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Sponsor:

**Council
Member
McCoy**

WHEREAS, over the past several years, automobile thefts, carjackings, and other crimes related to motor vehicles have been on the rise, particularly in large cities; and

WHEREAS, a significant number of minors have been committing these automobile-related crimes; and

WHEREAS, the damage to or loss of a motor vehicle caused by these crimes results in a major financial strain on the victims; and

WHEREAS, almost every state, including Delaware, has a form of parental responsibility law that holds parents or legal guardians financially liable for damages caused by the intentional or malicious acts of their minor children; and

WHEREAS, parental civil liability stems from the theory of vicarious liability, a common law concept most often used to hold employers responsible for the actions of their employees; and

WHEREAS, parental civil liability is intended to compensate tort victims and to encourage parents to supervise their children and generally know what they are doing on a daily basis; and

WHEREAS, requiring parents to pay the insurance deductible of the victim who submits a claim with his or her insurer for the repair or replacement of the motor vehicle serves the dual objectives of parental civil liability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that this Council respectfully requests the members of the Delaware General Assembly to amend Title 10, Section 3922 of the Delaware Code with the addition of the underlined language to read as follows:

§ 3922. Destruction of property by minors; recovery of damages from parents.

(a) Any municipal corporation, county, town, school district and agency of the State or any person, partnership, corporation or association, or any religious organization whether incorporated or unincorporated, shall be entitled to recover damages in an appropriate civil action in an amount not to exceed \$10,000 in a court of competent jurisdiction from the parents or guardians of any minor under the age of 18 years, living with the parents, who shall intentionally or recklessly destroy or damage property, real, personal or mixed, belonging to such municipal corporation, county, town, school district or agency of the State, or person, partnership, corporation or association or religious organization.

(b) In cases where a minor has been adjudicated or pled guilty to criminal mischief, carjacking, theft or any other crime that results in damage to or loss of a motor vehicle, the parent or guardian of the minor shall be liable to pay any deductible of the owner of the motor vehicle who submits a claim with his or her insurer for the repair or replacement of the motor vehicle. This liability to pay the deductible for an insurance claim related to the damage or loss of a motor vehicle shall have no impact or otherwise be included in the \$10,000.00 limit on parental liability established by this section.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution urges the Delaware General Assembly to enact legislation that will amend Title 10, Section 3922 of the Delaware Code to require parents or guardians of a minor who has been adjudicated or pled guilty to a crime involving damage to or loss of a motor vehicle to pay any insurance deductible of the victim who submits a claim with his or her insurer for its repair or replacement.