(1) The voluntary assessment center shall, pursuant to § 2731 of this Title, forward to the Division of Motor Vehicles or its successor the name and address of any driver who was issued a Uniform Traffic Complaint and Summons for which a voluntary assessment could be made and who has:

a. Failed to pay the voluntary assessment within 30 days from the date of arrest or stop;

and

b. Not notified the Court or voluntary assessment center within 30 days from the date of arrest or stop, in writing, that he or she is requesting a hearing on the charge or infraction stated in the Uniform Traffic Complaint and Summons. The Division of Motor Vehicles shall then suspend the driver's license for Delaware residents, or may suspend the driving privileges in this State of a nonresident of Delaware and immediately advise the Motor Vehicle

Administrator of the state wherein the person is a resident that the person's
license to drive be suspended in accordance with § 2732(g) of this Title.

(2) If a driver pays a voluntary assessment more than 30 days after the date of arrest or
stop, the voluntary assessment center or Court shall provide the driver with a receipt
which shall serve as proof to the Division of Motor Vehicles that the fine or civil
assessment has been paid, upon request. The driver shall provide the voluntary
assessment center with a self-addressed, stamped envelope in order to receive a copy of
the receipt by mail. Such payment shall be an admission of guilt or responsibility for a
civil infraction, a waiver of the right to a hearing, and a complete satisfaction of the
violation or infraction, except as provided in paragraph (i)(2) of this Section.

(3) (a) If a driver who has been charged with a crime or offense under this Title and
who has failed to pay a voluntary assessment or request a hearing within 30
days of the date of arrest appears at Court, the charge shall be prosecuted as if
the voluntary assessment had not been permitted and the officer shall swear to
the Uniform Traffic Complaint and Summons prior to trial. The minimum
fine provisions of subsection (g) shall not apply. If the driver who appears
pleads not guilty, the Court shall provide the driver with a copy of the
appearance bond to provide as proof of Court appearance to the Division of
Motor Vehicles or its successor.

(b) If a driver who has been alleged to be responsible for a civil infraction under
this Title and who has failed to pay a voluntary assessment or request a
hearing within 30 days of the date of stop appears at Court, the civil infraction
shall be proceeded against as if the voluntary assessment had not been
permitted and the provisions of Chapter 76 of Title 10 shall apply. The
minimum assessment provisions of subsection (g) of this Section shall not
apply. If the driver who appears contests responsibility for the civil infraction,
the Court shall provide the driver with a copy of an appearance bond to
provide as proof of Court appearance to the Division of Motor Vehicles or its
successor.

337 (4) The Court shall forward to the Division of Motor Vehicles or its successor the name
338 and address of any driver who fails to appear for trial or hearing on the date and time
339 required by the Court, or who fails to comply with a deferred payment order, on a
340 motor vehicle charge or civil infraction issued under this Section. The Division of
341 Motor Vehicles shall then suspend the driver's license for Delaware residents, or may
342 suspend the driving privileges in this State of a nonresident of Delaware and
343 immediately advise the Motor Vehicle Administrator of the State wherein the person is
344 a resident that the person's license to drive be suspended in accordance with § 2732(g)
345 of this Title.

346 (k) Nonexclusive procedure.

347 The procedure prescribed in this Section is not exclusive of any other method prescribed by law
348 for the arrest and prosecution of persons violating this Title. The procedure prescribed in this
349 Section is not exclusive of any other method prescribed by law for the stop and proceeding
350 against of persons alleged to have committed a civil infraction defined in this Title.”.

351 Section 18. Amend § 9012, Title 11 of the Delaware Code by redesignating subsection “(b)” of that Section as
352 subsection “(c)” of that Section and adding a new subsection “(b)” thereto to read as follows:

353 “(b) Where the statute defining a civil infraction, as defined in § 236 of this Title, or a statute directly
354 related thereto expressly so provides, the victim's compensation penalty assessment provided for
355 in this Section shall be assessed in the same manner as for crimes and offenses as set forth in
356 subsection (a) of this Section.”.

357 Section 19. Amend § 4101(d), Title 11 of the Delaware Code by adding a third sentence to the first paragraph of
358 that subsection to read as follows:

359 “Where the statute defining a civil infraction, as defined in § 236 of this Title, or a statute directly related thereto
360 expressly so provides, the penalty assessment provided for in this subsection shall be assessed in the same manner as for
361 crimes and offenses as set forth in this Section.”.

362 Section 20. Amend Title 10 the Delaware Code by adding a new Chapter thereto designated as Chapter 76 which
363 shall read as follows:

364 “CHAPTER 76. CIVIL INFRACTIONS

365 § 7601. Applicability.

Unless the statute defining a civil infraction or a statute directly related thereto expressly provides otherwise, the provisions of this Chapter shall apply to the proceedings for any civil infraction as defined in § 236 of Title 11.

§ 7602. Notice of civil infraction; amendment of notice.

- (a) In addition to the notice of a civil infraction provided for by summons issued pursuant to § 1907A of Title 11 or § 703 of Title 21, a Court with jurisdiction over a civil infraction may issue a notice of civil infraction upon receipt of a written statement of an investigating law enforcement officer or the Attorney General that there is reasonable and articulable suspicion to believe that a civil infraction was committed. Notice of a civil infraction may also be by indictment or information if such civil infraction is properly joined with crimes or offenses.
- (b) A summons for a civil infraction properly issued pursuant to § 1907A of Title 11 or § 703 of Title 21 or a notice of civil infraction issued pursuant to subsection (a) of this Section represents a determination that an infraction has been committed. That determination will be final unless contested as provided in this Chapter or in applicable court rules governing such proceedings.

§ 7603. Response to notice; contesting determination; hearing; failure to respond or appear; default judgment.

- (a) Any person who receives a summons for or notice of a civil infraction shall respond to such summons or notice in a manner as provided in this Section or in applicable court rules governing such proceedings within thirty days of the date of the summons or notice or, where applicable, as provided in § 709 of Title 21.
- (b) If the person determined to have committed the infraction does not contest the determination and responsibility for the infraction, the person shall respond to the Court or voluntary assessment center to which the summons or notice is returnable in a manner provided for in this Section or in applicable court rules governing such proceedings.
- (c) If the person determined to have committed the infraction wishes to contest the determination and responsibility for the infraction, the person shall respond to the court to which the summons or notice is returnable by requesting a contested hearing in a manner provided for in this Section or in applicable court rules governing such proceedings. The Court shall notify the person in writing of the time, place, and date of the hearing.

(d) If the person determined to have committed the infraction does not contest the determination or responsibility for the infraction, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond to the Court to which the summons or notice is returnable in a manner provided for in this Section or in applicable court rules governing such proceedings.

The Court shall notify the person in writing of the time, place, and date of the hearing.

(e) (1) In hearings conducted pursuant to subsection (c) or (d) of this Section, the Court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order finding responsibility for an infraction, for up to one (1) year and impose conditions upon the respondent the Court deems appropriate. Upon deferring findings, the Court may assess a civil assessment and costs as the Court deems appropriate for administrative processing. If at the end of the deferral period the respondent has met all conditions and has not been determined to have committed another civil infraction, the Court may dismiss the civil infraction.

(2) This subsection shall not be available to:

- a. any person who has previously been granted a deferral within five (5) years of the current infraction; or
- b. any person alleged to have committed with an infraction involving a motor vehicle who holds a Commercial Driver License (CDL) as defined in § 2603 of Title 21; or
- c. any person alleged to have committed with an infraction involving the operation of a Commercial Motor Vehicle (CMV) as defined in § 2603 of Title 21.

(f) If any person issued a summons for or notice of a civil infraction:

- (1) Fails to respond to the summons for or notice of a civil infraction as provided in subsection (b) of this Section; or
- (2) Requests a hearing pursuant to subsection (c) or (d) of this Section and fails to appear at such requested hearing; or
- (3) Fails to either pay a voluntary assessment for a civil infraction within the time specified on the summons or notice or to notify the Court or voluntary assessment

center or applicable entity within the required time that he or she wishes to have a hearing on the infraction;

a default judgment may be entered against the respondent. In the case of a default judgment the court shall enter an appropriate order assessing the civil assessment prescribed for the infraction or any other assessment authorized by this Chapter. The Court may also enter such orders as may be appropriate and authorized under the provisions of §§ 1907 or 1907A of Title 11, the provisions of § 702 or § 709 of Title 21 or other provisions of this Chapter. Such judgments may be vacated or enforced consistent with other provisions of this Chapter or applicable court rules governing such proceedings.

(g) At any time after a summons for or notice of a civil infraction or civil infractions has been issued, the State may request voluntary dismissal of the determination that any one, another or all such civil infractions alleged to have been committed. Such request shall be made by the Attorney General in any case in which the Delaware Department of Justice has entered its appearance. In any case in which the Delaware Department of Justice does not intend to enter its appearance, such a request for voluntary dismissal may be made by the investigating law enforcement agency.

§ 7604. Refusal of registration renewal.

(a) When a person's name and address is forwarded to the Division of Motor Vehicles pursuant to § 709(j) of Title 21 due to a failure to appear or pay arising from a civil infraction and the infraction was one for which the person received service or the summons for or notice of infraction by mail and the person has not responded within the required time by either paying the civil assessment or requesting a hearing or, submitting an affidavit stating that he or she was not the driver, if applicable, the Division of Motor Vehicles may deny the renewal of the registered owner's vehicle operated at the time the summons or notice was issued.

(b) Notwithstanding the provisions of subsection (a) of this Section, where the vehicle operated at the time the summons or notice was issued was operated by a minor with the consent of the registered owner and such minor or registered owner has not responded within the required time by either paying the civil assessment or requesting a hearing, the Division of Motor Vehicles may deny the renewal of the registered owner's vehicle operated at the time the summons or notice was issued.

§ 7605. Pre-hearing procedures.

(a) Pursuant to the rules governing civil infractions promulgated by a court in which such infractions are heard, the respondent and the State may request that such court issue subpoena for the attendance of witnesses and/or the production of documentary evidence at a hearing held pursuant to § 7603 (c) of this Title.

(b) The rules governing civil infractions promulgated by a court in which such infractions are heard may establish procedures for the pre-hearing inspection and discovery of persons and things that might lead to evidence admissible at the civil infraction hearing. Such rules may also establish sanctions for the failure to comply with those rules.

§ 7606. Hearings.

(a) All proceedings commenced to contest the determination and responsibility for a civil infraction shall be heard by the court without a jury.

(b) The Delaware Rules of Evidence should be followed insofar as practicable; however, any evidence offered may be admitted subject to a determination by the court that the offered evidence is relevant and material and has some probative value to a fact at issue. Nothing in this subsection is to be construed as abrogating the provisions of any rule of evidence or any statute relating to privileged communications.

(c) The burden of proof is upon the State to establish that the respondent is responsible for the civil infraction by a preponderance of the evidence.

(d) (1) If all elements of a civil infraction are proven by a preponderance of the evidence, the court shall find the respondent responsible and enter the appropriate judgment.

(2) If any element of a civil infraction is not proven by a preponderance of the evidence, the court shall dismiss the infraction and enter an appropriate judgment, provided, however, that the court may find the respondent responsible for a lesser included civil infraction, if based on the evidence offered, and enter an appropriate judgment.

(3) If the Court finds the respondent responsible for the civil infraction, the Court shall inform the respondent of his or her right to appeal provided under this Chapter.

(e) In proceedings to explain mitigating circumstances:

- 480 (1) The procedure shall be informal and shall be limited to the issue of mitigating
481 circumstances. A person who requests to explain mitigating circumstances shall not be
482 permitted to contest the determination or responsibility for the civil infraction.
- 483 (2) After the Court has received the explanation, the Court shall enter a judgment
484 finding the respondent responsible for the civil infraction and assessing such civil
485 assessment as it deems appropriate under the law.
- 486 (3) The Court, after receiving the explanation may vacate the admission of
487 responsibility and dismiss the civil infraction with prejudice only where the explanation
488 of mitigating circumstances establishes that the civil infraction was not committed or
489 otherwise for good cause shown.
- 490 (4) There shall be no appeal from an order entered under this the subsection.

491 § 7607. Payment of assessments; penalties and costs.

- 492 (a) Upon being found responsible for a civil infraction, all the costs shall be paid by the respondent
493 found responsible.
- 494 (b) Unless the statute defining a civil infraction or a statute directly related thereto expressly provides
495 otherwise, the videophone assessment provided for in § 4101(d) of Title 11 shall not be assessed
496 for a civil infraction.
- 497 (c) Unless the statute defining a civil infraction or a statute directly related thereto expressly provides
498 otherwise, the victim's compensation penalty assessment provided for in § 9012 of Title 11 shall
499 not be assessed for civil infractions.
- 500 (d) Unless the statute defining a civil infraction or a statute directly related thereto expressly provides
501 otherwise, court costs for civil infractions shall be as set forth in §9801 of Title 10, any other
502 applicable statute, any applicable rule of the court exercising jurisdiction over the matter or as
503 otherwise provided by law.
- 504 (e) Immediately upon imposition by a court of a civil assessment or costs or both, including a default
505 judgment, the same shall be a judgment against the person found responsible for the full amount
506 of the assessment or costs or both. If not paid promptly upon its imposition or in accordance
507 with the terms of the order of the Court, the clerk may, upon motion of either party or the Court
508 *sua sponte*, cause the judgment to be transferred to the civil judgment docket whence it may be

executed and enforced or transferred in the same manner as other judgments of the Court;
provided, however, that where a stay of execution is otherwise permitted by law such a stay shall
not be granted as a matter of right, but only within the discretion of the court.

(f) Any governmental entity to which assessments, penalties or costs for a civil infraction are payable
pursuant to this Section or any other provision of law may pursue execution on such judgment.
Such judgment may be executed by a designee or assign of such governmental agency.

(g) Upon any reversal of a finding of responsibility, the State Treasurer shall remit to each person, or to
the attorney of such person, any civil assessment or costs or both which was later set aside by a
Court of higher jurisdiction upon a *certiorari* or appeal from the lower Court, in the same
manner as provided in § 4103 of Title 11 for fines.

(h) For purposes of ensuring the payment of civil assessments and costs and the enforcement of any
orders imposed, the Court shall retain jurisdiction over the person found responsible for a civil
infraction until any civil assessment or costs imposed are paid in full. The Court may discharge
the civil assessment and costs of any person found responsible when the Court receives evidence
that such person is deceased.

(i) The provisions of § 706 of Title 21 shall be applicable to the disposition of amounts collected for
civil assessments and costs related to civil infractions set forth in Title 21.

§ 7608. Liability for greater assessment because of previous finding of responsibility or conviction under prior law
or the laws of other jurisdictions.

(a) Notwithstanding any provision of law to the contrary, if a previous finding of
responsibility for a specified civil infraction or conviction for an offense would make the
defendant liable to an assessment greater than that which may be imposed upon a person not so
previously found or convicted, that previous finding of responsibility or conviction shall make
the respondent liable to the greater assessment if that previous finding of responsibility or
conviction was:

- (1) For a civil infraction, crime or offense specified in the laws of this
State or for a civil infraction, crime or offense which is the same as, or equivalent
to, such civil infraction as the same existed and was defined under the laws of this
State existing at the time of such finding of responsibility or conviction; or

(2) For a civil infraction, crime or offense specified in the laws of any other state, local jurisdiction, the United States, any territory of the United States, any federal or military reservation, or the District of Columbia which is the same as, or equivalent to, a civil infraction, crime or offense specified in the laws of this State.

(b) This section shall apply to any civil infraction or civil assessment provision defined in this Code unless the statute defining such infraction or civil assessment provision or a statute directly related thereto expressly provides that this section is not applicable to such infraction or civil assessment provision.

§ 7609. Appeal.

(a) Any persons found responsible after a hearing held pursuant to § 7603(c) of this Title for a civil infraction as defined in § 236 of Title 11, or under any municipal ordinance or other law, within the State before an alderman or mayor of any incorporated city or town, shall have the right of an appeal, unless otherwise stated in this Chapter, to the Court of Common Pleas, upon giving bond in a sum equal to the assessment and court costs levied to the State with surety satisfactory to the alderman, mayor or judge before whom such person was found responsible for the civil infraction, such appeal to be taken and bond given within 15 days from time of the finding of responsibility. 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. Such appeal to the Court of Common Pleas shall be heard *de novo*.

(b) Except as provided in subsection (a) of this Section, any person found responsible after a hearing in the Justice of the Peace Court held pursuant to § 7603(c) of this Title for a civil infraction as defined in § 236 of Title 11 shall have the right of an appeal to the Court of Common Pleas only in those cases in which the civil assessment for the infraction exceeded \$100, upon giving bond with surety satisfactory to the justice of the peace or judge before whom such person was found responsible for the civil infraction, such appeal to be taken and bond given within 15 days from the time of the finding of responsibility. 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 writ of *certiorari* in the Superior Court. Such appeal to the Court of Common Pleas shall be heard *de novo*.

(c) Any person found responsible after a hearing in the Court of Common Pleas held pursuant to § 7603(c) of this Title for a civil infraction as defined in § 236 of Title 11 shall have the right of an appeal to the Superior Court in those cases in which the civil assessment for the infraction exceeded \$100, upon giving bond with surety satisfactory to the Court of Common Pleas, such appeal to be taken and bond given within 15 days from the time of the finding of responsibility. Such appeal to the Superior Court shall be heard on the record of the proceedings below and shall not be heard *de novo*.

(d) In any case where responsibility for multiple civil infractions is found or where multiple civil assessments are imposed for separate findings of responsibility, each civil assessment for each infraction, which shall exclude any statutory surcharges or other costs, must be considered separately and a person found responsible may not aggregate civil assessments from such separate infractions for purposes of meeting the jurisdictional requirements of this Section.

§ 7610. Jurisdiction over certain children.

The Justice of the Peace Court, or where appropriate, the Court of Common Pleas shall have jurisdiction over children age 16 or 17 years of age or older charged with a civil infraction set forth in Title 21 except when said child is also charged in the same incident with having violated one (1) or more offenses specified in § 927 of Title 10, in which event the entire case shall be heard in the Family Court. When the Justice of the Peace Court or the Court of Common Pleas has jurisdiction over a child charged with a civil infraction set forth in Title 21, the provisions of this Chapter shall apply. The provisions of § 921(10) of Title 10, Justice of the Peace Court Civil Rule 55 or any other statute or rule notwithstanding, such child may pay a civil penalty by voluntary assessment and a default judgment may be entered against such child in any instance in which it would be entered against an adult, provided further that an adult parent or guardian must be present with the child at all Court proceedings.

§ 7611. Consolidation with crimes or offenses.

Notwithstanding any other provision of the law to the contrary, any civil infraction which is within the exclusive or original jurisdiction of a court and that is based on the same act or transaction or based on two or more acts or transactions connected together as other civil infractions, crimes or offenses within the original

jurisdiction of some other court of this State in which those other civil infractions, crimes or offenses are or have been properly joined and when so joined shall also be deemed to be within the jurisdiction of the latter Court. The proceedings in any case in which a civil infraction and crimes or offenses have been properly joined shall be governed by the rules of criminal procedure applicable to the crimes or offenses so joined.

§ 7612. Court or administrative rules.

(a) The Justice of the Peace Court, upon approval by the Chief Justice, may, from time to time, adopt and promulgate general rules which prescribe and regulate the form and manner of process, pleading, practice and procedure governing civil infraction proceedings in that Court from their inception to their termination provided such rules are not contrary to this Chapter.

(b) The judges of the Court of Common Pleas, or a majority of them, may, from time to time, adopt and promulgate general rules which prescribe and regulate the form and manner of process, pleading, practice and procedure governing civil infraction proceedings in that Court from their inception to their termination provided such rules are not contrary to this Chapter.

§ 7613. Evidence of Adjudication of Civil Infraction.

Evidence of an admission or finding of responsibility for, dismissal of or any other adjudication or finding by a court relating to the disposition of a civil infraction as defined in § 236 of Title 11, shall not be admissible in any court in any civil action.”.

Section 21. Amend Chapter 8, Title 21 of the Delaware Code by striking the language of that Chapter in its entirety and by substituting in lieu thereof the following:

“CHAPTER 8.

PROVISIONS REGARDING CIVIL TRAFFIC INFRACTIONS

§ 801. Applicability.

(a) Unless the statute defining a civil infraction in this Title or a statute directly related thereto expressly provides otherwise, the provisions of Chapter 76 of Title 10 shall apply to the proceedings for any civil infraction defined in this Title.

(b) The proceedings for civil infractions created pursuant to § 4101(d) of this Title, § 4802(g)(2)(a) of this Title, subchapter X of Chapter 41 of this Title, and Chapter 70 of this Title shall be governed by the provisions and procedures set forth in those provisions of this Title. The

624 proceedings for civil infractions created pursuant to § 4702(g) of Title 7 shall be governed by the
625 provisions and procedures set forth in those provisions of that Title.

626 § 802. Classification of certain provisions as civil infractions.

627 Where the statutes defining violations of the following provisions of this Title or any other Title or a
628 statute directly related thereto expressly provide, the following shall be designated as civil infractions as defined in
629 § 236 of Title 11:

630	<i>Title 7, Section(s)</i>	<i>Infraction</i>
631	§ 4702(g)	Parking violations in state parks
632	<i>Title 21, Section(s)</i>	<i>Infraction</i>
633	§ 315	Failure to report change of address
634	§ 318	Notorial fee violations
635	§ 2102	New resident vehicle registration violations
636	c. 21, et seq.	Vehicle registration and plate violations
637	c. 23, et seq.	Vehicle titling violations
638	c. 25, et seq.	Vehicle transfer violations
639	§ 4101(d)	Red-light camera violations
640	§ 4108	Traffic light violations
641	§ 4126	Controlled-access highway violations
642	§ 4146 and § 4148	Pedestrian on highway violations
643	§ 4169	Speeding violations
644	§ 4172	Speed exhibitions
645	§ 4172A	Mischief by a motor vehicle
646	§ 4176	Careless/inattentive driving
647	§ 4176C	Cell phone use/school bus driver
648	§ 4178 and § 4180	Miscellaneous parking violations
649	§ 4188	Following fire apparatus, etc.
650	§ 4189	Putting glass, etc. on a highway
651	§ 4191A	Trespass by a motor vehicle or OHV
652	§ 4198J	Biking under the influence

653	§ 4198K	Child bike helmet violations
654	§ 4198N	Motorized scooter violations
655	§ 4198O	EPAMD violations
656	c. 43, et seq.	General equipment violations
657	c. 44, et seq.	Abandoned vehicle violations
658	§ 4802	Seat belt violations
659	§ 4803	Child restraint violations
660	c. 68, et seq.	OHV violations
661	§ 7001	Parking in a fire lane
662	c. 71, et seq.	Funeral procession violations
663	<i>Title 30, Section(s)</i>	<i>Infraction</i>
664	c. 52, et seq.	Motor Carriers Fuel Purchase violations
665	§ 803. Certain assessments applicable to civil traffic infractions.	
666	(a)	Unless the statute defining a civil infraction in this Title or a statute directly related thereto
667		expressly provides otherwise, the videophone assessment provided for in § 4101(d) of Title 11
668		shall be assessed for a civil infraction defined in this Title.
669	(b)	Unless the statute defining a civil infraction in this Title or a statute directly related thereto
670		expressly provides otherwise, the victim's compensation penalty assessment provided for in §
671		9012 of Title 11 shall be assessed for a civil infraction defined in this Title.
672	§ 804. Local Authorities' Powers.	
673	Local authorities, except as expressly authorized by law, shall not	
674	enact or enforce any ordinances, rules or regulations contrary to the	
675	provisions of this Title that define certain violations of a statute in this Title	
676	as civil infractions. Traffic ordinances and regulations adopted by local	
677	authorities, and substantially conforming to the Sections of this Title, shall	
678	have the same force and effect as the traffic laws of this Title. Whenever	
679	any provision of this Title refers to a specific Section of this Title, such	

680 Section shall be deemed to include substantially conforming ordinances and
681 regulations enacted by local authorities. The Court's notice of conviction or
682 finding of responsibility for a civil infraction for violating a local ordinance or
683 regulation that substantially conforms to this Title, when included in the
684 person's driving record, shall be deemed to be equivalent to a violation of
685 the State statute to which it conforms. This Section shall not be deemed to
686 affect the jurisdiction for violations of local traffic ordinances or regulations
687 nor the fine or assessment to be imposed for such a violation. Local
688 authorities may regulate the use of the highways by processions or
689 assemblages. Nothing in this Chapter shall be construed to prevent the
690 owner of real property used by the public for purposes of vehicular travel
691 by permission of the owner and not as a matter of right from prohibiting
692 such use nor requiring other or different or additional conditions than those
693 specified in this Chapter or otherwise regulating such use as seems best to
694 such owner.

695 § 805. Evidence of Adjudication of Civil Traffic Infraction.

696 Evidence of an admission or finding of responsibility for, dismissal of or any other adjudication or
697 finding by a court relating to the disposition of a civil infraction as defined in § 236 of Title 11, the provisions of
698 this Title, or any local ordinance, rule or regulation pertaining to the driving, operation or use of any vehicle, shall
699 not be admissible in any court in any civil action arising from such driving, operation or use of such vehicle.”.

700 Section 22. Amend § 315, Title 21 of the Delaware Code by striking the phrase “be fined, for the first offense, not
701 less than \$10 nor more than \$50. For each subsequent like offense, such person shall be fined not less than \$50 nor more
702 than \$100” and by substituting in lieu thereof the phrase “, for the first infraction, be assessed not less than \$10 not more
703 than \$50. For each subsequent like infraction, such person shall be assessed not less than \$50 nor more than \$100.
704 Violations of this Section shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 23. Amend § 318, Title 21 of the Delaware Code by striking the phrase “be fined not more than \$200 or imprisoned not more than 6 months in the discretion of the Court” and by substituting in lieu thereof the phrase “be assessed not more than \$200. Violations of this Section shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 24. Amend § 2102(b), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

"(b) Whoever violates subsection (a) of this Section shall for the first infraction be assessed not less than \$25 nor more than \$100. For each subsequent like infraction, the person shall be assessed not less than \$50 nor more than \$100. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

Section 25. Amend § 2116, Title 21 of the Delaware Code by striking the language of subsections (a), (b) and (c) of that Section in its entirety and by substituting in lieu thereof the following:

“(a) Whoever violates this Chapter shall, for the first infraction, be assessed not less than \$10 nor more than \$100. For each subsequent like infraction, the person shall be assessed not less than \$50 nor more than \$200, in addition to which any person, being the operator or owner of any vehicle which requires a registration fee which is calculated upon the gross weight of the vehicle and any load thereon shall be assessed at a rate double that which is set forth in this subsection. In addition, such person shall also be assessed in an amount which is equal to the cost of registering the vehicle at its gross weight at the time of the offense or at the maximum legal limit, whichever is less; which assessment shall be suspended, if within five (5) days of the infraction the Court is presented with a valid registration card for the gross weight at the time of the infraction for the maximum legal limit for such vehicle. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.

(b) (1) Notwithstanding the provisions of subsection (a) of this Section, whoever violates § 2115(1)-(5) of this Title shall, for the first infraction, be assessed not less than \$50 nor more than \$200. For each subsequent like infraction, such person shall be assessed not less than \$100 nor more than \$300.

(2) Any owner or operator of a vehicle which requires a registration fee which is calculated upon the gross weight of the vehicle, and any load thereon, and who violates § 2115(1)-

(5) of this Title, shall be assessed at a rate double that which is set forth in this subsection. In addition, such person shall also be assessed an amount which is equal to the costs of registering the vehicle either at its gross weight at the time of the infraction, or at the maximum legal limit, whichever is less. Such assessment shall be suspended if, within five (5) days of the infraction, the Court is presented with a valid registration card for the actual gross weight of the vehicle at the time of the infraction.

(3) Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.

(c) Notwithstanding the provisions of subsections (a) or (b) of this Section, this Section shall not apply to violations for which a specific punishment is set forth elsewhere in this Chapter. Such violations shall be classified and punished as set forth in the statute defining the violation or any statute directly related thereto.

(d) For any violation of the registration provisions of § 2102 or § 2115 of this subchapter and in absence of any traffic offenses relating to driver impairment, the violator's copy of the traffic summons shall act as that violator's authority to drive the vehicle involved by the most direct route from the place of arrest or stop to either the violator's residence or the violator's current place of abode."

Section 26. Amend § 2133(a)(3), Title 21 of the Delaware Code by striking the phrase "for the first offense be fined not less than \$25 nor more than \$100. For each subsequent like offense, the person shall be fined not less than \$50 nor more than \$200, or imprisoned not less than 10 nor more than 30 days, or both" from that paragraph and by substituting in lieu thereof the phrase " , for the first infraction, be assessed not less than \$25 nor more than \$100. For each subsequent like infraction, the person shall be assessed not less than \$50 nor more than \$200. Violations of this Section shall be deemed to be civil infractions as defined in § 236 of Title 11."

Section 27. Amend § 2133(b), Title 21 of the Delaware Code by striking the word "offenses" from that subsection and by substituting in lieu thereof the word "infractions".

Section 28. Amend § 2174, Title 21 of the Delaware Code by striking the phrase "for the first offense be fined not less than \$25 nor more than \$100. For each subsequent like offense, such person shall be fined not less than \$100 nor more than \$200, or imprisoned not less than 10 nor more than 30 days, or both" from that Section and by substituting in lieu thereof the phrase " , for the first infraction, be assessed not less than \$25 nor more than \$100. For each subsequent like

763 infraction, the person shall be assessed not less than \$100 nor more than \$200. Violations subject to assessment under this
764 Section shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

765 Section 29. Amend § 2315, Title 21 of the Delaware Code by striking the phrase “fined not less than \$100 nor
766 more than \$1000, or imprisoned not less than 60 days nor more than 1 year, or both” from that Section and by substituting
767 in lieu thereof the phrase “assessed not less than \$100 nor more than \$1000. Violations subject to assessment under this
768 Section shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

769 Section 30. Amend § 2351, Title 21 of the Delaware Code by striking the language of subsections (a) and (b) of
770 that Section in its entirety and by substituting in lieu thereof the following:

771 "(a) Whoever violates this Chapter shall be assessed not less than \$25 nor more than \$500.

772 Violations subject to assessment under this subsection shall be deemed to be civil infractions as
773 defined in § 236 of Title 11.

774 (b) Notwithstanding the provisions of subsection (a) of this Section, this Section shall not apply to
775 violations for which a specific punishment is set forth elsewhere in this Chapter. Such violations
776 shall be classified and punished as set forth in the statute defining the violation or any statute
777 directly related thereto.”.

778 Section 31. Amend § 2510(a), Title 21 of the Delaware Code by striking the phrase "fined not less than \$25 nor
779 more than \$500, or imprisoned not less than 30 days nor more than 1 year, or both" from that subsection and by substituting
780 in lieu thereof the phrase "assessed not less than \$25 nor more than \$500. Violations subject to assessment under this
781 subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

782 Section 32. Amend § 2511, Title 21 of the Delaware Code by striking the language of subsections (a) and (b) of
783 that Section in its entirety and by substituting in lieu thereof the following:

784 "(a) Whoever violates this Chapter shall for the first infraction be assessed not less than \$25 nor more
785 than \$100. For each subsequent like infraction, the person shall be assessed not less than \$100
786 nor more than \$200. Violations subject to assessment under this subsection shall be deemed to
787 be civil infractions as defined in § 236 of Title 11.

788 (b) Notwithstanding the provisions of subsection (a) of this Section, this Section shall not apply to
789 violations for which a specific punishment is set forth elsewhere in this Chapter. Such violations
790 shall be classified and punished as set forth in the statute defining the violation or any statute
791 directly related thereto.”.

792 Section 33. Amend §2603(9), Title 21 of the Delaware Code by striking the phrase “adjudication of guilt, or a
793 determination” as it appears in that subsection and by substituting in lieu thereof the phrase “adjudication of guilt or finding
794 of responsibility for a civil infraction, or any other determination”.

795 Section 34. Amend § 2625, Title 21 of the Delaware Code by striking the phrase “conviction for any violation”
796 from that Section and by substituting in lieu thereof the phrase “conviction for any violation or the finding of responsibility
797 for any civil infraction”.

798 Section 35. Further amend § 2625, Title 21 of the Delaware Code by striking the phrase “convicted for an
799 offense” from that Section and by substituting in lieu thereof the phrase “convicted for any offense or the finding of
800 responsibility was for any civil infraction”.

801 Section 36. Amend § 4101(d)(7), Title 21 of the Delaware Code by striking the phrase “the Division of Motor
802 Vehicles shall suspend the license of the owner or operator” as it appears in the second sentence of that subsection and by
803 inserting in lieu thereof the phrase “the Division of Motor Vehicles shall suspend the driver’s license of the owner or
804 operator who is a Delaware resident, or may suspend the driving privileges in this State of a nonresident of Delaware and
805 immediately advise the Motor Vehicle Administrator of the State wherein the person is a resident that the person’s license
806 to drive be suspended in accordance with § 2732(g) of this Title. The court may also enter such orders as may be
807 appropriate and authorized under the provisions of § 1907 or § 1907A of Title 11, the provisions of §§ 702 or 709 of this
808 Title or other provisions of this Title or Chapter 76 of Title 10.”.

809 Section 37. Amend § 4102, Title 21 of the Delaware Code by deleting the phrase "with respect to particular
810 offenses," and by substituting in lieu thereof the phrase "with respect to particular offenses or civil infractions,".

811 Section 38. Amend § 4105(f)(1), Title 21 of the Delaware Code by deleting the phrase "fined not less than double
812 the enumerated amount for a 1st offense" and by substituting in lieu thereof the phrase "fined or assessed not less than
813 double the enumerated amount for a first offense or infraction.".

814 Section 39. Amend § 4108(d), Title 21 of the Delaware Code by striking the language of that subsection in its
815 entirety and by substituting in lieu thereof the following:

816 "(d) Whoever violates this Section shall be assessed not less than \$75 nor more than \$115. Whoever
817 violates paragraph (a)(3) of this Section shall be assessed not less than \$75 nor more than \$230.
818 For each subsequent infraction under paragraph (a)(3) within two (2) years, the person shall be
819 assessed not less than \$100 nor more than \$575. Violations subject to assessment under this
820 subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

821 Section 40. Amend § 4126(b), Title 21 of the Delaware Code by striking the language of that subsection in its
822 entirety and by substituting in lieu thereof the following:

823 "(b) Whoever violates subsection (a) of this Section shall for the first infraction be assessed not less
824 than \$25 nor more than \$115. For each subsequent like infraction, the person shall be assessed
825 not less than \$50 nor more than \$200. Violations subject to assessment under this subsection
826 shall be deemed to be civil infractions as defined in § 236 of Title 11."

827 Section 41. Amend § 4146(f), Title 21 of the Delaware Code by striking the language of that subsection in its
828 entirety and by substituting in lieu thereof the following:

829 "(f) Whoever violates this Section shall for the first infraction be assessed not less than \$10 nor more
830 than \$28.75. For each subsequent like infraction, the person shall be assessed not less than \$25
831 nor more than \$50. Violations subject to assessment under this subsection shall be deemed to be
832 civil infractions as defined in § 236 of Title 11."

833 Section 42. Amend § 4148(b), Title 21 of the Delaware Code by striking the language of that subsection in its
834 entirety and by substituting in lieu thereof the following:

835 "(b) Whoever violates subsection (a) of this Sections shall for the first infraction be assessed not less
836 than \$2.30 nor more than \$28.25. For each subsequent like infraction within one (1) year, the
837 person shall be assessed not less than \$11.50 nor more than \$28.25. Violations subject to
838 assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of
839 Title 11."

840 Section 43. Amend § 4169(c), Title 21 of the Delaware Code by striking the language of that subsection in its
841 entirety and by substituting in lieu thereof the following:

842 "(c) Assessments for violation of this Section are as follows:

843 (1) Whoever violates this Section shall for the first infraction be assessed \$20. For each
844 subsequent infraction, the person shall be assessed \$25. A subsequent infraction,
845 before being subject to assessment as such, shall have been committed within 24
846 months after the commission of the prior infraction.

847 (2) Any person violating this Section who exceeds the maximum speed limit by more than
848 5 miles per hour but less than 16 miles per hour shall pay an additional assessment of

\$1 per mile, if such violation is a first infraction, or \$2 per mile, if such violation is a subsequent infraction, for each mile in excess of the maximum speed limit.

(3) Any person violating this Section who exceeds the maximum speed limit by more than 15 miles per hour but less than 20 miles per hour shall pay an additional assessment of \$2 per mile, if such violation is a first infraction, or \$3 per mile, if such violation is a subsequent infraction, for each mile in excess of the maximum speed limit.

(4) Any person violating this Section who exceeds the maximum speed limit by more than 19 miles per hour shall pay an additional assessment of \$3 per mile, if such violation is a first infraction, or \$4 per mile, if such violation is a subsequent infraction, for each mile in excess of the maximum speed limit.

(5) Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

Section 44. Amend § 4172(d), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

"(d) Whoever violates this Section shall be assessed for the first infraction not less than \$25 nor more than \$200. For each subsequent like infraction, the person shall be assessed not less than \$50 nor more than \$400. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.

(e) Upon receiving notice of a finding of responsibility for a first infraction under this Section, the Secretary shall forthwith suspend the driver's license or driving privileges of the person found responsible, for a period of not longer than six (6) months. Upon receiving notice of a finding of responsibility for a subsequent like infraction, the Secretary shall suspend the driver's license or driving privileges for a one (1)-year period. Notwithstanding the foregoing, there shall not be a suspension of driver's license or driving privileges upon a finding of responsibility for a first infraction under subsection (b) of this Section."

Section 45. Amend § 4172A, Title 21 of the Delaware Code by striking the language of subsections (c) and (d) of that Section in its entirety and by substituting in lieu thereof the following:

"(c) Whoever being an operator who violates this Section shall be assessed for the first infraction not less than \$25 nor more than \$200. Upon receiving the notice of such a finding of responsibility,

878 the Secretary shall forthwith suspend the driver's license or driving privileges of the person
879 found responsible, for a period of not longer than six (6) months. For each subsequent like
880 infraction, the person shall be assessed not less than \$50 nor more than \$400. Upon receiving a
881 Court record of a finding of responsibility for a subsequent like infraction, the Secretary shall
882 suspend the driver's license or driving privileges for a one (1)-year period. Violations subject to
883 assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of
884 Title 11.

885 (d) Whoever being the owner or person in charge of a motor vehicle who permitted such motor
886 vehicle to be operated in violation of this Section shall be assessed for the first infraction not less
887 than \$28.75 nor more than \$230. For each subsequent like infraction the person shall be
888 assessed not less than \$57.50 nor more than \$460. Violations subject to assessment under this
889 subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

890 Section 46. Amend § 4175A(e), Title 21 of the Delaware Code by striking the language of the second sentence of
891 that subsection in its entirety and by substituting in lieu thereof the following:

892 "A person may be prosecuted and convicted of or proceeded against and found responsible for both the offense of
893 aggressive driving and one or more underlying offenses or infractions as defined elsewhere by the laws of the State."

894 Section 47. Amend § 4176, Title 21 of the Delaware Code by striking the language of subsection (c) of that
895 Section in its entirety and by substituting in lieu thereof the following:

896 "(c) Whoever violates this Section shall for the first infraction be assessed not less than \$25 nor more
897 than \$115. For each subsequent like infraction occurring within 3 years of a former infraction,
898 the person shall be assessed not less than \$50 nor more than \$230. Violations subject to
899 assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of
900 Title 11."

901 Section 48. Amend § 4176B, Title 21 of the Delaware Code by striking the language of subsections (c) and (d) of
902 that Section in its entirety and by substituting in lieu thereof the following:

903 "(c) Whoever violates this Section shall for the first infraction be assessed not less than \$50 nor more
904 than \$100. For each subsequent infraction the person shall be assessed not less than \$100 nor
905 more than \$200 and shall have that person's school bus endorsement removed from that person's

906 driver's license for a period of at least 6 months. Violations subject to assessment under this
 907 subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.

908 (d) It is an affirmative defense in any proceeding under this Section that the driver's use of a cell
 909 telephone was necessitated by a bona fide emergency."

910 Section 49. Amend Chapter 41, Title 21 of the Delaware Code by redesignating current § 4176B as §
 911 4176D and by adding two new sections thereto designated as § 4176B and § 4176C, which shall read as follows:

912 "§ 4176B. Operation of a vehicle causing injury to another; unclassified misdemeanor.

913 (a) A person is guilty of operation of a vehicle causing injury to another when, in the course of
 914 driving or operating a motor vehicle or OHV in violation of any provision of this Chapter other
 915 than § 4177 of this Title, the person's driving or operation of the vehicle or OHV causes physical
 916 injury or serious physical injury to another person.

917 (b) Operation of a vehicle causing injury to another is an unclassified misdemeanor.

918 (c) Notwithstanding any provision of law to the contrary, a person convicted of operation of a
 919 vehicle causing injury to another shall:

920 (1) If physical injury was caused to the other person:

921 a. For the first offense be fined not more than \$230 or imprisoned not more than
 922 ten (10) days, or both;

923 b. For each subsequent conviction under any provision of this Section be fined
 924 not more than \$575 or imprisoned not more than thirty (30) days, or both.

925 (2) If serious physical injury was caused to the other person:

926 a. For the 1st offense be fined not more than \$575 or imprisoned not more than
 927 sixty (60) days, or both;

928 b. For each subsequent conviction under any provision of this Section be fined
 929 not more than \$1150 or imprisoned not more than ninety (90) days, or both.

930 (d) The Justice of the Peace may exercise jurisdiction over a violation of this Section for the
 931 purposes of entering a plea of not guilty, guilty, or *nolo contendere* at the time of arraignment.
 932 In any matter in which a person enters of plea of guilty or *nolo contendere* in the Justice of the
 933 Peace Court, that Court shall have jurisdiction to impose sentence for such violation. In any
 934 matter in which a person enters a plea of not guilty in the Justice of the Peace Court, the Court of

935 Common Pleas shall have original jurisdiction over a violation of this Section by a person 18
936 years of age or older for the purpose of trial or any other proceeding subsequent to arraignment .
937 Notwithstanding any provision of law to the contrary, an offense or infraction which is within
938 the original or exclusive jurisdiction of another Court and which may be joined properly with a
939 violation of this Section is deemed to be within the original jurisdiction of the Court of Common
940 Pleas.

941 § 4176C. Evidence of Adjudication of Operation of Motor Vehicle Causing Death or Injury.

942 Evidence of an admission or finding of guilt for, dismissal of or any other
943 adjudication or finding by a court relating to the disposition of an offense of operation of a motor vehicle causing
944 death or injury as defined in § 4176A or § 4176B of this Title shall not be admissible in any court in any civil
945 action arising from such driving, operation or use of such vehicle.”.

946 Section 50. Amend § 4178, Title 21 of the Delaware Code by striking the language of the first sentence of that
947 Section in its entirety and by substituting in lieu thereof the following:

948 "Any violation of this subchapter or any municipal or county ordinance, code or regulation prohibiting
949 stopping, standing or parking shall be deemed to be a civil infraction as defined in § 236 of Title 11.”.

950 Section 51. Amend § 4180(f), Title 21 of the Delaware Code by striking the language of that subsection in its
951 entirety and by substituting in lieu thereof the following:

952 "(f) Whoever violates this Section shall be assessed not less than \$10 nor more than \$25. Violations
953 subject to assessment under this subsection shall be deemed to be civil infractions as defined in §
954 236 of Title 11.”.

955 Section 52. Amend § 4188(c), Title 21 of the Delaware Code by striking the language of that subsection in its
956 entirety and by substituting in lieu thereof the following:

957 "(c) Whoever violates this Section shall be assessed not less than \$28.75 nor more than \$115.
958 Violations subject to assessment under this subsection shall be deemed to be civil infractions as
959 defined in § 236 of Title 11.”.

960 Section 53. Amend § 4189, Title 21 of the Delaware Code by striking the language of subsections (g) and (h) of
961 that Section in its entirety and by substituting in lieu thereof the following:

"(g) Whoever violates this Section shall be assessed not less than \$115 nor more than \$287.50.

Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.

(h) The rebuttable presumption set forth in subsection (f) of this Section shall not apply to operators of buses carrying nine (9) or more persons. Whoever violates subsection (e) of this Section shall be assessed not less than \$460 nor more than \$690. For each subsequent infraction occurring within three (3) years of a former infraction, the person shall be assessed not less than \$575 nor more than \$1,150. The minimum assessments for a violation of this Section shall not be subject to suspension. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

Section 54. Amend § 4191A(b)(1), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

"(b) Assessments:

(1) A person who violates subsection (a) of this Section shall be subject to the following assessments:

a. An assessment of not more than \$100 for a first infraction.

b. An assessment of not more than \$1,000 plus suspension of operating privileges for a period of six (6) months for a second or subsequent infraction under this Section. If a person is under sixteen (16) years of age at the time of the second or subsequent infraction under this Section, the period of suspension shall commence upon the person's 16th birthday. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

Section 55. Amend § 4198J(b), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

"(b) Whoever is found responsible for an infraction in violation of subsection (a) of this Section shall, for the first infraction be assessed not less than \$150 nor more than \$750 and for subsequent infractions, be assessed not less than \$400 nor more than \$1,150. A subsequent infraction must have been committed within two (2) years of the prior infraction. Violations subject to

991 assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of
992 Title 11."

993 Section 56. Amend § 4198K(b), Title 21 of the Delaware Code by striking the language of that subsection in its
994 entirety and by substituting in lieu thereof the following:

995 "(b) Any guardian who fails to cause that guardian's child to wear a bicycle helmet, as provided
996 herein, shall be assessed for the first infraction \$25, and for each subsequent infraction, \$50.
997 Violations subject to assessment under this subsection shall be deemed to be civil infractions as
998 defined in § 236 of Title 11."

999 Section 57. Amend § 4198N(a)(3), Title 21 of the Delaware Code by striking the language of that paragraph in its
1000 entirety and by substituting in lieu thereof the following:

1001 "(3) A person who violates this subsection shall be subject to the following assessments:
1002 a. For the first infraction, an assessment of not less than \$25 nor more than \$115.
1003 b. For a second or subsequent infraction, committed within twenty-four (24)
1004 months after commission of the first infraction, the operator shall be assessed
1005 not less than \$57.50 nor more than \$230 and the motorized skateboard or
1006 scooter may be ordered to be forfeited by the Court. Violations subject to
1007 assessment under this subsection shall be deemed to be civil infractions as
1008 defined in § 236 of Title 11."

1009 Section 58. Amend § 4198N(b), Title 21 of the Delaware Code by striking the language of the final four sentences
1010 of that subsection in its entirety and by substituting in lieu thereof the following:

1011 "A person who violates this subsection shall be subject to the following assessments:
1012 (1) For the first infraction, an assessment of not less than \$25 nor more than \$115.
1013 (2) For a second or subsequent infraction, committed within twenty-four (24) months after
1014 commission of the first infraction, the operator shall be assessed not less than \$57.50
1015 nor more than \$230 and the motorized skateboard or scooter may be ordered to be
1016 forfeited by the Court.
1017 (3) In addition, restitution shall be made for the value of any damage to real or personal
1018 property that results from a violation of this subsection.

1019 Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in
1020 § 236 of Title 11."

1021 Section 59. Amend § 4198N(h)(2), Title 21 of the Delaware Code by striking the language of that paragraph in its
1022 entirety and by substituting in lieu thereof the following:

1023 "(2) Any parent or legal guardian who fails to cause that parent or legal guardian's child to
1024 wear a helmet, as provided in this subsection, shall be assessed for the 1st infraction
1025 \$25, and for each subsequent infraction, \$50. Violations subject to assessment under
1026 this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

1027 Section 59A. Amend § 4198N(j), Title 21 of the Delaware Code by striking the phrase "not guilty" as it appears
1028 therein and by substituting in lieu thereof the phrase "not responsible".

1029 Section 60. Amend § 4198N(k), Title 21 of the Delaware Code by striking the language of that subsection in its
1030 entirety and by substituting in lieu thereof the following:

1031 "(k) *Assessments when not otherwise specified in this section.*
1032 Any person found responsible for an infraction defined in any provision of this Section shall be
1033 assessed not less than \$25 nor more than \$300. The assessments set forth in this subsection shall
1034 apply unless a specific assessment or penalty for an infraction or offense specified in a provision
1035 of this Section is otherwise provided in this Section. Violations subject to assessment under this
1036 subsection shall be deemed to be civil infractions as defined in § 236 of Title 11."

1037 Section 61. Amend § 4198O(e), Title 21 of the Delaware Code by striking the language of that subsection in its
1038 entirety and by substituting in lieu thereof the following:

1039 "(e) (1) Any person found responsible for an infraction in violation of paragraphs (a)(1)-(a)(6)
1040 or subsection (c) of this Section shall receive a warning for the first infraction, be
1041 assessed \$10 for the second or subsequent infraction, and shall have the EPAMD
1042 impounded for up to 30 days for the third or subsequent infraction.

1043 (2) Any person found responsible for an infraction in violation of paragraph (a)(7) of this
1044 Section shall for the first infraction be assessed not less than \$150 nor more than \$750
1045 and for subsequent infractions be assessed not less than \$400 nor more than \$1,150.

1046 (3) Violations subject to assessment under this subsection shall be deemed to be civil
1047 infractions as defined in § 236 of Title 11."

Section 62. Amend § 4205, Title 21 of the Delaware Code by striking the language of that Section in its entirety and by substituting in lieu thereof the following:

- “(a) Whoever violates this Chapter or Chapter 41 of this Title shall for the first infraction be assessed not less than \$25 nor more than \$115. For each subsequent like infraction, the person shall be assessed not less than \$57.50 nor more than \$230. All second infractions, before being subject to assessment as such, shall have been committed within 12 months after the commission of the first infraction unless otherwise specifically provided. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.
- (b) Notwithstanding the provisions of subsection (a) of this Section, this Section shall not apply to crimes, offenses, violations or civil infractions for which a specific punishment or assessment is set forth elsewhere in this Chapter or Chapter 41 of this Title. All such crimes, offenses, violations or civil infractions shall be classified and punished as set forth in the statute defining the crime, offense, violation or civil infraction or any statute directly related thereto.
- (c) The provisions of § 236(c) of Title 11 or any other statute, rule or regulation to the contrary notwithstanding, civil infractions subject to punishment or assessment under this Chapter or Chapter 41 of this Title, shall be reported to the Division of Motor Vehicles pursuant to § 703A of this Title, unless the statute defining the civil infraction or a statute directly related thereto expressly provides otherwise. Civil infractions reported to the Division of Motor Vehicles shall be entered on the driver's motor vehicle record and may be subject to motor vehicle points under the rules and regulations adopted or promulgated by the Secretary of Transportation in keeping with his or her responsibilities under this Code. Whenever a civil infraction reported to the Division of Motor Vehicles pursuant to this subsection is entered on the driver's motor vehicle record under the rules and regulations adopted or promulgated by the Secretary of Transportation, that entry shall clearly identify such as a civil infraction and not a crime or offense as defined in § 233 of this Title 21.”

Section 63. Amend § 4311A, Title 21 of the Delaware Code by adding a new Section “(c)” thereto to read as follows:

- “(c) Whoever violates this Section shall be fined \$500.”.

1076 Section 64. Amend § 4313A(b), Title 21 of the Delaware Code by striking the language of that subsection in its
1077 entirety and by substituting in lieu thereof the following:

1078 "(b) Whoever violates subsection (a) of this Section shall be assessed not less than \$100 nor more
1079 than \$500. If any fee was charged for such installation, the violator shall pay restitution to the
1080 owner of the vehicle in the amount of the fee charged for installing the illegal window tinting.
1081 Violations subject to assessment under this subsection shall be deemed to be civil infractions as
1082 defined in § 236 of Title 11."

1083 Section 65. Amend § 4315, Title 21 of the Delaware Code by striking the language of that Section in its entirety
1084 and by substituting in lieu thereof the following:

1085 "(a) Whoever violates §§ 4301-4305 of this Title shall for the first infraction be assessed not less than
1086 \$25 nor more than \$115. For each subsequent like infraction, the person shall be assessed not
1087 less than \$57.50 nor more than \$230.

1088 (b) Whoever violates §§ 4306-4311 of this Title, except for § 4306(c) of this Title, shall for the first
1089 infraction be assessed not less than \$10 nor more than \$28.75. For each subsequent like
1090 infraction, the person shall be assessed not less than \$28.75 nor more than \$100. Whoever
1091 violates § 4306(c) of this Title shall be subject to an assessment of at least \$50 and not to exceed
1092 \$250. For each subsequent infraction such person shall be subject to an assessment of at least
1093 \$125 and not to exceed \$500.

1094 (c) Whoever being the operator, owner or custodian of any motor vehicle which is operated in
1095 violation of §§ 4312-4316 of this Title shall be assessed not less than \$28.75 nor more than
1096 \$100.

1097 (d) In case of any violation of §§ 4301-4316 of this Title by any common carrier or person operating
1098 under a permit or certificate issued by any public authority, in addition to the assessments or
1099 fines prescribed in this Section, such permit or certificate shall be revoked or, in the discretion of
1100 the issuing authority suspended until such Sections are satisfactorily complied with.

1101 (e) Violations subject to assessment under this Section shall be deemed to be civil infractions as
1102 defined in § 236 of Title 11."

1103 Section 66. Amend § 4317(f), Title 21 of the Delaware Code by striking the language of that subsection in its
1104 entirety and by substituting in lieu thereof the following:

1105 "(f) Whoever violates this Section shall for the first infraction be assessed not less than \$10 nor more
1106 than \$28.75. For each subsequent like infraction, the person shall be assessed not less than
1107 \$28.75 nor more than \$100. Violations subject to assessment under this Section shall be deemed
1108 to be civil infractions as defined in § 236 of Title 11."

1109 Section 67. Amend § 4318(d), Title 21 of the Delaware Code by striking the language of that subsection in its
1110 entirety and by substituting in lieu thereof the following:

1111 "(d) Any person found responsible for the infraction of operating a motor vehicle in violation of this
1112 Section shall, for the first infraction, be assessed not less than \$50 nor more than \$115. For each
1113 subsequent like infraction within one year, such person shall be assessed not less than \$100 nor
1114 more than \$230. Violations subject to assessment under this Section shall be deemed to be civil
1115 infractions as defined in § 236 of Title 11. Measurements made with an over-the-counter
1116 measuring device shall be *prima facie* evidence of a violation."

1117 Section 68. Amend § 4358, Title 21 of the Delaware Code by striking the language of that Section in its entirety
1118 and by substituting in lieu thereof the following:

1119 "Whoever violates this subchapter shall for the first infraction be assessed not less than \$10 nor more than \$28.75.
1120 For each subsequent like infraction, the person shall be assessed not less than \$28.75 nor more than \$100. Violations
1121 subject to assessment under this Section shall be deemed to be civil infractions as defined in § 236 of Title 11."

1122 Section 69. Amend § 4361, Title 21 of the Delaware Code by striking the language of the final sentence in its
1123 entirety and by substituting in lieu thereof the following:

1124 "Any person violating this Section shall be assessed not less than \$10 nor more than \$100. Violations subject to
1125 assessment under this Section shall be deemed to be civil infractions as defined in § 236 of Title 11."

1126 Section 70. Amend § 4371(b), Title 21 of the Delaware Code by striking the language of that subsection in its
1127 entirety and by substituting in lieu thereof the following:

1128 “(b) Whoever violates subsection (a) of this Section shall for the first infraction be assessed not less
1129 than \$10 nor more than \$28.75. For each subsequent like infraction, the person shall be assessed
1130 not less than \$28.75 nor more than \$100. Violations subject to assessment under this subsection
1131 shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

1132 Section 71. Amend § 4372, Title 21 of the Delaware Code by striking the phrase “fined not more than \$115, or
1133 imprisoned not more than 30 days or both” from that Section and by substituting in lieu thereof the phrase “assessed not

more than \$115. Violations subject to assessment under this Section shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 72. Amend § 4373(b), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

“(b) Whoever violates any provision of this Section shall be assessed not more than \$57.50.

Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 73. Amend § 4414(a), Title 21 of the Delaware Code by striking the phrase “fined not less than \$28.75 nor more than \$115” from that subsection and by substituting in lieu thereof the phrase “assessed not less than \$28.75 nor more than \$115. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 74. Amend § 4415(k), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

“(k) Any wrecker owner who violates this Section shall, for the first infraction, be assessed not less than \$25 nor more than \$50 for each vehicle violation. For each subsequent like infraction within one year the wrecker owner shall be assessed not less than \$50 nor more than \$100 for each vehicle violation. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 74A. Amend § 4802(g)(1), Title 21 of the Delaware Code by striking the phrase “for sentencing purposes for persons convicted of violations” as it appears therein and by substituting in lieu thereof the phrase “for sentencing or assessment purposes for persons convicted of or found responsible for violations”.

Section 74B. Amend § 4802(g)(2)a., Title 21 of the Delaware Code by striking the language of that subparagraph in its entirety and by substituting in lieu thereof the following:

“a. Any person who is found to have violated this section in connection with the prosecution of or adjudication of responsibility for a violation of any other provision of this title shall in addition to any fine or assessment, and at the same time as any fine or assessment is assessed to the defendant, be levied for credit to the Victim’s Rights Fund an additional assessment of 40% not to exceed \$20 of every fine, assessment, penalty or forfeiture imposed or collected by the court for the offense or infraction under this title. Where there are multiple offenses or infractions under this title involved, the assessment pursuant to this section shall be based upon a total

fine or assessment for all offenses or infractions but not to exceed a total additional assessment of \$20. When a fine, assessment, penalty or forfeiture is suspended in whole or in part the additional assessment shall not be suspended.”

Section 75. Amend § 4802(g)(2)c., Title 21 of the Delaware Code by striking the language of that subparagraph in its entirety and by substituting in lieu thereof the following:

“c. Where there is no other violation of this Title in addition to a violation of this Section, an assessment of \$25 shall be imposed. The failure to wear a seat belt by more than one person in the same vehicle at the same time as required by this Section, shall be treated as a single civil infraction. Violations subject to assessment under this Section shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 76. Amend § 4803 (c), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

“(c) A violation of this Section shall be an infraction subject to an assessment of \$25 for each violation. The failure to provide a child restraint system or seat belt for more than one child in the same vehicle at the same time, as required by this Section, shall not be treated as a separate infraction. Violations subject to assessment under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 77. Amend § 6814 (b), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

“(b) Any person found responsible for an infraction in violation of any provision of subsection (a) of this Section shall be assessed not less than \$50 nor more than \$300 and have the OHV impounded for a period of 30 days. Impoundment of an OHV under this subsection shall be at the expense of the owner of the OHV. Violations subject to assessment under this Section shall be deemed to be civil infractions as defined in § 236 of Title 11.”.

Section 78. Amend § 6821(b), Title 21 of the Delaware Code by striking the language of that subsection in its entirety and by substituting in lieu thereof the following:

“(b) Assessments.

(1) A person who violates subsection (a) of this Section shall be subject to the following assessments:

- 1192 a. For the first infraction, an assessment of \$100 and an impoundment of the OHV at
1193 time of finding of responsibility for the infraction for up to 30 days, which
1194 may be suspended by the Court.
- 1195 b. For each subsequent infraction, the OHV owner shall be assessed \$1,000 and the
1196 OHV will be impounded for a minimum of 60 days from the date of the
1197 finding of responsibility for the infraction. A subsequent infraction, before
1198 being subject to assessment or punishment as such, shall have been committed
1199 within 24 months after commission of the first infraction.
- 1200 c. Under this Section, the OHV will be returned to the owner once the assessment and
1201 impoundment costs have been paid by the OHV owner or, if the assessment is
1202 appealed, once the owner has complied with the Court's decision or the Court
1203 decides the owner and/or operator is not responsible for the infraction under
1204 subsection (a) of this Section. The owner will not be responsible for the
1205 impoundment costs if found not responsible by the Court.

1206 (2) In addition, restitution shall be made for the value of damage to real or personal property
1207 which results from a violation of this Section.

1208 (3) Violations subject to assessment under this Section shall be deemed to be civil infractions as
1209 defined in § 236 of Title 11.”.

1210 Section 79. Amend § 6831, Title 21 of the Delaware code by striking the language of that Section in its entirety
1211 and by substituting in lieu thereof the following:

1212 “(a) Whoever violates this Chapter shall be assessed not less than \$11.50 nor more than \$345, or
1213 have the OHV impounded for a period of 30 days or both. Violations subject to assessment
1214 under this subsection shall be deemed to be civil infractions as defined in § 236 of Title 11.

1215 (b) Notwithstanding the provisions of subsection (a) of this Section, this Section shall not apply to
1216 violations for which a specific punishment is set forth elsewhere in this Chapter. Such violations
1217 shall be classified and punished as set forth in the statute defining the violation of any statute
1218 directly related thereto.”.

1219 Section 80. Amend §§ 7001(f), Title 21 of the Delaware Code by striking the language of that subsection in its
1220 entirety and by substituting in lieu thereof the following:

1221 “(f) Whoever violates this Section shall be assessed not less than \$50 nor more than \$100.
1222 Violations subject to assessment under this subsection shall be deemed to be civil infractions as
1223 defined in § 236 of Title 11.”

1224 Section 80A. Amend §§ 7001(g), Title 21 of the Delaware Code by striking the language of the first sentence of
1225 that subsection in its entirety and by substituting in lieu thereof the following:

1226 “(g) Any violation of this Section or any municipal or county ordinance, code or regulation
1227 regulating parking in fire lanes shall be deemed to be civil infractions as defined in § 236 of Title 11.”

1228 Section 81. Amend § 7003 and § 7004, Title 21 of the Delaware Code by striking the word “penalty” each time it
1229 appears in those Sections and by substituting in lieu thereof the word “assessment”.

1230 Section 82. Amend § 7104, Title 21 of the Delaware Code by striking the language of that Section in its entirety
1231 and by substituting in lieu thereof the following:

1232 “Whoever violates this Chapter shall be responsible for assessment for a civil infraction as defined in § 236 of
1233 Title 11, the assessment and fees for which shall be prescribed by § 4205 of this Title.”.

1234 Section 83. Amend § 5211 (b), Title 30 of the Delaware Code by striking the language of that subsection in its
1235 entirety and by substituting in lieu thereof the following:

1236 “(b) Whoever violates this Section shall, for the first infraction, be assessed not less than \$115 nor
1237 more than \$345, and for each subsequent infraction, not less than \$345 nor more than \$575.
1238 Violations subject to assessment under this subsection shall be deemed to be civil infractions as
1239 defined in § 236 of Title 11.”.

1240 Section 84. Amend §3904(a)(4), Title 18 of the Delaware Code by adding the words “civil infractions,” after the
1241 words “vehicle accidents” in the second line of the subsection.

1242 Section 85. Amend §3904 (7)h, Title 18 of the Delaware Code by removing the subsection in its entirety and
1243 inserting in lieu thereof the following:

1244 ‘h. Has, within the 36 months immediately preceding the notice of cancellation or nonrenewal,:

1245 1. Been convicted of, forfeited bail, been found responsible for, or had a default

1246 judgment entered for: i) 3 or more violations, the point total for which exceeds 8 points, or ii)

1247 3 or more violations of any law, ordinance, or regulation limiting the speed of motor vehicles

1248 or any of the provisions of the motor vehicle laws of this State or any state, violation of which

1249 constitutes a moving violation or moving civil infraction as set forth in Chapter 41 of Title 21,

1250 whether or not the violations or infractions were repetitions of the same violation or infraction
1251 or different violations or infractions; or

1252 2. Had 3 at fault accidents in which claims are paid in excess of \$250 per accident;
1253 or'

1254 Section 86. Amend §3913, Title 18 of the Delaware Code by adding the words “,civil
1255 infractions,” after the word “violations” as it appears on the fifth line of the subsection.

1256 Section 87. If any provision of this Act or the application thereof to any person or circumstance is held invalid,
1257 such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid
1258 provision or application, and to that end the provisions of this Act are declared to be severable.

1259 Section 88. The provisions of this Act set forth in Sections 1 through 21 of this Act, in Sections 33 through 37 of
1260 this Act, in Sections 49 through 51 of this Act, and in Section 63 of this Act will take effect as of 12:01 a.m., October 1,
1261 2007. The provisions of this Act set forth in Sections 22 through 32 of this Act, in Sections 41 and 42 of this Act, in
1262 Sections 55 through 61 of this Act, in Sections 64 through 81 of this Act will take effect with respect to all civil infractions
1263 which are enumerated in or created by those Sections that are committed as of 12:01 a.m., February 1, 2008, or thereafter.
1264 The provisions of this Act set forth in Sections 38 through 40 of this Act, in Sections 43 through 48 of this Act, in Sections
1265 52 through 54 of this Act, in Section 62 of this Act, and in Sections 82 and 83 of this Act will take effect with respect to all
1266 civil infractions which are enumerated in or created by those Sections committed as of 12:01 a.m., February 1, 2009, or
1267 thereafter.

1268 Section 89. The provisions of Title 11, Title 21 or Title 30 which are amended or repealed by Sections 1 through
1269 21 of this Act, Sections 33 through 37 of this Act, Sections 49 through 51 of this Act, or Section 63 of this Act shall remain
1270 in force and effect for the purpose of trial and sentencing for all crimes, offenses and violations which occur prior to 12:01
1271 a.m., October 1, 2007. The provisions of Title 11, Title 21 or Title 30 which are amended or repealed by Sections 22
1272 through 32 of this Act, Sections 41 and 42 of this Act, Sections 55 through 61 of this Act, Sections 64 through 81 of this
1273 Act shall remain in force and effect for the purpose of trial and sentencing for all crimes, offenses and violations which
1274 occur prior to 12:01 a.m., February 1, 2008. The provisions of Title 11, Title 21 or Title 30 which are amended or repealed
1275 by Sections 38 through 40 of this Act, in Sections 43 through 48 of this Act, in Sections 52 through 54 of this Act, in
1276 Section 62 of this Act, and in Sections 82 and 83 of this Act shall remain in force and effect for the purpose of trial and
1277 sentencing for all crimes, offenses and violations which occur prior to 12:01 a.m., February 1, 2009.

1278 Section 90. A fiscal report on the financial impact of this legislation shall be submitted by the Administrative
1279 Office of the Court or a designee to the Controller General and Chairpersons of the Joint Finance Committee no later than
1280 February 1, 2008 after consultation with the Chief Magistrate, the Chief Judge of the Court of Common Pleas, the Attorney
1281 General or their designees. A subsequent fiscal report on the financial impact of this legislation shall be submitted by the
1282 Administrative Office of the Court or designee to the Controller General and Chairpersons of the Joint Finance Committee
1283 no later than August 1, 2009 after consultation with the Chief Magistrate, the Chief Judge of the Court of Common Pleas,
1284 the Attorney General or their designees.

1285 Section 91. The repeal or amendment of any statute by this Act shall not have the effect of releasing or
1286 extinguishing any penalty, forfeiture or liability incurred under such statute, and such statute shall be treated as remaining
1287 in full force and effect for the purpose of sustaining any proper action or prosecution for enforcement of such penalty,
1288 forfeiture or liability. Any action, case, prosecution trial or other legal proceeding in progress under or pursuant to any
1289 statute repealed or amended by this Act shall be preserved and shall not become illegal or terminated irrespective of the
1290 stage of such proceedings. For the purpose of such proceedings, the prior law shall remain in full force and effect.

SYNOPSIS

This Act is a reintroduction of HB 158(which was a reintroduction of HS 1 of HB 312 from the 143rd General Assembly.) It is a product of gathering input and recommendations from the various public safety agencies, courts, and other stakeholders that will be responsible for its implementation.

The purpose of the Act remains the same as its predecessors; to bring to full effect those recent statutory enactments creating certain traffic offenses that call for civil penalties. It will re-designate most of the motor vehicle offenses currently promulgated by the Delaware Code as "civil infractions", excepting those which involve driving that causes physical injury, driving while under the influence of drugs or alcohol, reckless driving, aggressive driving, driving while suspended or driving without insurance. Those traffic offenses that will be designated as civil infractions by this Act will carry no possible jail time, be punished by limited fines and, unless expressly permitted by statute, will not be included in a person's accessible criminal or motor vehicle record.

This Act also provides that civil infractions will generally be tried as civil proceedings in the Justice of the Peace Court. This will permit the judiciary and the Attorney General to concentrate the valuable resources currently used to litigate traffic offenses as criminal matters on more serious or complex criminal and motor vehicle matters. Similar legislation was first recommended in the final report of the Delaware Supreme Court's Committee on Speedy Trial Guidelines which was issued on November 1, 2000.

The specific changes brought about by enactment of this Act are as follows:

- Section 1.* Specifically provides that civil infractions are not "crimes or offenses." Because a respondent is arguably punished by a fine for an "act or omission forbidden by a statute of th[e] State" and all of the civil infractions created were formerly "crimes or offenses" this should be done expressly.
- Section 2.* Introduces a new § 236 to Title 11 that defines the parameters of a civil infraction: (1) no jail time; (2) assessment limited to \$1,150; (3) no entry in criminal or motor vehicle record unless expressly permitted by statute.
- Sections 3 - 7.* Add original jurisdiction over civil infractions to the Justice of the Peace Court's jurisdiction and related or pendant jurisdiction over civil infractions to the jurisdiction of the Court of Common Pleas.

<i>Sections 8-10</i>	Introduce new provisions to Title 11 that set forth the scope of a non- traffic administrative stop of a person by a peace officer for the enforcement of civil infraction statutes and provides for summons procedure similar to current § 1907.
<i>Sections 11 and 12.</i>	Make necessary changes to the motor vehicle provisions that provide the power to arrest without a warrant (21 <i>Del. C.</i> § 701) to ensure no person is subject to an arrest for a civil infraction only. Enables law enforcement officers, who under present law have the power to arrest for such offenses, to stop and issue summonses for the violations now deemed civil infractions.
<i>Section 13.</i>	Introduces a criminal provision (11 <i>Del. C.</i> § 1257A) similar to resisting arrest for resisting detention for an administrative stop relating to civil infraction.
<i>Section 14.</i>	Makes necessary changes to the motor vehicle provisions that regulate jurisdiction over summonses for offenses (21 <i>Del. C.</i> § 703) so that jurisdiction over civil traffic infractions is same as that currently set forth in the Code.
<i>Section 15.</i>	Makes necessary changes to the provisions requiring reporting of motor vehicle offenses to the DMV by courts (21 <i>Del. C.</i> §703A). No civil infraction will be reported to DMV nor shall points be assessed unless required by the statute defining a particular civil infraction.
<i>Sections 16 and 17.</i>	Make necessary changes and additions to the motor vehicle provisions that provide procedures for handling certain motor vehicle offenses through the voluntary assessment center (21 <i>Del. C.</i> § 709) to ensure that civil infractions may also be handled through the centers and to further ensure that certain designated offenses are not eligible for voluntary assessment..
<i>Sections 18 and 19.</i>	Makes necessary changes to the provisions requiring assessment of victim's compensation assessment (11 <i>Del. C.</i> §9012) and videophone assessment (11 <i>Del. C.</i> §4101(d)) for civil infractions that expressly require such assessments. Certain civil traffic infractions will be subject to those assessments pursuant to Chapter 8 of Title 21.
<i>Section 20.</i>	Introduces a new Chapter 76 to Title 10 that sets forth the procedures for proceedings related to civil infractions. This new Chapter sets the general guidelines for the handling of such matters. The more specific procedures will be subject to appropriate court rules.
<i>Section 21.</i>	Deletes the current language of the recently introduced Chapter 8 of Title 21 to permit civil traffic infractions to be handled under the procedures of new Chapter 76 of Title 10 except where specific procedures are otherwise required (e.g., red light cameras, seat belt and parking violations).
<i>Sections 22 – 32, 39 – 45, 47 – 48, 50 – 61, 63 – 74, 76 – 79 and 83.</i>	<p>Converts traffic offenses that are now “criminal” to civil infractions.</p> <ul style="list-style-type: none"> - Failure to report change of address (21 <i>Del. C.</i> § 315) - Notorial fee violation (21 <i>Del. C.</i> § 318) - New resident vehicle registration violation (21 <i>Del. C.</i> § 2102) - Vehicle registration and plate violations (21 <i>Del. C.</i> c. 21.) - Vehicle transfer violations (21 <i>Del. C.</i> c. 25, et seq.) - Traffic light violations (21 <i>Del. C.</i> § 4108) - Controlled-access highway violations (21 <i>Del. C.</i> § 4126) <ul style="list-style-type: none"> - Pedestrian on highway violations (21 <i>Del. C.</i> §§ 4146 & 4148) - Speeding violations (21 <i>Del. C.</i> § 4169) - Speed exhibitions (21 <i>Del. C.</i> § 4172) - Mischief by a motor vehicle (21 <i>Del. C.</i> § 4172A) - Careless/inattentive driving (21 <i>Del. C.</i> § 4176) - Cell phone use/school bus driver (21 <i>Del. C.</i> § 4176B) - Miscellaneous parking violations (21 <i>Del. C.</i> §§ 4178 & 4180) - Following fire apparatus/running over fire hose (21 <i>Del. C.</i> § 4188) - Putting glass, etc., on a highway (21 <i>Del. C.</i> § 4189) - Trespass by a motor vehicle or OHV (21 <i>Del. C.</i> § 4191A) - Biking under the influence (21 <i>Del. C.</i> § 4198J) - Child bike helmet violation (21 <i>Del. C.</i> § 4198K) - Motorized scooter violations (21 <i>Del. C.</i> § 4198N) - EPAMD violations (21 <i>Del. C.</i> § 4198O) - General equipment violations (21 <i>Del. C.</i> c. 43, et seq.) - Abandoned vehicle violations (21 <i>Del. C.</i> c. 44, et seq.) - Seat belt provision (21 <i>Del. C.</i> § 4802(g)(2)c.) - Child restraint violation (21 <i>Del. C.</i> §4803) - OHV violations (21 <i>Del. C.</i> c. 68, et seq.) - Parking in a fire lane (21 <i>Del. C.</i> § 7001) - Funeral procession violations (21 <i>Del. C.</i> c. 71, et seq.) - Motor Carriers Fuel Purchase Law violations (30 <i>Del. C.</i> c. 52, et seq.)

<i>Sections 33 -35.</i>	Make necessary changes to Chapter 26 of Title 21 to ensure that all Title 21 violations are reported as required by the Uniform CDL Act.
<i>Section 36.</i>	Imports certain language first introduced through HB 312 into the current red light camera law (21 <i>Del. C.</i> § 4101(d)) to provide courts more effective tools to ensure appearance for proceedings or enforce judgments.
<i>Section 37.</i>	Makes necessary change to statute setting forth classification of moving offenses to include civil infractions.
<i>Section 38.</i>	Makes necessary change to statute that provides for increased fines or assessments for violations within highway construction zones.
<i>Section 46.</i>	Makes necessary change to statute defining aggressive driving offense (21 <i>Del. C.</i> § 4175A) to include civil infractions as underlying behavior.
<i>Section 49.</i>	Introduces a new Section to Title 21 that sets forth the offense of “operation of a motor vehicle causing injury.” This offense will be a “criminal” driving offense with a sentencing scheme similar to moving violations currently in Chapter 41. It will ensure that those moving violations that result in injury are treated as current “criminal” driving offenses and tried in Court of Common Pleas when charged. Specific provisions are included to insure that evidence of adjudication of this and its companion charge of operation of a motor vehicle causing death will not be admissible in subsequent civil actions.
<i>Section 62.</i>	Makes necessary changes to general penalty provisions for moving violations under Chapters 41 and 42 (21 <i>Del. C.</i> §4205) so as to convert all remaining general moving violations in those Chapters to civil infractions. Ensures that specific offenses with specific penalties are exempted from this general provision and that Chapter 41 and 42 offenses may be reportable to DMV and subject to points if deemed appropriate.
<i>Sections 74A - 75.</i>	Makes necessary changes to civil seat belt provisions (21 <i>Del. C.</i> § 4802(g)) to conform with this Act.
<i>Sections 80 – 82</i>	Makes necessary changes to civil parking provisions (21 <i>Del. C.</i> §§ 7001, 7003, 7004 & 7104) to conform with this Act.
<i>Sections 84 – 86</i>	These sections make changes to the Insurance Code to harmonize it with the re-designation of most of the motor vehicle offenses as ‘civil infractions’ as set forth in this bill.

Lastly, the Act provides a staggered implementation with the various provision becoming fully effective on February 1, 2009. The first provisions to become effective will be those that set forth the definitions, structure and procedures for civil infractions (*effective October 1, 2007*). The second set of provisions consist of those that revise current “civil penalty” statutes so as to conform to the new system for civil infractions and those that convert certain non-moving and equipment violations to civil infractions (*effective February 1, 2008*). The last set of provisions converts the remaining violations set forth above to civil infractions (*effective February 1, 2009*). This time will be required to design computer and record-keeping systems, train personnel as to new procedures, and draft and enact necessary court rules. Included in this timeline for implementation are statutorily imposed fiscal reports to be submitted one year before the Act’s full effective date and six months after its provisions take full effect.