

DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
Statutory Authority: 21 Delaware Code, Section 302 and 29 Delaware Code, Chapter 101
(21 Del.C. §302 and 29 Del.C. Ch. 101)

PROPOSED

PUBLIC NOTICE

The Delaware Department of Transportation Division of Motor Vehicles, pursuant to 21 **Del.C.** §302 and 29 **Del.C.** Chapter 101, Subchapter II, proposes to repeal thirty-three rules and regulations previously enforced by the Division, and described in detail below this notice. The repeals are proposed because these rules and regulations are either obsolete under later-enacted state or federal laws, or have already become part of state law. Written comments concerning this proposed repeal should be sent by March 2, 2006 to Jack Eanes, Chief of Operations, Division of Motor Vehicles, 303 Transportation Circle, P.O. Box 698, Dover, Delaware 19903.

Driver and Vehicle Services, Repeal of Certain Regulations

~~Delaware Motorist Protection Act~~

~~Regulation Number 1~~

~~May 24, 1974~~

~~Concerning: Issuance of an Insurance Identification Card~~
~~Concerning: Notice of Cancellation or Termination~~

~~1. INSURANCE IDENTIFICATION CARD~~

~~Effectively immediately, all companies licensed to write Automobile Insurance in the State of Delaware must furnish insurance Identification Cards to all named insureds. The size, weight, color, and content of the card shall be as follows:~~

- ~~A. Size: Approximately 3 1/2" x 2 1/4".~~
- ~~B. Weight Optional.~~
- ~~C. Color: White.~~

~~D. Content: Information shall include the following:~~

- ~~1. Company Name. Group name may be shown instead, if it will identify the specific Company involved.~~
- ~~2. Named Insured. Must be the same as that shown on the motor vehicle registration.~~
- ~~3. Address Optional.~~
- ~~4. Policy Number.~~
- ~~5. Effective Date. Good indefinitely. No expiration date to be shown.~~
- ~~6. Vehicle(s) Insured. Information may be completed by indicating any of the following, depending on the~~

~~type of policy or coverage involved:~~

~~a. Year, Make and Vehicle Identification Number of the vehicle(s) insured. Model of the vehicle may be shown as the. Make. Year and Make of the vehicle may be abbreviated, but the complete VIN must be shown. If only a portion of the VIN is available, this should be shown with instructions to the insured to fill in the missing digits. Otherwise, the insured should be instructed to fill in the entire VIN; or~~

~~b. "All Owned Vehicles"; or~~

~~c. "Fleet".~~

~~7. Named Insured's Signature. Optional.~~

~~The order of the information to be contained on the ID Card may be rearranged at the option of the Company, provided there is no drastic change and the rearrangement is necessary to accommodate a fixed printout system already established by a Company.~~

~~Additional information may also be printed on the bottom or reverse side of the ID Card, provided this information is appropriately captioned:~~

~~This Notice shall be of the following specifications:~~

- ~~A. Size: 6" x 3 1/2"~~

- B. Color: Green.
C. Weight: Optional.
D. Content: Information shall be shown as in the following example:

DELAWARE NOTICE OF CANCELLATION OR TERMINATION

Insurance Company and Address

Policy Number

Named Insured and Address

Effective Date of

Cancellation or

Termination

Year Make

Identification Number

To be filed with the Division of Motor Vehicles, Safety Responsibility Section, P. C., Post Office Box 698, Dover, Delaware 19901.

The order of information to be contained on the Notice may be rearranged at the option of the Company.

The Notice must be filed with the Division of Motor Vehicles immediately after the effective date of actual cancellation or termination.

Upon receipt of the Notice, the Division of Motor Vehicles will send to the registrant a form letter with instructions for him to complete and return the insurance verification statement at the bottom of the letter. Except under unusual circumstances warranting investigation, which the Division believes will be very infrequent, certification by the registrant is not expected to be, sent to the Company for verification.

POLICY REGULATION NUMBER 2

FEBRUARY 20, 1975

Concerning: STANDARDS WHICH MAY BE APPLIED BY THE MEDICAL ADVISORY BOARD

In accordance with Title 21, Chapter 27, Section 2722, ~~Delaware Code~~, the following standards are to be implemented immediately:

The Executive Secretary of the State Board of Health, members of the Medical Advisory Board, and the Motor Vehicle Division may accept and employ evaluations made by the Division of Alcoholism Services, a Division of the Department of Health and Social Services, in matters concerning alcoholism and excessive alcoholic beverage consumption.

The Board may also act upon other reliable relevant information and recommendations concerning whether a drinking problem does or does not exist while they are arriving at an opinion, or making recommendations to the Division of Motor Vehicles.

(The purpose of this Policy Regulation is to enable the Division of Motor Vehicles and the Division of Alcoholism Services to provide pertinent facts to the Board when action has been taken by the Motor Vehicle Division against a driver or applicant.

POLICY REGULATION NUMBER 4

MARCH 6, 1975

SUBJECT: Change of Name on Drivers' Licenses

Effective immediately, whenever a change of name on a driver's license is applied for and a new photo license is issued, a fee of \$1.00 is to be charged.

This new policy is implemented to help cover the photo and administrative costs of issuing such new license.

POLICY REGULATION NUMBER 7

MARCH 25, 1975

AMENDED ON MARCH 6, 1979

SUBJECT: Vanity Tags for Commercial Vehicles

To Be Changed From:

Effective immediately, vanity tags may be issued on any commercial registered motor vehicle which has a gross weight not exceeding 5,000 pounds.

To Be Changed To:

Effective March 6, 1979, vanity tags may be issued on any commercial registered motor vehicle which has a gross weight not exceeding 8,000 pounds.

POLICY REGULATION NUMBER 9

APRIL 8, 1975

SUBJECT: Waiver of Requirement of Inspection for Certain Vehicles

Whereas, many vehicles are traded or transferred, and

Whereas many license tags on these vehicles are retained onto newly purchased vehicles other vehicles, thus, making the traded-in vehicles unregistered, and

Whereas many of these traded-in vehicles were just inspected prior to such trade-in, and

Whereas the Motor Vehicle Division is not only interested in safety, but also saving fuel and other costs not only for the Division but also the citizens and businesses in this State

The following policy will be implemented immediately:

If a Delaware certificate of title on a registered vehicle, for which there are 6 full months or more remaining on the registration is presented to the Motor Vehicle Division for a tag retention, thus making the surrendered title an "U" title (unregistered vehicle), the title clerk is to enter the previous expiration date and her initials in the expiration block on the face of the new "U" title prior to returning the title to the owner.

If the title is presented back to the Delaware Motor Vehicle Division for registration within three months after the date of issue shown on the face of the "U" title, no inspection card required.

POLICY REGULATION NUMBER 10

MAY 30, 1975

Concerning: Authorized Emergency Vehicles

Effective immediately, the following motor vehicles are hereby designated as authorized, emergency vehicles, as specified under Section 4106, Title 21, of the ~~Delaware Code~~:

Any motor vehicle used by a fire chief, assistant fire chief, fire engineer or fire policeman, when such motor, vehicle is being operated with blue lights flashing and in the performance of their duties.

POLICY REGULATION NO. 11 (RESCINDED)

January 28, 1982

M E M O R A N D U M

TO: Lane Managers
Title Supervisors
Registration Supervisors
Cashiers
T. Marvel Everett
Betty Knotts

FROM: Robert J. Voshell, Director
Division of Motor Vehicles

RE: Policy Regulation No. 11 (Rescinded)

Effective immediately, Policy Regulation No. 11 issued on September 25, 1975, regarding Fee For A Duplicate Antique License Plate is hereby rescinded.

Since the Division is now issuing antique license plates which are similar to the other license plates which we issue and are the same in cost, the \$15.00 fee is no longer necessary.

The fee for a duplicate antique license plate shall be \$3.00, which is the same fee for all duplicate license plates. Please mark Policy Regulation No. 11 "Rescinded" as of January 28, 1982.

Please be advised that the Division no longer issues the porcelain antique license plates.

POLICY REGULATION NUMBER 13

January 9, 1976

Concerning: ~~Driver License Reinstatement Standards~~

In accordance with Title 21, Chapter 3, Section 302, ~~Delaware Code~~, the following standards may be implemented immediately.

The Director of the Motor Vehicle Division and those persons, designated to act on his behalf in the performance of duties, rules, regulations, and of duties, rules, regulations and policies of the Division may accept and employ professional evaluations made by the Division of Alcoholism Services, a Division of the Department of Health and Social Services, in matters concerning alcoholism and excessive alcoholic beverage consumption.

The Division may act upon reliable relevant information and recommendations concerning whether a 'drinking problem does or does not exist while they are problem does or does not exist while they are arriving at a decision for the purpose of reinstatement after suspension or revocation or licensing a new applicant.

In all cases where the Division delays licensing for the purpose of obtaining a professional evaluation or refuses to issue a license to an applicant or suspends or revokes the privileges of a licensed driver in matters concerning the excessive use of alcoholic beverages, the opportunity of a hearing shall be granted upon written request to the Director.

POLICY REGULATION NUMBER 16

APRIL 20, 1976

SUBJECT: Use Of Blue Lights

In accordance with Section 302, Chapter 3, Title 21, of the ~~Delaware Code~~, the Division of State Police is hereby authorized to use blue lights in conjunction with red and white lights on Tactical Accident Control (TAC) patrol cars.

POLICY REGULATION NUMBER 20

OCTOBER 18, 1976

Concerning: NOTICE OF TRANSFER OF OWNERSHIP OF A VEHICLE

In accordance with Title 21, Chapter 25, the transferor of any vehicle must notify the Division of Motor Vehicles of such transfer if the transfer is to someone other than a licensed Delaware dealer.

Because of the growing number of telephone notifications we have been receiving; and because of the possibility of errors in handling notifications verbally; and because of the growing concern over presenting verbally taken notifications of transfers in future court actions, the following Regulation Is effective immediately.

The notice of transfer, of a vehicle must be submitted in writing by the transferor. The notice should include: license plate number, make of vehicle, year of vehicle, serial number (if available), date and time of transfer, purchaser's name and address and seller's name and address.

This notice is not required if the owner appears at the Motor Vehicle Division to transfer the title to the new owner or if the transfer is to a registered dealer.

However, the Division recommends a notice of transfer to be submitted if the transfer is to a dealer.

The computer record will be flagged as transferred, and the written statement will be attached to the title background file.

POLICY REGULATION NUMBER 22

APRIL 22, 1977

SUBJECT: Posting Traffic Violations For Juveniles

Effective immediately, no traffic violations will be entered on the driving records of those individuals who have not reached 16 years of age, unless the traffic violation is related to alcohol or drugs.

All traffic violations will be entered on the driving records of those individuals who are 16 years of age or older, regardless of the driver license status or eligibility.

The Motor Vehicle Division will, however, abide by Orders issued by the Family Court pursuant to Title 10, Section 937 (b 16) and enter the appropriate information on the driving record as directed, regardless of age.

This Regulation is the result of a meeting held on April 20, 1977, between Robert D. Thompson, Chief Judge of the Family Court for the State of Delaware, and John R. Downey, Manager of the Driver Improvement Section, concerning conflicting laws in Title 21 and Title 10, Section 937, which relates to "Delinquency".

POLICY REGULATION NUMBER 28

APRIL 26, 1976

SUBJECT: Salvaged Vehicles, Scrapped Vehicles, Junked Vehicles, Rebuilt Vehicles, Dismantled Vehicles

As Required By Title 21, Delaware Code:

Section 1. Responsibilities of vehicle owner when a vehicle is scrapped or dismantled beyond repair (Section 2512, Title 21)

"Whenever any motor vehicle for which a title has been issued by the Delaware Motor Vehicle Division, whether such vehicle is registered or unregistered, is scrapped, permanently dismantled, damaged or destroyed beyond repair or otherwise made perm unusable as a motor vehicle, the owner thereof within 30 days shall remove the registered plate and shall immediately give or send such plate and the certificate of title to the Motor Vehicle Division for cancellation.

The Department shall upon receipt of the certificate of title, issue and send to the own non negotiable receipt for the vehicle described on the certificate of title. Such non negotiable receipt shall be deemed to meet all State proofs of ownership requirements."

Procedures to be followed:

(a) If the owner scraps, permanently dismantles, damages' or destroys a vehicle, and there is no settlement with an insurance company on the basis of total loss, the owner must comply with the requirements under Section 1 above.

(b) When an insurance company as a result of having paid a total loss claim acquires a certificate of title to a vehicle and obtains possession or control of the vehicle fore cause other than theft, such company must comply with the requirements under Section 1 above.

(c) Within 30 days of a theft of a vehicle, if an insurance company has acquired a certificate of title to a vehicle and obtains possession of the vehicle in settlement of a theft lost claim, and upon recovery of the vehicle it is determined that the vehicle has been damaged to an extent that it would be considered a total loss under the provisions of comprehensive and collision insurance, such insurance company "must comply with requirements under Section 1 above.

(d) Whenever any owner sells or transfers a vehicle, whether registered or unregistered which is considered to be scrapped, permanently dismantled, damaged or destroyed : beyond repair or otherwise made permanently unusable as a vehicle, such owner shall comply with the requirements under Section 1 above.

(e) Whenever any vehicle, Whether registered or unregistered, is acquired,' either from in state or from another state, and the vehicle was purchased as salvage, junked ox to be dismantled, the purchaser must comply with the requirements under Section 1 above. However, if the seller of the vehicle has complied with those requirements, and the new purchaser has in his possession a non negotiable receipt for a salvage vehicle, no further requirements are necessary.

Section 2. Procedures to follow when a junked vehicle (for which a non negotiable receipt has been issued) is sold to another party.

(a) Assign the non negotiable receipt for a salvage vehicle on the reverse side to the purchaser.

(b) Purchaser must retain non negotiable receipt at the office or location where vehicle maintained.

Section 3. Procedures to follow if the junked vehicle is to be retitled or re-registered.

(a) ~~Vehicle must be inspected by Delaware State Police Auto Unit. Non-negotiable receipt must be presented.~~

(b) ~~Vehicle must pass safety inspection at Motor Vehicle Division Inspection Lane.~~

(c) ~~Vehicle will be retitled as the original manufacture and year for which it was previously titled, unless, the Auto Theft Unit determines that enough different components have been used to classify it as an assembled vehicle.~~

(d) ~~When the new Delaware certificate of title is typed, the word RECONSTRUCTED will entered in the "use" block on the face of the title.~~

Section 4. Fees

(a) ~~If a non-negotiable receipt (salvage title) is desired, there is , a fee of \$2.00 \$15.00 to be paid at the time of application.~~

(b) ~~If owner submits the title as being' junked, salvaged, etc. and there is no further nec of a won-negotiable receipt (salvage title), the Motor Vehicle Division .will send a letter to the owner acknowledging receipt of the title and tag. There is no fee for this. However, this vehicle can never be titled again. The letter must be maintained on file and produced upon request by any authorized agent of the Motor Vehicle Division or labor enforcement agency.~~

POLICY REGULATION NUMBER 33

DECEMBER 10, 1979

~~(Replaces and Supersedes Policy Regulation 33 Issued August 10, 1978)~~

~~OCTOBER 15, 1982 (Revised)~~

~~CONCERNING: Designation of Representative of the Secretary for Holding Administrative and/or Implied Consent Hearings~~

~~Approved employees are:~~

~~Motor Vehicle Director~~

~~Driver Services Chief~~

~~Driver Improvement Manager~~

~~Driver Improvement Assistant Manager~~

~~Employees classified as Driver Services Officer III~~

~~Employees classified as Driver Services Officer IV~~

~~Vehicle Services Chief~~

POLICY REGULATION NUMBER 38

MARCH 15, 1979

~~CONCERNING: Vehicle Document Fees~~

~~Pursuant to Title 30, Section 3003, **Delaware Code**, the following regulation is established, effective immediately.~~

~~The word "transfer" as utilized in Section 3002, Title 30, shall include the following:~~

~~Change of business entity status~~

~~Examples: Haven Trucks to Fast Express~~

~~John Doe Trucks, Inc. to John Doe, Inc.~~

~~Joe Smith Buses to Smith Buses, Inc.~~

~~Joe Smith to Smith Buses~~

~~Change ownership between private individuals~~

~~Examples: Joe Smith to Tom Jones~~

~~Joe Smith to Harry Smith &/or Tom Smith~~

~~Helen Jones to Ralph Jones~~

The above listed types of transfers must be accompanied by a notarized bill of sale pursuant to Section 3002(b) or a notarized affidavit. If neither a notarized bill of sale or a notarized affidavit is available, the document shall be based on the current NADA book value.

The word "transfer" shall not include the following:-

Change of name of a private individual because of marriage, divorce or legal requirements

When a co-owner is being dropped or added to the owner as listed on the title

Examples: Joe Smith to Joe Smith &/or Mary Smith

———— Joe Smith &/or Mary Smith to Mary Smith

Joe Smith &/or Smith Bus Lines to Smith Bus Lines

No notarized bill of sale or affidavit is required for these types of transfers.

Other types of transfers not covered by this regulation will be processed as prescribed in Title 30, Chapter 30,
Delaware Code.

POLICY REGULATION NUMBER 39

MARCH 5, 1979

CONCERNING: Reinstatement of Drivers' Licenses/Privileges

Unless otherwise provided by law, a suspension or revocation of a driver's license or driving privileges shall not be extended or continued for the reason that our Division has not received the driver's license.

The suspension/revocation period is effective as stated on the official notice of suspension/revocation, and the Division of Motor Vehicles has no statutory means to extend or continue a suspension for failing to surrender a license.

POLICY REGULATION NUMBER 42

MARCH 5, 1979

CONCERNING: Hearings Prior to Mandatory Driver License Revocations/Suspensions

A hearing is not required prior to a mandatory driver license suspension and/or revocation unless the conviction does not apply to the person suspended/revoked.

Mandatory revocations are for those offenses cited in Section 2732(a) and Section 2732 (e) of Title 21.

Mandatory suspensions are for those offenses cited in §2732(b); §314 (uncollectable check); §2733(h); §2733(k); §2942; §2118(k).

POLICY REGULATION NUMBER 44

MARCH 14, 1979

CONCERNING: Reinspection Of Vehicles Rejected At Time Of Inspection

Whereas, the conservation of fuel is becoming more and more important; and

Whereas, many vehicles are rejected at time of inspection for items that are not really significant in relation to highway safety;

Therefore, be it resolved that the following Regulation is adopted by the Department and shall remain in effect until rescinded:

(A) Vehicles which are rejected at time of inspection for brakes, wheel alignment, or any front end problems which require the vehicle to be hoisted in the Lane, must pass through the inspection lanes for their rechecks and approval.

(B) Vehicles which are rejected at time of inspection for items other than those mentioned in the above paragraph (A) do not have to pass through the Lanes for recheck and approval.

(1) These vehicles may be presented at the exit end of the Lanes for checking by inspectors; or

(2) A repair order, statement, or bill showing that the rejected items has been repaired is acceptable proof to approve the vehicle. The repair order, statement, or bill must be on pre-printed business forms, showing the name and address of the business responsible for the repairs. A note on plain paper or a telephone call is not acceptable.

This regulation does not apply to school bus inspections.

POLICY REGULATION NUMBER 47

Issued May 30, 1979
Revised September 24, 1979
Revised May 13, 1980
Revised April 2, 1982

CONCERNING: School Bus Operator License Eligibility

To be eligible for a school bus operator endorsement on a driver's license, the applicant must:

(1) Comply with the provisions of Title 21, Sections 2708 and 2709.

(2) For purposes of definition, a "satisfactory driving record" as mentioned in Sections 2708 and 2709 shall be as follows:

(a) a record that has a "point" total of 8 points or less during the immediate past 3 years; and

(b) no "driving while under the influence of liquor or drugs" convictions during the immediate past 5 years;

and

(c) no entries of "Trial Waiver" (4177B) during the immediate past 5 years; and

(d) no revocation of driver's license or driving privileges during the immediate past 5 years; and

(e) no conviction of vehicular assault during the immediate past 5 years.

(3) All non-resident applicants (both initial applicants and those applying for renewal) shall present to the Division of Motor Vehicles and official copy of their driving record from the state where they are licensed. No application or renewal shall be accepted without such driving record.

(4) All non-residents applications must be qualified pursuant to the provisions of Section 2708, *Title 21, Delaware Code*.

(5) The out-of-state driving record shall be screened with the same criteria as used for Delaware resident school bus drivers.

(6) Form MV-1E is to be completed and used as the photo license input card.

(7) The 3-point credit for attending the Defensive Driving Course shall not be considered when determining the eligibility of a school bus operator.

MEMORANDUM

To: T. Marvel Everett _____ Title and Registration Clerks _____ Lane Managers _____ Cashiers
_____ Title Supervisors _____ Information Clerks
_____ Registration Supervisors _____ Inspectors

FROM: _____ Robert J. Voshell, Director
_____ Division of Motor Vehicles

SUBJECT: ~~H.B. 71 as amended~~ Inspection of Motor Vehicles Built Prior to 1943

Pursuant to H. B. 71 enacted on April 17, 1979, the attached Policy Regulation is to be implemented effective immediately.

If the Antique Vehicle Inspection Form is properly completed, simply use it in lieu of the inspection card. Validate it as you would a normal inspection card and return it to Betty Knotts' office in the daily work.

If the vehicle is inspected by our employees, use an inspection card, as in past procedures.

The law, and these procedures apply to all motor vehicles built in 1942 and prior.

This includes those vehicles already registered as antique vehicles and those Delaware registered vehicles which are not registered as antiques.

All inspections for pre 1943 vehicles being registered for the first time in Delaware must be performed by employees of the Division of Motor Vehicles.

Inspections for renewals of the pre 1943 vehicles can be performed by those designated persons on the attached list.

for renewals of pre 1943 vehicles can be performed by those designated persons on the attached.

Attachment

POLICY REGULATION NUMBER 48

AUGUST 6, 1979

CONCERNING: Inspection of Antique Vehicles Built Prior To 1943

Pursuant to House Bill No. 71 as amended, enacted on April 17, 1979, which amended Section 2199, Chapter 21, Title 21, **Delaware Code**, the following types of safety inspection shall apply to pre-1943 vehicles:

1. Normal inspection performed at the Division of Motor Vehicles' Inspection Lanes.

OR

2. Off-site inspection by a qualified employee of the Division of Motor Vehicles. There shall be an inspection fee of \$5.00 for an off-site inspection. An appointment must be made in advance by the owner, with the Lane Manager.

OR

3. Inspection performed by designated inspection officers of the recognized antique vehicle clubs in Delaware. The inspection officers will complete forms as required by the Division of Motor Vehicles. These forms are to be given to the antique vehicle owner, who must submit the form to the Division of Motor Vehicles at time of renewal of registration.

All inspections for the initial registration in Delaware must be performed by employees of the Division of Motor Vehicles.

POLICY REGULATION NUMBER 49

AUGUST 15, 1979

Concerning: Issuance Of Conditional' Driver Licenses To Non-Residents

Pursuant to Title 21, Section 302, 4177 B, 4177 C, and 4177 D, the following regulation and procedures are established effective immediately.

1. A non-resident driver, who qualifies as a first offender pursuant to § 4177 B (d), may elect to voluntarily enroll in

— an approved course of instruction and/or program of rehabilitation in order to obtain a conditional license.

2. The non-resident applicant, in addition to compliance with the provisions under 4177 C, must present the Division a current copy of his/her driving record from the state of residence (which issued his/her current driver's license).

3. The out-of-state driver's license must be surrendered to the Division for the period of revocation.

4. A notice of the revocation will be forwarded to the licensing authority in the applicant's home state.

5. All other provisions of Title 21, **Delaware Code**, will apply.

POLICY REGULATION NUMBER 52

JUNE 20, 1980

CONCERNING: Period of Revocation of Driver's License/Driving Privileges Pursuant to Section 4202(b), Title 21

Upon receiving a conviction for a violation of Section 4202(a) the driver's license and/or driving privileges shall be revoked for a period of one (1) year under Section 4202(b), Title 21 **Delaware Code**.

POLICY REGULATION NUMBER 54

DECEMBER 12, 1980

CONCERNING: The Issuance Of A Subsequent Occupational Driver's License After A Conviction For Violating The Provisions Of Such Occupational License

Whereas, Title 21, Chapter 27, Section 2733(h) states the following:

"(h) The Department, upon receiving a record of convictions of any person upon a charge of operating a motor vehicle in violation of the restriction imposed upon said occupational license during the period of "such occupational license, shall immediately extend the period of such suspension for an additional like period and shall forthwith direct such person to surrender said occupational license to the Department." and;

Whereas, Title 21 does not set forth exactly when a subsequent occupational license can be issued;

The following policy is hereby adopted pursuant to Title 21, Chapter 3, Section 302:

No application for a subsequent occupational license will be accepted prior to the expiration of the suspension period for which the cancelled occupational license was issued.

This policy does not alter the total number of occupational licenses (three) that an individual can be issued pursuant to Section 2733(g) of Del. Code 21.

POLICY REGULATION NUMBER 55

FEBRUARY 17, 1981

CONCERNING: Waiver Of Examinations For Driver Education Students

The examination required by 21 ~~Del.C.~~ §2713(a) of an applicant for an operator's license may consist of an examination of proof that the applicant has successfully completed a course in driver education in a public or private high school in this state if such a course is approved by the State Board of Education and meets the standards for such courses described by that Board. The visual acuity test will be administered to all applicants.

POLICY REGULATION NUMBER 58

AUGUST 21, 1981

CONCERNING: Driver Licenses (Towing Mobile Homes & Goosenecked Trailers)

Whereas, there have been many questions from law enforcement officials, Motor Vehicle Division employees and Delaware licensed drivers regarding the proper class of licenses required for pulling mobile homes with tractors and pulling goosenecked trailers with pickup trucks; and

Whereas, the Delaware laws are not specific in defining these types of vehicles; and

Whereas, these two types of vehicles were not considered as tractor and semi-trailer combinations when the classified driver license system was implemented;

The following Departmental Policy Regulation is effective immediately:

The type of license required for any operator of a motor vehicle who is towing a mobile home or a goosenecked trailer shall be governed, by the registered gross weight of the towing vehicle.

For purposes of the classified license system, these two types of vehicles shall not be considered tractor-trailer combinations.

POLICY REGULATION NUMBER 59

SEPTEMBER 16, 1981

CONCERNING: Driving Experience For School Bus Operators

Whereas the current laws do not provide for driving experience prior to obtaining a school bus operator's driver's license or endorsement; and

Whereas the current laws do provide that the minimum age for a school bus driver applicant shall be at least 18 years of age and not over 70 years of age; and

Whereas Section 2707(a) of Title 21 requires at least one year's previous driving experience prior to obtaining a Class B or Class C license; and

Whereas the Department believes prior driving experience should also be required for the operation of school buses;

The following Policy Regulation is hereby adopted pursuant to Title 21, Sections 302 and 2708, ~~Delaware Code~~:

No person shall be issued a school bus operator's endorsement or school bus license unless such person has held a valid driver's license for at least one year prior to the application for such school bus endorsement or school bus license.

POLICY REGULATION NUMBER 64

DECEMBER 3, 1981

CONCERNING: Establishing A Fee For Changing A Driver's License Number

Whereas, the Division of Motor Vehicles has changed the driver's license numbers for many drivers during the past few years just to give such drivers a better license number; and

Whereas this service is not required since the driver has a properly assigned licensed number; and

Whereas there is a cost to the Division for typing an application, taking a photo, using film, using plastic chip, keypunching, verifying and processing the new record to the computer, and deleting the old record from the computer from the computer

Be it therefore resolved that effective immediately the following fees are to be assessed for a change of driver's license number:

\$1.00— Cost of Material

~~10.00~~ Service Charge

\$11.00—Total

POLICY REGULATION NUMBER 66

FEBRUARY 22, 1982

CONCERNING: School Bus Drivers License/Renewals

Pursuant to Title 21, Chapter 27, Section 2708(b), of the ~~Delaware Code~~, a *school bus* driver's license shall be renewed annually, prior to the start of the school year, at a time set by Department regulation.

In accordance with the above mentioned law, the Department has determined that, school bus drivers' licenses or endorsements shall expire on August 31 each year.

An eye test is required at time of renewal.

A school bus operator may apply for a renewal of the school bus endorsement anytime beginning July 1. A blue D. P.I. card must be submitted to the Division. The driving record will be reviewed.

A new applicant applying on or after July 1 will be issued a school bus endorsement/license expiring August 31 of the following year.

A new applicant applying before July 1 will be issued a school bus endorsement/license expiring August 31 of the current year.

If the applicant's school bus endorsement /license has expired over one year, the applicant must present a blue card issued by the Department of Public Instruction and submit to an eye test, written examination and road test. The applicant does not have to re-attend the required classroom training. If the applicant fails any part of the test/examination, such applicant must wait 10 days before being retested.

POLICY REGULATION NUMBER 67

FEBRUARY 22, 1982

(Revised February 26, 1982)

CONCERNING: Issuance Of 30-Day Permits To School Bus Operators

Pursuant to Title 21, Chapter 27, Section 2708(a-7), the Division of Motor Vehicles is authorized to issue a temporary nonrenewable permit for 30 calendar days to an applicant for a school bus driver's licenses/endorsement, upon recommendation of the area transportation supervisor and after the applicant has passed the road test, physical examination and eye test.

In accordance with the above mentioned law the following, policy and procedures are hereby adopted:

The Transportation Supervisor, upon receipt of the valid physical examination form, will supply the applicant with a Delaware School Bus Driver's Handbook, a Division of Motor Vehicles Driver's Manual, and the pink card:

The applicant, after studying the Handbook and Manual, can take the pink card to the Motor Vehicle Division office and request and eye test, written test, and road test. Upon satisfactory completion of the three tests, the applicant will be eligible to receive a temporary 30-day school bus operator's permit.

When the holder of the 30-day permit completes the required classroom training, he will be issued the yellow card.

The yellow card will be presented to the same Motor Vehicle Division office and the school bus operator's endorsement will be issued without any further testing, provided the temporary permit is still valid. If the permit has expired, the applicant must meet the same requirements as any other applicant.

POLICY REGULATION NUMBER 68

MARCH 15, 1982

CONCERNING: Types of Driver Licenses Required For The Operation of School Buses

Pursuant to Title 21, Section 2708, a valid school bus endorsement shall be required on the driver's license of an operator of a school bus when such school bus is transporting pupils. Such school *bus* endorsement can be issued on a "Class A", "Class B", or "Class C" drivers license and is to be considered legal when operating a school bus regardless of the gross registered weight of such school bus.

Pursuant to Title 21, Section 2708(e), a school bus license or endorsement is not required when the school bus is being operated for other than school activities. However, when the school bus is being operated for other than school activities, the operator must be properly licensed with the appropriate class license for the gross registered weight of the school bus.

Example: An operator of a school bus, such school bus having a gross registered weight of 21,000 lbs., operating a school bus for other than school activities must hold a valid "Class B" or "Class C" driver's license.

If the gross registered weight, in the example, is 20,000 lbs. or less, operator can hold a valid "Class A", "Class B" or "Class C" driver's license.

For "other than school activities" the normal Classified Driver's License System applies.

POLICY REGULATION NUMBER 69

MARCH 18, 1982

CONCERNING: Exempt Registration Fees For Disabled Veterans

Title 21, Section 2164 of the ~~Delaware Code~~ reads as follows:

"2164. Registration and inspection of motor vehicles of disabled veterans:

A motor vehicle owned by a disabled veteran who obtained such a vehicle pursuant to 38 U.S.C.A. § 1901 et seq. or Public Law 538, 93rd Congress shall be registered, but shall be exempt from the payment of registration fees. The Secretary shall furnish, without cost, number and registration plates for all such vehicles of such design as will distinguish them from other plates for which fees are paid. Nothing herein contained shall be construed as exempting such vehicles from the requirement of inspection."

Upon a written request to the Division's Deputy Attorney General dated January 11, 1982, the following clarification of the federal law was received dated January 26, 1982, from Deputy Attorney General James J. Hanley:

"Section 2164 is limited to registration of a motor vehicle:

1. Owned by a disabled veteran who obtained such a vehicle pursuant to federal law. The provisions of 38 U.S.C. 91903 state that the federal law entitles a disabled veteran to receive only one car. Since he can only obtain one car with federal money, he can only benefit from the exemption in 21 ~~Del. C.~~ 92164 one time.

2. Federal law also provides for adaptive equipment to be installed in a car. This benefit is not limited to one time. The veteran can have the equipment installed on a car that he subsequently purchases without any federal assistance in the purchase.

3. Since Delaware law is only concerned with a car purchased with federal assistance, and not with cars provided adaptive equipment, the exemption of 21 ~~Del. C.~~ §2164 is a one time privilege."

Based on the above clarification an exempt vehicle registration is to be given on one vehicle only for a disabled veteran:

Example: John Doe received a one-time payment from the Veterans' Administration toward the purchase of a vehicle. The registration fee (and only the registration fee) for this vehicle is exempted for as long as this disabled veteran owns the vehicle. However, the vehicle must be inspected for safety each year. If John Doe (owner) trades this vehicle in on another vehicle at some point in the future, the newly acquired vehicle does not qualify for an exempt registration fee. The newly acquired vehicle still does not qualify for an exempt registration fee even though the disabled veteran may receive federal funds for payment to install special adaptive equipment or to replace or repair such special adaptive equipment.

Prior to granting any future exemption for registration fee at the time a certificate of title is issued it will be required that the applicant submit to the Division a letter from the Veteran Administration stating the following:

"Division of Motor Vehicles

~~P.O. Box 698-
Dover, Delaware~~

Dear,

~~This is to certify that a service-connected disabled veteran, has received a one-time payment in the amount of \$4,400.00 toward the purchase of an automobile or other conveyance.~~

~~The veteran is also entitled to payment for the adaptive equipment, its repair, replacement or re-installation required because of disability for the safe operation of the vehicle purchased with VA assistance or for a previously or subsequently acquired vehicle.~~

~~These entitlements are pursuant to 38 U. S. C. 1901 and following.~~

~~Sincerely,"~~

~~The above letter has been drafted by the Veterans Administration and will be provided by them to persons receiving the one-time payment toward the purchase of a vehicle. It will be amended to include the date of the grant.~~

POLICY REGULATION NUMBER 80

~~NOVEMBER 6, 1986~~

~~CONCERNING: School Bus Driver Applicants~~

~~Pursuant to 21 Del.C. §.2708, amended on July 8, 1986, the following policy regulation becomes effective immediately.~~

~~(a) Applicants training to be school bus drivers pursuant to 21 Del.C. §.2708(a)(4) may drive a school bus with a valid Delaware Class A, B or C license or a comparable valid out-of-state operator's license in preparation for taking the road test at the Delaware Motor Vehicle Division to qualify for a 30-day non-renewable temporary permit, provided they are accompanied by a certified Delaware School Bus Driver Trainer as an instructor and no other passengers are aboard.~~

~~When applicants are prepared to take the written test, eye test and road test in the school bus, they may drive the bus to the Motor Vehicle Division alone provided they possess a pink card issued by the local Transportation Supervisor.~~

~~Upon satisfactory completion of all three tests administered by the Division of Motor Vehicles, the applicant will receive a 30-day non-renewable temporary permit issued by the Division of Motor Vehicles. The permit will enable the applicant to drive a school bus with children aboard for 30 calendar days during which time the complete 12 hours of classroom instruction and 6 hours of on-bus training under the supervision of a Certified Delaware School Bus Driver Trainer must be completed. When the required 18 hours of training and all other requirements have been met, the applicant may apply to the local transportation supervisor for a yellow card. The yellow card will enable the applicant to go to the Motor Vehicle Division to get a "school bus endorsement" added to the Delaware license or be issued a specific school bus driver's license when an out-of-state license is involved.~~

~~(b) A person road-testing a school bus, providing emergency service, going to and from the Motor Vehicle Division Inspection Lanes or providing other required maintenance or service may drive a school bus without a school bus license provided there are no children aboard.~~

~~House of Representatives
133RD GENERAL ASSEMBLY
HOUSE BILL NO. 163
AS AMENDED BY~~

House Amendment No. 1

~~AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE QUALIFICATION FOR SCHOOL BUS DRIVERS LICENSES.~~

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

POLICY REGULATION NUMBER 85

~~June 1, 1990~~

~~CONCERNING: DENIAL OF TEMPORARY LICENSE IN CERTAIN CIRCUMSTANCES~~

Pursuant to 21 ~~Del.C.~~ Sections 302, and 2742, and Policy Regulation Number 3, the following Policy Regulation is hereby adopted.

Whereas, 21 ~~Del.C.~~ Section 2742 (e) states; "The officer shall take the Delaware license or permit of the driver in any such case and issue a temporary license effective only for 15 days with a provision for an additional period if a written request for hearing is received by the Division of Motor Vehicles within the 15 day period." and; s

Whereas, Policy Regulation Number 3 promulgates rules and procedures for licensing which defines "good behavior" as a basis for licensing.

Therefore, be it resolved that when an individual requests a hearing pursuant to 21 ~~Del.C.~~ Section 2742 for Probable Cause or Refused Chemical Test the hearing shall ~~1~~ granted. However, driving authority of any type shall not be issued in the following circumstances:

1. The individual's license is currently suspended and/or revoked.
2. The violation for which the hearing is being requested is within one (1) year after the date of license reinstatement from an alcohol and/or drug offense.
3. The violation for which the hearing is being requested is within six (6) months after the date of license reinstatement from a suspension or revocation other than alcohol and/or drugs. A further violation following reinstatement of a suspension and/or revocation shows an apparent disregard for the licensing authority.
4. The individual is currently driving on a conditional, restricted, temporary, or other type of limited license.

POLICY REGULATION NUMBER 86

JANUARY 1, 1991

SUBJECT: Fees For Furnishing Computerized Lists Of Vehicles Or Drivers

Whereas the State of Delaware enacted legislation increasing certain fees by 15 percent (House Substitute 2 for House Bill No. 724); and

Whereas the fees for computerized lists of vehicles and/or drivers have not been increased since approximately 1975; and

Whereas the cost of supplying these lists have escalated during the past 15 years;

The following fees are effective immediately whenever the Division furnishes computerized lists:-

***Initial set up fee -- \$375.00

(must be paid in advance and submitted with the request)

***Records charge -- \$11.50 per 1,000 records or portion thereof (Requestor will be billed for this amount which must be paid prior to the release of the information.)

All checks are to be made payable to the "Division of Motor Vehicles"

9 DE Reg. 1163 (02/01/06) (Prop.)