

LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND EIGHTEENTH
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 4, A. D.
1955

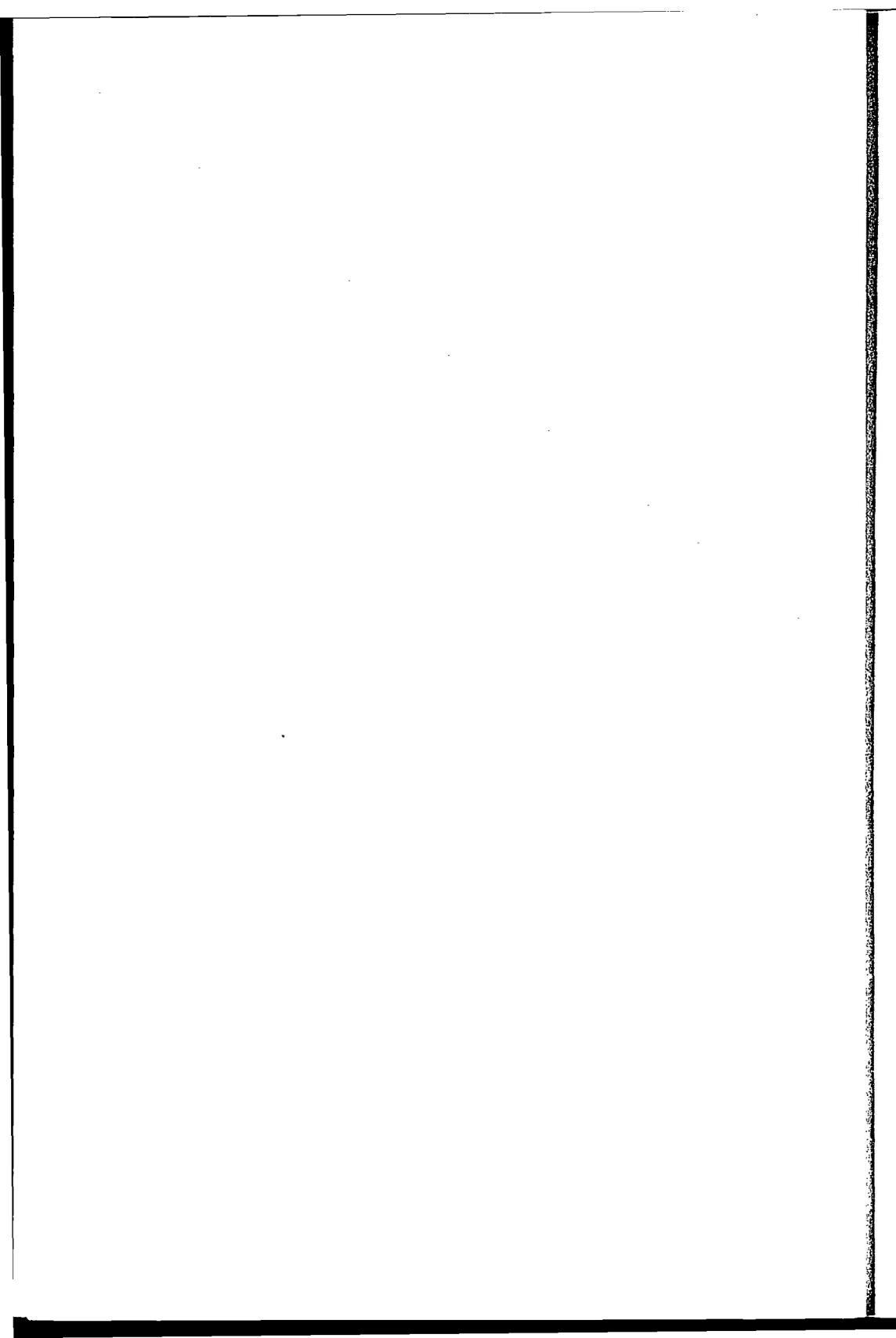
AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
OF AMERICA, THE ONE HUNDRED AND SEVENTY-NINTH

VOLUME I

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PART II



EXPLANATORY NOTE

Joint Resolutions—Concurrent Resolutions

Under provisions of Section 907, Title 29, Delaware Code, the Secretary of State is authorized and directed to arrange for the printing of the Session Laws. He is directed to include therein only "bills, resolutions, proclamations of the Governor, orders and votes of a public nature."

Senate Resolutions and House Resolutions have never been deemed to require action by the Governor and therefore had not been printed in previous volumes of the Session Laws because they were not construed as being "of a public nature". For purposes of compiling this volume, Concurrent Resolutions not requiring action by the Governor have been determined to be in the same category as House Resolutions and Senate Resolutions, and therefore not of a public nature.

This conclusion was reached primarily as a result of the enactment of Chapter 607 of this volume which became effective May 5, 1955. Chapter 607 completes the adoption of an amendment to the State Constitution which provides in effect that resolutions "on a question of adjournment and those matters dealing solely with the internal or administrative affairs of the General Assembly" became effective on adoption and do not require any action by the Governor.

Since the effective date of that constitutional amendment the term "Concurrent Resolution" has generally been used to designate resolutions which do not require action by the Governor; the term "Joint Resolution" has generally been used to designate resolutions which do require action by the Governor.

In the compilation of this volume all "Joint Resolutions" have been included without any attempt to exclude any such resolutions which may have been improperly designated. "Concurrent Resolutions" have been omitted except those which, under the amended Constitutional provision, are believed to require action by the Governor. This system of classification has been followed as to all resolutions passed by the 118th General Assembly.

The classification of resolutions outlined above makes possible the omission of approximately two hundred Concurrent Resolutions enacted by the 118th General Assembly.

JOHN N. McDOWELL
Secretary of State

CHAPTER 394

**RELATING TO PUBLIC ENTERTAINMENT ON SUNDAY
AN ACT TO AMEND CHAPTER 9, TITLE 28, DELAWARE
CODE, RELATING TO MISCELLANEOUS PROVISIONS
CONCERNING SPORTS AND AMUSEMENTS; REGULA-
TION OF PUBLIC ENTERTAINMENT ON SUNDAYS.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 906 (a), Chapter 9, Title 28, Delaware Code is amended to read as follows:

§ 906. Regulation of public entertainment on Sundays

(a) No person shall engage in, participate in, or attend, outside the corporate limits of any incorporated city or town of this State, any horse racing, public Auction, public dance, public theatrical performance or public performances of motion pictures on Sunday except that this prohibition shall not apply to public performances of motion pictures, with or without sound, between the hours of twelve noon and six P. M. and between the hours of eight P. M. and midnight in Kent County and Sussex County, and between the hours of 2 P. M. and midnight in New Castle County.

Approved July 7, 1955.

CHAPTER 395

EXAMINATION OF PERSON INVOLVED IN MOTOR
VEHICLE ACCIDENTS**AN ACT TO AMEND CHAPTER 27, TITLE 21, SECTION 2712,
DELAWARE CODE, RELATING TO THE SPECIAL EX-
AMINATION OF PERSONS INVOLVED IN MORE THAN
ONE ACCIDENT DURING ANY 24 MONTH PERIOD.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 2712, Chapter 27, Title 21, Delaware Code,
be and the same is hereby amended to read as follows:

§ 2712. Special examination

(a) The Department shall cause a special examination to be made of every person involved in a second accident resulting in personal injury, death or property damage to an apparent extent of Two Hundred and Fifty Dollars (\$250.00) within any twenty-four (24) month period when such person has been adjudged responsible for causing such accidents by a Court of competent jurisdiction, to determine whether such person suffers from a physical or mental impediment to the safe operation of a vehicle as a prerequisite to the continuation of the operator's right to drive on the highways.

(b) The Department shall also cause to be examined any person whom the State Police Superintendent or the Chief of Police of the City of Wilmington recommends for such examination.

Approved July 7, 1955.

CHAPTER 396

APPROPRIATION

STATE HIGHWAY DEPARTMENT

AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT TO CARRY OUT AN ACCURATE SURVEY AND PERMANENT MARKING OF STATE-OWNED LANDS IN SUSSEX COUNTY, ADJACENT TO THE ATLANTIC OCEAN; APPROPRIATIONS THEREFOR.

WHEREAS, the State of Delaware is owner of more than twenty-five hundred (2500) acres of State lands in Sussex County, adjacent to the Atlantic Ocean, and

WHEREAS, the boundaries of these lands are not clearly defined, corners and boundary markers having been lost, destroyed or removed, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Highway Department of the State of Delaware is directed to carry out an accurate survey and permanent marking of said State-owned lands, including a search of records, establishment of corners, complete surveys with descriptions, placing and referencing permanent markers and State land signs, and preparation of property plats.

Section 2. The sum of Thirty Thousand Dollars (\$30,000.00) is appropriated to the said State Highway Department for the purpose specified in Section 1 of this Act, and the State Treasurer is directed to pay all or part of said sum upon a warrant or warrants approved by the proper officials of the State Highway Department.

The State Highway Department shall without delay proceed to carry into effect the purposes of this Act. Any of the funds hereby appropriated which have not been expended for the purposes of this Act shall revert to the General Fund as of June 30, 1957.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 7, 1955.

CHAPTER 397

APPROPRIATION

STATE BOARD FOR VOCATIONAL EDUCATION

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF VOCATIONAL EDUCATION FOR THE TRAINING OF VOLUNTEER FIREMEN.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the State Board of Vocational Education the sum of Twelve Hundred Dollars (\$1200.00) for the fiscal year beginning July 1, 1955, and a similar sum of Twelve Hundred Dollars (\$1200.00) for the fiscal year beginning July 1, 1956, to be expended by the said Board only for the training of volunteer firemen.

Section 2. This is a Supplementary Appropriation Act, and the sums hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 7, 1955.

CHAPTER 398
CIVIL DEFENSE

**AN ACT TO AMEND CHAPTER 31, TITLE 20, DELAWARE
CODE, RELATING TO CIVIL DEFENSE; POWERS OF
THE GOVERNOR.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 3105 (b), Chapter 31, Title 20, Delaware Code, is amended by striking out paragraph (9) and substituting in lieu thereof the following paragraph:

(9) Utilize the services and facilities of existing officers, and agencies of the State and of the political sub-divisions thereof; and all such officers and agencies shall perform such services and supply such facilities as the Governor may request.

Approved July 7, 1955.

CHAPTER 399

CREATING A DEPARTMENT OF MOTOR VEHICLES
FOR WILMINGTON**AN ACT AUTHORIZING THE MAYOR AND COUNCIL OF
WILMINGTON TO CREATE A DEPARTMENT OF
MOTOR VEHICLES, OUTLINING THE POWERS AND
DUTIES THEREOF, AND PROVIDING PERSONNEL
THEREFOR.**

Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members of each House thereof concurring therein):

Section 1. The Council of The Mayor and Council of Wilmington is hereby authorized, in its discretion, to create a Department of Motor Vehicles of The Mayor and Council of Wilmington. Said Department shall consist of three members. Such members shall be appointed by the Mayor, subject to confirmation by The Council, and shall serve without compensation. When the Department is first established, the members thereof shall be appointed or elected for terms of such length and so arranged that the term of at least one member shall expire each year and their successors shall be appointed for terms of three years each. Any member of said Department may be removed for cause, after a public hearing, by the Mayor with the approval of The Council. A vacancy occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as an original appointment. Such Department shall elect annually a chairman and secretary from its own number and may employ such personnel as it deems necessary to execute the powers and perform the duties hereinafter prescribed.

No person shall be eligible for appointment as a member of said Department who shall not be a citizen of the United States, a qualified voter of the State, and a resident of the City of Wilmington, for the last five years next preceding his appointment. Upon removal of the residence of any such member from the City of Wilmington, his said office shall be deemed to be vacated.