

TITLE 21

Motor Vehicles

Operation and Equipment

CHAPTER 41. RULES OF THE ROAD

Subchapter XII. Operation of Bicycles and Other Human-Powered Vehicles; Operation of Electric Personal Assistive Mobility Devices

§ 4192 Responsibility of parent or guardian.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

21 Del. C. 1953, § 4190; 54 Del. Laws, c. 160, § 1; 66 Del. Laws, c. 167, § 2.;

§ 4193 Applicability of traffic laws.

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle by this title, except as to special regulations in this subchapter and except as to those provisions of this title which by their nature can have no application.

21 Del. C. 1953, § 4191; 54 Del. Laws, c. 160, § 1; 66 Del. Laws, c. 167, § 2.;

§ 4194 Passengers and trailers.

(a) No bicycle shall be used to carry more persons at 1 time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to the person in a backpack or sling.

(b) A trailer or semitrailer designed for attachment to a bicycle may be used when securely attached thereto.

21 Del. C. 1953, § 4192; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 60; 66 Del. Laws, c. 167, § 2; 70 Del. Laws, c. 186, § 1.;

§ 4195 Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or personally be attached to any vehicle upon a highway.

21 Del. C. 1953, § 4193; 53 Del. Laws, c. 160, § 1; 66 Del. Laws, c. 167, § 2; 70 Del. Laws, c. 186, § 1.;

§ 4196 Bicycling on right side of roadway; exceptions.

(a) Upon all roadways of sufficient width a bicycle operator shall travel in the right half of the roadway except as follows:

- (1) When overtaking and passing another bicycle or vehicle proceeding in the same direction;
- (2) When preparing for a left turn at an intersection or into a private road or driveway;
- (3) When approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, in which case a person may operate a bicycle in this dedicated lane, even if the bicycle operator does not intend to turn right;
- (4) When reasonably necessary to avoid conditions including, but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals or surface hazards;
- (5) When a paved roadway shoulder exists, in which case a person may operate a bicycle in the roadway shoulder with due regard for any traffic control devices intended to regulate or guide traffic or pedestrians;
- (6) When a part of a roadway has been set aside for the exclusive use of bicycles including contra-flow bicycle lanes, left-handed cycle tracks or bicycle lanes on 1-way streets and 2-way cycle tracks or bicycle lanes, in which case a person may operate a bicycle in the designated bicycle lane or cycle track; or
- (7) When operating a bicycle upon a 1-way highway with 2 or more marked traffic lanes and a posted speed limit of less than 30 miles per hour, in which case a person may operate a bicycle as near the left-hand edge of such roadway as judged safe by the bicycle operator.

(b) Upon all roadways any bicycle proceeding at less than the normal speed of vehicle traffic at the time and place and under the conditions then existing shall be operated in the right-hand travel lane. If the right-hand travel lane is wide enough for a bicycle and a vehicle to travel safely side-by-side within the lane, a bicycle operator shall operate far enough to the right as judged safe by the operator to facilitate the movement of such overtaking vehicles unless the bicycle operator determines that other conditions make it unsafe to do so.

(c) Persons operating bicycles upon a roadway shall not travel more than 2 abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(1) Operating bicycles side-by-side does not constitute an impediment to normal traffic at times of no conflicting traffic, if motor vehicle traffic can overtake in the adjacent lane, or if the lane is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

(2) On a laned roadway, persons operating bicycles side-by-side shall do so within a single lane.

(d) [Repealed.]

21 Del. C. 1953, § 4194; 54 Del. Laws, c. 160, § 1; 66 Del. Laws, c. 167, § 2; 78 Del. Laws, c. 206, §§ 1, 2; 81 Del. Laws, c. 196, § 1.;

§ 4196A Bicycle approaching or entering intersection [Subsection (c) expires Oct. 5, 2021, by operation of 81 Del. Laws, c. 196, § 2]

(a) A bicycle operator approaching a stop sign at an intersection with a roadway having 3 or more lanes for moving traffic shall come to a complete stop before entering the intersection.

(b) A bicycle operator approaching a stop sign at an intersection where a vehicle is stopped in the roadway at the same stop sign shall come to a complete stop before entering the intersection.

(c) [*Expires Oct. 5, 2021.*]A bicycle operator approaching a stop sign at an intersection with a roadway having 2 or fewer lanes for moving traffic shall reduce speed and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection, except that a person, after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping.

(d) A bicycle operator approaching an intersection shall always yield the right-of-way to any vehicle which has already entered the intersection.

(e) When a bicycle and a vehicle enter an intersection from different roadways at approximately the same time, the operator of the vehicle or bicycle on the left shall yield the right-of-way to the vehicle or bicycle on the right.

81 Del. Laws, c. 196, § 1.;

§ 4197 Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least 1 hand on the handlebars at all times.

21 Del. C. 1953, § 4195; 54 Del. Laws, c. 54, § 1; 66 Del. Laws, c. 167, § 2.;

§ 4198 Left turns.

(a) A person operating a bicycle intending to turn left shall follow a course described in § 4152 of this title or in subsection (b) of this section.

(b) A person operating a bicycle intending to turn left shall:

(1) Enter the intersection as close as practical to the right edge of the roadway; and

(2) Proceed across the intersecting roadway; and

(3) If possible, exit the travel lane and stop or, if not possible to exit the travel lane, stop as much as practical out of the way of traffic; and

(4) Yielding to any traffic proceeding in either direction along the roadway the bicyclist has been using and complying with any official traffic-control device or police officer regulating traffic on the roadway on which the bicyclist intends to proceed, proceed in the new direction.

(c) Notwithstanding subsections (a) and (b) of this section, the Department or local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles, and when such devices are so placed, no person shall turn a bicycle other than as directed and required by such devices.

66 Del. Laws, c. 167, § 2; 70 Del. Laws, c. 186, § 1; 81 Del. Laws, c. 196, § 1.;

§ 4198A Turn and stop signals.

(a) A person operating a bicycle shall give hand and arm signals as follows:

(1) *Left turn.* — Left hand and arm extended horizontally and to the left side of the bicycle.

(2) *Right turn.* — Right hand and arm extended horizontally and to the right side of the bicycle or the left hand and arm extended upward.

(3) *Stop or decrease speed.* — Left hand and arm extended downward from the left side of the bicycle.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

66 Del. Laws, c. 167, § 2; 70 Del. Laws, c. 384, § 2.;

§ 4198B Bicycles on sidewalks and crosswalks.

(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

(c) A person propelling a vehicle by human power upon and along a sidewalk, or pushing a bicycle across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

66 Del. Laws, c. 167, § 2.;

§ 4198C Bicycle parking.

(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(f) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of this title.

66 Del. Laws, c. 167, § 2.;

§ 4198D Bicycle racing.

(a) Bicycle racing on the highways is prohibited by § 4172 of this title except as authorized in this section.

(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by the Department or local authorities in their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

66 Del. Laws, c. 167, § 2.;

§ 4198E Inspecting bicycles.

A uniformed police officer may at any time, upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate.

66 Del. Laws, c. 167, § 2.;

§ 4198F Lamps and other equipment on bicycles.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front.

(b) Every bicycle shall be equipped with a red reflector of a type approved by the Department which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(c) Every bicycle when in use at nighttime shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp

visible from both sides from a distance of at least 500 feet.

(d) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by subsections (a)-(c) of this section.

(e) Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

21 Del. C. 1953, § 4196; 54 Del. Laws, c. 160, § 1; 66 Del. Laws, c. 167, § 2.;

§ 4198G Bicycle identifying number.

A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

66 Del. Laws, c. 167, § 2.;

§ 4198H Use of earplugs and headsets restricted.

(a) A person shall not drive a bicycle with earplugs in both ears or while wearing a headset covering both ears.

(b) A prosthetic device which aids the hard-of-hearing is not an earplug or a headset under this section.

66 Del. Laws, c. 167, § 2.;

§ 4198I Human-powered vehicles defined.

"Human-powered vehicles" shall mean that certain class of vehicles which are exclusively human-powered by means of foot pedals and which the driver normally rides astride. Adult cycles are included but all children's cycles are excluded as are all toys and all vehicles of whatever nature that require the driver to place a foot or other object on the ground to cause motion.

66 Del. Laws, c. 167, § 2.;

§ 4198J Bicycling on highways under influence of drugs or alcohol.

(a) No person shall ride a bicycle on a highway of this State while under the influence of intoxicating liquor and/or narcotic drugs to a degree which renders such person a hazard.

(b) Whoever is convicted of a violation of subsection (a) of this section shall, for the first offense be fined not less than \$150 nor more than \$1,150 and for subsequent offenses, be fined not less than \$400 nor more than \$1,500 or be imprisoned not less than 10 days nor more than 30 days, or both. A subsequent offense must have been committed within 2 years of the prior offense.

(c) No violation of this section shall be entered on a driver's motor vehicle record.

70 Del. Laws, c. 265, § 3; 74 Del. Laws, c. 282, § 2.;

§ 4198K Helmet requirements.

(a) A person under 18 years of age shall not operate or ride as a passenger upon any bicycle unless that person is wearing an approved, properly fitted and fastened bicycle helmet. This requirement shall apply to a person who rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle. For purposes of this section, an "approved helmet" means a bicycle helmet which conforms to the following standards:

(1) A bicycle helmet that was manufactured prior to March 11, 1999, shall meet or exceed the minimum bicycle helmet safety standards set by the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the Snell Memorial Foundation;

(2) A bicycle helmet that was manufactured on or after March 11, 1999, shall meet or exceed the minimum bicycle helmet safety standards set by the Consumer Products Safety Commission.

(b) Any parent or guardian who fails to cause the parent's or guardian's child to wear a bicycle helmet, as provided herein, shall be fined for the first offense \$25, and for each subsequent offense, \$50.

(c) The Court may dismiss all charges pursuant to this section upon presentation of evidence that a violator hereof has purchased or obtained a bicycle helmet which meets or exceeds the standards set forth herein subsequent to the violation.

(d) The requirements of this section shall apply at all times while a bicycle is being operated on any property open to the public or used by the public for pedestrian and vehicular purposes.

(e) Failure to wear a bicycle helmet as herein described shall not be considered evidence of either comparative or contributory negligence in any civil suit arising out of any accident in which a person under 18 years of age is injured, nor shall failure to wear a bicycle helmet be admissible as evidence in the trial of any civil action.

(f) It is an affirmative defense to a violation of the helmet requirements of this section that the violator is a member of a recognized church or religious denomination and whose religious convictions, in accordance with the tenets and practices of the violator's church or religious denomination, are against the wearing of a helmet.

70 Del. Laws, c. 38, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 282, § 2; 76 Del. Laws, c. 289, §§ 1-5.;

§ 4198L Exemption for bicycle-mounted police officers.

Bicycle-mounted police officers, while responding to an emergency or during the pursuit of an actual or suspected violator of the law, are exempt from the obligations under this subchapter.

70 Del. Laws, c. 384, § 3; 74 Del. Laws, c. 282, § 2.;

§ 4198M Mopeds and tripeds.

(a) Mopeds and tripeds shall not be operated upon interstate and limited access highways, even to cross such highways, nor shall they be operated on the right-of-way of an operating railroad, except to cross such railroad, nor shall they be operated on any path set aside for the exclusive use of

bicycles unless the helper motor has been turned off.

(b) No person shall drive a moped or triped without having been licensed as an operator of a motor vehicle under this title. The licensee shall have such license in the licensee's immediate possession at all times when operating a moped or triped. The licensee does not need a motorcycle endorsement to operate a moped or triped.

(c) Regulations applicable to bicycles shall apply whenever a moped or triped is operated upon any public road or upon any path set aside for the exclusive use of bicycles.

(d) Mopeds or tripeds shall be registered under regulations which shall be adopted by the Division of Motor Vehicles. The registration and reregistration fee for mopeds or tripeds shall be \$5.00 for a 3-year registration period. Upon registration of a moped or triped, the Division of Motor Vehicles shall issue a decal or a distinctive number plate to be affixed to the moped or triped as indication of registration.

(e) Title and vehicle document fees must be paid. Liens can be recorded.

(f) A moped license plate will be issued and has to be displayed on the rear of the moped so it is clearly visible. All moped registrations will expire on December 31. A registration card will be issued in the same manner as other vehicles.

(g) *Safety inspections.* — Mopeds shall be exempt from Delaware's safety inspection. Division of Motor Vehicles personnel will verify the vehicle identification number on those vehicles titled in another jurisdiction which are being titled in Delaware for the first time. A fee of \$15 shall be charged for Division of Motor Vehicles technicians to perform an offsite vehicle identification number verification.

(h) No motor vehicle insurance is required for the operation of a moped or triped.

(i) A person under 18 years of age shall not operate or ride as a passenger upon a moped or triped unless that person is wearing a properly fitted and fastened helmet which meets or exceeds the standards set forth in § 4198K of this title.

(j) If the moped or triped owner is not a Delaware resident, Delaware will honor the laws of his or her home state regarding the registration of such vehicle. However, the operator of a moped or triped must hold a valid driver license from his or her state of residence.

70 Del. Laws, c. 208, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 282, § 2; 79 Del. Laws, c. 397, § 3; 81 Del. Laws, c. 173, § 1.;

§ 4198N Operation of motorized skateboards and scooters.

(a) *Upon public highways, streets, sidewalks or rights-of-way; penalties for violation.* — Motorized skateboards or scooters shall not be operated upon a public highway or street or sidewalk or right-of-way thereof located within this State except under the following conditions:

- (1) A motorized skateboard or scooter may be pushed across or along such public way provided such motorized skateboard or scooter is in neutral or that the power train is otherwise disengaged, and further provided that such use shall be in conformance with this chapter.

(2) A motorized skateboard or scooter may be operated on a street or highway located within this State for a special event of limited duration, conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction.

(3) A person who violates this subsection shall be subject to the following penalties:

a. For the first offense, a fine of not less than \$25 nor more than \$115.

b. For a second or subsequent offense, committed within 24 months after commission of the first offense, the operator shall be fined not less than \$57.50 nor more than \$230 and the motorized skateboard or scooter may be ordered to be forfeited by the court.

(b) *Upon other property; penalty for violation.* — A person shall not operate a motorized skateboard or scooter upon any property in either public or private ownership without the express permission of the person in control of the property or knowingly in violation of any restrictions imposed on such use by the person in control of the property. A person who violates this subsection shall be subject to the following penalties:

(1) For the first offense, a fine of not less than \$25 nor more than \$115.

(2) For a second or subsequent offense, committed within 24 months after commission of the first offense, the operator shall be fined not less than \$57.50 nor more than \$230 and the motorized skateboard or scooter may be ordered to be forfeited by the court.

(3) In addition, restitution shall be made for value of any damage to real or personal property that results from a violation of this subsection.

(c) *Careless operation or excessive rate of speed.* — A person shall not operate a motorized skateboard or scooter in a careless or imprudent manner or at a rate of speed greater than is reasonable and prudent under the conditions or without having regard to actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance.

(d) *While under the influence or with a prohibited alcohol content.* — A person shall not operate a motorized skateboard or scooter while under the influence of alcohol, any drug, or with a prohibited alcohol content as defined in § 4177 of this title.

(1) When such operation is upon private property with the express permission of the person in control of the property or such operation is not upon public property, a public highway or street or sidewalk or right-of-way thereof, the penalty provisions of this section shall apply.

(2) The provisions of this subsection, subsections (j) or (l) of this section or any other statute to the contrary notwithstanding, all provisions of § 4177 of this title and provisions of this Code related thereto shall be applicable to the operation of a motorized skateboard or scooter while under the influence of alcohol, any drug, or with a prohibited alcohol content as defined in § 4177 of this title when such operation is upon private property without the express permission of the person in control of the property or such operation is upon public property, a public highway or street or sidewalk or right-of-way thereof located within this State.

(e) *In a manner causing damage or disturbance.* —

- (1) A person shall not operate a motorized skateboard or scooter in a manner to cause damage to property of another person or in a manner to endanger, disturb or annoy another person. Disturbance or annoyance of other persons shall be presumed if the operator has received either verbally or in written form notice of such annoyance or disturbance from the complaining party. However, nothing in this subsection shall be construed as prohibiting the operation of motorized skateboards or scooters at a track or park designed for the lawful operation of said devices.
- (2) The operator of the motorized skateboard or scooter shall be held liable for any damage to property of another person. However, if the operator is a minor, the parents or legal guardian of the operator shall be held personally liable for any and all damage and/or injuries, including civil or criminal liability, caused by the minor in the operation of the motorized skateboard or scooter.
- (3) The owner of such private property may recover from the person responsible nominal damages of not less than the amount of damage or injury.
- (f) *Unlawful for operators of motorized skateboard or scooters to disobey command to stop.* — It shall be unlawful for any operator of a motorized skateboard or scooter to wilfully disobey a signal to bring such motorized skateboard or scooter to a stop when such signal is given by hand, voice, emergency lights, siren or other visual or audible signal by a uniformed law-enforcement, police, peace or environmental protection officer acting in the lawful performance of duty.
- (g) *By minors, incompetent persons or persons under mental or physical disabilities.* —
- (1) A person less than 12 years of age may operate a motorized skateboard or scooter only if:
- The person is under the direct supervision of a person who is at least 18 years of age; or
 - The person is on land owned by or under the control of the person's parent or legal guardian.
- (2) Persons 12 years of age and older may operate a motorized skateboard or scooter without adult supervision provided such use is in compliance with all other provisions of this chapter.
- (3) A parent or legal guardian shall not permit a child under the age of 12 to operate a motorized skateboard or scooter except under the direct supervision of an adult.
- (4) The owner of a motorized skateboard or scooter shall not permit:
- The device to be operated by a person under the age of 12 except under direct adult supervision.
 - The device to be operated by a person who is incompetent to operate such vehicle because of mental or physical disability or because of being under the influence of alcohol, any drug, or with a prohibited alcohol content as defined in § 4177 of this title.
- (h) *Helmet requirements.* —

- (1) A person under 18 years of age shall not operate or ride as a passenger upon any motorized skateboard or scooter unless that person is wearing a properly fitted and fastened bicycle helmet which meets or exceeds the standards set forth in § 4198K of this title.
 - (2) Any parent or legal guardian who fails to cause that parent or legal guardian's child to wear a helmet, as provided in this subsection, shall be fined for the first offense \$25, and for each subsequent offense, \$50.
 - (3) The court may dismiss all charges pursuant to this subsection upon presentation of evidence that a violator hereof has purchased or obtained a helmet that meets or exceeds the standards set forth in this subsection subsequent to the violation.
 - (4) The requirements of this subsection shall apply at all times while a motorized skateboard or scooter is being operated on any property open to the public or used by the public for pedestrian and vehicular purposes.
 - (5) Failure to wear a helmet as herein described shall not be considered evidence of either comparative or contributory negligence in any civil suit arising out of any accident in which a person under 18 years of age is injured, nor shall failure to wear a helmet be admissible as evidence in the trial of any civil action.
- (i) Any person or business selling a new, unused motorized scooter, as defined in § 101(35) of this title, must obtain a signed, witnessed statement from the purchaser stating that the purchaser is aware that motorized scooters cannot be operated on Delaware public highways or sidewalks, as set forth in this section. The seller must retain the document for a period of not less than 3 years from the date of sale.
- (j) *Enforcement of section.* — Any law-enforcement, peace, police or environmental protection officer, acting in the lawful performance of duty, shall be empowered to enforce this section. Whenever any motorized skateboard or scooter is used in violation of this section, it may forthwith be seized and taken into custody by the peace officer or officers having knowledge of the facts of such use. Any costs associated with any such seizure shall be paid by the operator or owner of such motorized skateboard or scooter unless the operator or owner is found not guilty of the offense charged.
- (k) *Penalties when not otherwise specified in this section.* — Any person convicted of violation of any provision of this section shall be fined not less than \$25 nor more than \$300. The penalties set forth in this subsection shall apply unless a specific penalty for an offense specified in a provision of this section is otherwise provided in this section.
- (l) *Jurisdiction.* — The Courts of the Justices of the Peace shall have original jurisdiction over violations of this section except that the Family Court shall have jurisdiction over violations of this section when such violation is committed by any person under the age of 18 years of age.
- (m) *Conflicts with other statutes.* — Should any provision of this section conflict with other statutes, the provisions or requirements of this section shall apply. The provisions of this subsection or any other provision of this section notwithstanding, nothing in this subsection or any

other provision of this section shall be deemed to preclude prosecution under any other provision of this Code.

(n) *Rules and regulations.* — The Secretary of Safety and Homeland Security and/or the Secretary of Transportation may adopt and enforce such rules and regulations concerning motorized skateboards or scooters and designate such agencies as may be necessary to carry out this section, provided such rules and regulations are not contrary to this section.

(o) Notwithstanding the provisions of this section, any municipality with a population in excess of 50,000 may implement ordinances, regulating the use of motorized skateboard or scooters, inconsistent with or in addition to the provisions of this section.

74 Del. Laws, c. 282, § 3; 76 Del. Laws, c. 289, §§ 6, 7; 80 Del. Laws, c. 136, § 1; 80 Del. Laws, c. 168, § 1.;

§ 4198O Operation of electric personal assistive mobility devices (EPAMD)

(a) Nothing in this title shall be construed to limit the operation of an EPAMD on sidewalks and bike ways of the State except the following:

(1) A person operating an EPAMD shall not exceed a speed of 8 miles per hour on sidewalks and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing any pedestrian.

(2) An EPAMD may be operated on a public highway only:

- a. While making a direct crossing of a highway in a marked or unmarked crosswalk;
- b. Where no sidewalk is available; or
- c. When so directed by a traffic control device or by a peace officer.

(3) Any person operating an EPAMD upon a highway shall ride as close as practicable to the right-hand edge of the highway;

(4) An EPAMD may not be operated at any time on a highway with a speed limit of more than 30 miles per hour except to make a direct crossing of the highway in a marked crosswalk;

(5) A person under 16 years of age shall not operate or ride upon an EPAMD unless that person is wearing a properly fitted and fastened bicycle helmet which meets or exceeds the standards set forth in § 4198K of this title;

(6) Any person operating an EPAMD shall obey all traffic control devices and shall exercise due care in the operation of the EPAMD; and

(7) No person shall ride an EPAMD on a highway of this State while under the influence of intoxicating liquor and/or narcotic drugs to a degree which renders such person a hazard.

(b) An EPAMD shall not require a license plate or be registered by the Division of Motor Vehicles.

(c) An EPAMD shall be equipped with front, rear and side reflectors, a system that when employed will enable the operator to bring the device to a controlled stop, and if the EPAMD is operated between 1/2 hour after sunset and 1/2 hour before sunrise, a lamp emitting a white light which,

while the EPAMD is in motion, sufficiently illuminates the area in front of the operator; provided that these provisions shall be satisfied if the operator of the EPAMD wears a headlight and reflectors on the operator's person.

(d) No proof of financial responsibility is required for the operation of an EPAMD.

(e)(1) Any person convicted of a violation of paragraphs (a)(1)-(a)(6) or subsection (c) of this section shall receive a warning for the first offense, be fined \$10 for the second or subsequent offense, and shall have the EPAMD impounded for up to 30 days for the third or subsequent offense.

(2) Any person convicted of a violation of paragraph (a)(7) of this section shall for the first offense be fined not less than \$150 nor more than \$1,150 and for subsequent offenses be fined not less than \$400 nor more than \$1,500 or be imprisoned not less than 10 days nor more than 30 days, or both.

73 Del. Laws, c. 346, § 7; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 282, § 3.;