



SPONSOR: Rep. Mitchell & Rep. Schwartzkopf & Sen. Sokola
Reps. Bolden, Brady, Jaques, Keeley, Mulrooney

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 193

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION
SYSTEM SAFETY ACT.

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

1 Section 1: Amend § 4802(g), Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underlining as follows:

3 ~~(g)(1) Failure to comply with this section shall be considered as an aggravating circumstance for sentencing~~
4 ~~purposes for persons convicted of violations of other provisions of this title.~~

5 ~~(2)a. Any person who is found to have violated this section in connection with the prosecution of a violation of~~
6 ~~any other provision of this title shall in addition to any fine, and at the same time as any fine is assessed to the defendant, be~~
7 ~~levied for credit to the Victim's Rights Fund an additional penalty assessment of 40% not to exceed \$20 of every fine,~~
8 ~~penalty or forfeiture imposed or collected by the court for the offense under this title. Where there are multiple offenses~~
9 ~~under this title involved, the penalty assessment pursuant to this section shall be based upon a total fine for all offenses but~~
10 ~~not to exceed a total additional penalty assessment of \$20. When a fine, penalty or forfeiture is suspended in whole or in~~
11 ~~part the additional penalty assessment shall not be suspended.~~

12 ~~b. The assessment imposed herein shall be in addition to the penalty assessment imposed by § 9016(a) of~~
13 ~~Title 11.~~

14 ~~c. Where there is no other violation of this title in addition to a violation of this section, a A civil penalty~~
15 ~~of \$25 shall be imposed on any person found to have violated this section. The failure to wear a seat belt by more than 1~~
16 ~~person in the same vehicle at the same time, as required by this section, shall be treated as a single civil violation. Justice of~~
17 ~~the Peace Court shall have jurisdiction over actions involving this civil penalty.~~

18 Section 2: This Act shall be effective as of the date of its enactment.

SYNOPSIS

This bill promotes the safety and welfare of the State's citizens by making failure to wear a seat belt an independent civil violation. It would no longer be an aggravating circumstance for sentencing on other violations. There are still no motor vehicle points assessed and no entry on the persons driving record. There is a \$25 civil penalty, rather than a percentage assessment based on the other offenses up to \$20.