

DEPARTMENT OF TRANSPORTATION

DIVISION OF MOTOR VEHICLES

Statutory Authority: 21 Delaware Code, Sections 302, 2711 and 3102
(21 Del.C. §§302, 2711 and 3102)
2 DE Admin. Code 2202, 2214, 2251, 2264, 2272, 2274 & 2275

PROPOSED

PUBLIC NOTICE

- 2202 Issuance of Duplicate Drivers' Licenses**
- 2214 Waiver of Written Examinations for Certain New Residents**
- 2251 Assessment of a Fee When Assigning a Special Serial Number on a Motor Vehicle**
- 2264 Use of Dealer License Plates on Boat Trailers**
- 2272 Authorization of Police Agencies to Issue Vehicle Inspection Notices**
- 2274 Distribution of Literature Advertising Businesses**
- 2275 Requirements for Licensing of Vehicle Dealers**

Pursuant to Executive Order 36, the Division of Motor Vehicles of the Department of Transportation reviewed its existing regulatory scheme, detailed in Title 2, Delaware Administrative Code. That review identified several existing regulations that have been recognized as obsolete, or whose provisions have been replaced by other statutes or rules.

This Notice describes the regulations that are to be canceled as a result of this review, and explains the basis for their cancellation. They are as follows:

Regulation 2202 - Issuance of Duplicate Driver's Licenses: Stipulates an unnecessary policy that the division no longer performs.

Regulation 2214 – Waiver of Written Examinations for Certain New Residents: This regulation is no longer needed because it is already covered under 21 **Del.C.** §2713.

Regulation 2251 – Assessment of a Fee When Assigning a Special Serial Number on a Motor Vehicle: This regulation is no longer needed because it is superseded by 21 **Del.C.** §2310.

Regulation 2264 – Use of Dealer License Plates on Boat Trailers: This regulation is no longer needed.

Regulation 2272 – Authorization of Police Agencies to Issue Vehicle Inspection Notices: This regulation is no longer needed because it is now covered under 21 **Del.C.** §2144(a).

Regulation 2274 – Distribution of Literature Advertising Businesses: This regulation is no longer needed because existing ethics laws cover this action.

Regulation 2275 – Requirements for Licensing of Vehicle Dealers: This regulation is no longer needed because it is now covered under Title 21, chapter 63.

Recommended:

Jennifer K. Cohan, Director, Division of Motor Vehicles

So Ordered this ____ day of July, 2013.

Shailen P. Bhatt, Secretary

Delaware Department of Transportation

~~2202 Issuance of Duplicate Drivers' Licenses~~

~~4.0~~

~~Effective March 10, 1975, any duplicate driver's license being issued which is questionable is to be forwarded to the Dover Administrative Office for mailing to the applicant. The applicant is to be issued a 15-day temporary driver's license by the office accepting the application for duplicate.~~

~~2.0~~

~~This policy is being implemented to discourage fraudulent applications for duplicate drivers' licenses.~~

2214 Waiver of Written Examinations for Certain New Residents (Formerly Reg. No. 84)

~~Whereas, most states require a written examination prior to the issuance of a driver's license to a new applicant; and
Whereas, these written examinations are basically the same in content for rules of the road; and
Whereas, innovative measures must be explored to reduce workloads and continue to provide good customer service;
and~~

~~Whereas, the new Commercial Driver Licensing (CDL) law will require much of our licensing staff's time to administer lengthy written tests;~~

~~The following policy is adopted effective March 1, 1990:~~

4.0

~~The written examination shall be waved for new residents moving into Delaware (including military personnel being discharged and remaining in Delaware) provided.~~

- ~~1.1 A valid driver's license from another state is surrendered at the time of application for license; and~~
- ~~1.2 The applicant appears to be physically able to operate a motor vehicle; and~~
- ~~1.3 The applicant is not currently suspended or revoked in any jurisdiction.~~

2.0

~~The policy does not apply to a licensed driver from another country.~~

3.0

~~The Division reserves the right to administer a written test and/or a road skills test subject to the Examiner's discretion.~~

2251 Assessment of a Fee When Assigning a Special Serial Number on a Motor Vehicle

4.0 Serial Number Fee Required

~~Effective immediately, when an assigned serial number is issued to a vehicle, a fee of \$2.00 is to be charged.~~

- ~~1.1 This fee is required under Section 2310, Title 21 of the **Delaware Code**.~~
- ~~1.2 Fee is to be collected at time the title fees are collected.~~
- ~~1.3 Title Clerks can tell if an assigned number has been issued by checking the serial number on all yellow title applications issued by the State Police Auto Theft Unit.~~

2264 Use of Dealer License Plates on Boat Trailers

~~Whereas, there are boat dealers in the State of Delaware who are also licensed as vehicle dealers with the Division of Motor Vehicles and the Division of Revenue because they also sell boat trailers; and~~

~~Whereas, the nature of their business involves selling boats and boat trailers and in most instances they are sold together; and~~

~~Whereas, in delivering the boat and boat trailer the dealer sometimes utilizes a dealer's license plate to make such delivery;~~

4.0 Effective May 29, 1979:

- ~~1.1 A boat trailer dealer, who is properly licensed by the Division of Motor Vehicles and the Division of Revenue, may use a dealer license plate on a boat trailer when such boat trailer is carrying a boat or when such boat trailer is empty.~~
- ~~1.2 A boat trailer is not to be considered a service vehicle or a work vehicle pursuant to Section 2124(c), Title 21, **Delaware Code**.~~

2272 Authorization of Police Agencies to Issue Vehicle Inspection Notices

~~Whereas, it is in the interest of public safety to keep unsafe vehicles off the highways; and~~

~~Whereas, a vehicle may become unsafe for operation between the required annual safety inspections;~~

4.0 The following authorization is granted effective March 15, 1982:

- 1.1 Members of all recognized police agencies throughout the State of Delaware are considered authorized agents of the Department of Public Safety for the purposes of Title 21, Section 2144, ~~Delaware Code~~, and are eligible to issue inspection notices. All police agencies wishing to use this authority must furnish their own forms, which must have a minimum of 2 parts (one to be issued to the operator, and the other part to be forwarded to the vehicle registration section in the Dover Administration Office).

2274 Distribution of Literature Advertising Businesses (Formerly Reg. No. 72)

4.0 Pursuant to 21 Del.C. §302, the following policy is adopted:

- 1.1 Effective immediately, unless authorization is issued in writing by the Director of the Division of Motor Vehicles or the Secretary of Public Safety, no literature, brochures, advertisements or papers which advertise, promote or direct the public to a private or commercial business are to be distributed by the Division of Motor Vehicles.
- 1.2 No employee of the Division is to direct a person to a particular garage, service station, dealer or individual for repair work for a vehicle.
- 1.3 We have to be very careful not to create a conflict of interest or give the appearance of a conflict of interest.

2275 Requirements for Licensing of Vehicle Dealers

4.0 Pursuant to 21 Del. C. Section 302 and 21 Del.C. Section 6304 the following regulations are adopted for the licensing of vehicle dealers.

- 1.1 Forms MV 29A, B and C and MV 26 must be completed and submitted to the Division of Motor Vehicles prior to the approval of such dealership. Forms are available at any Division of Motor Vehicles office.
- 1.2 Division of Motor Vehicles must approve business name of dealership. This is required to prevent duplication of names and very similar names.
- 1.3 Zoning approval must be submitted to the Division when application is submitted. Zoning authority responsible for the location of the dealership must give this written approval. Addresses and telephone numbers are available at the Division's offices.
- 1.4 Dealership must have an office on the premises with a desk, chair and file cabinet adequate to maintain records.
- 1.5 Dealership must have a sign on the premises measuring at least 24" x 36" which lists the name of the business.
- 1.6 Dealership must have adequate display space for 5 or more vehicles.
- 1.7 The vehicle dealer's business license fee of \$100 must be paid to the Division of Revenue. Copy of the receipt must be attached to the application for dealership. License must be displayed in the office, visible to visitors.
- 1.8 Pursuant to regulations of the Delaware Department of Transportation, the applicant must obtain an entrance permit from the Department of Transportation if the place of business is located on a State maintained road. A copy of this permit must be attached and submitted with the completed application for dealership.
- 1.9 Dealership must have a telephone installed in its office and listed in its business name. A receipt from the telephone company confirming this is acceptable at the time of application.
- 1.10 With the exception of franchised, new vehicle dealers, the owner of a dealership must have been issued a Delaware driver's license at least 90 days prior to time of application.
- 1.11 A licensed Delaware dealer is not permitted to share a lot, office or location with another dealer.
- 1.12 Application must be approved prior to the issuance of dealer plates.
- 1.13 Proof of liability insurance must be submitted with the application. The insurance must cover all dealer plates issued to the dealership.
- 1.14 Franchised, new vehicle dealers must submit a copy of the franchise agreement or a letter from the manufacturer indicating that such dealer holds the franchise and the type of vehicles to be sold.
- 1.15 Place of business must be inspected by an agent of the Division prior to approval of application.

2.0 Wholesale dealer requirements.

2.1 Wholesale dealers must comply only with the above listed Paragraphs 1.1—1.4 (this may be in a home), 1.7, 1.8 (if applicable), 1.9—1.13 and 1.15.

3.0 Minimum sales.

3.1 Delaware dealers must sell a minimum of 5 vehicles between January 1st and December 31st of each year. Failure to comply with this provision will result in the suspension of the dealer's license. Proof of vehicles sold must be provided to Division of Motor Vehicles upon request.

4.0 Applicants for dealerships who do not fulfill the above listed requirements will have their applications disapproved.

4.1 After approval by the Division, if the dealership fails to comply with the above listed requirements, the Division may withdraw its approval and suspend all dealer privileges or any portion thereof.

17 DE Reg. 197 (08/01/13)(Prop.)