Legislative Council,
General Assembly
State of Delaware

Title 1

General Provisions

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Chapter 1
DELAWARE CODE

§ 101 Designation and citation of Code.

(a) The laws embraced in this title and the following titles, parts, chapters, subchapters and sections, as amended from time to time, shall constitute and be known as the "Delaware Code," hereinafter referred to as "the Code" or "this Code."

(b) The Code may be cited by the abbreviation "Del. C." preceded by the number of the title and followed by the number of the section, chapter or part in the title. Examples: Section 101 of Title 1 may be cited as 1 Del. C. § 101; chapter 3 of Title 2 may be cited as 2 Del. C. c. 3; Part V of Title 3 may be cited as 3 Del. C. Part V. When citing a section of the Code, the subchapter, chapter or part in which the section is found need not be included in the citation.

(1 Del. C. 1953, § 101; 49 Del. Laws, c. 220, § 1.)

§ 101A Designation of the Rules.

Rules of practice and procedure adopted by the state and federal courts of Delaware shall constitute and be known as the "Delaware Rules Annotated," hereinafter referred to as "the Rules."

(79 Del. Laws, c. 387, § 1.)

§ 102 Effective date of Code.

This Code shall become effective upon enactment.

(1 Del. C. 1953, § 102; 60 Del. Laws, c. 56, § 2.)

§ 103 Repeal of prior laws.

All codes, and parts thereof, and all laws amendatory thereof and all other statutes, and parts thereof, of a general and permanent nature in effect on December 31, 1974, are repealed unless (1) expressly continued by specific provision of this Code, (2) omitted improperly or erroneously as a consequence of compilation, revision, or both, of laws enacted subsequent to the enactment of the Code which became effective on February 23, 1953, including, without limitation, any such omissions that may have occurred during the compilation, revision, or both, of the laws comprising this Code, or (3) omitted, changed or modified by the Revisors, or their predecessors, in a manner not authorized by § 211 of this title. In the event 1 of the above exceptions should be applicable, the law as it existed prior to May 13, 1975, shall continue to be valid, effective and controlling.

(1 Del. C. 1953, § 103; 60 Del. Laws, c. 56, § 3.)

§ 104 Continuation of existing institutions, rights, and liabilities.

(a) The repeal of prior laws, provided in § 103 of this title, shall not affect any act done, or any cause of action accruing or accrued, or established, or any suit or proceeding had or commenced in any civil action, nor any plea, defense, bar, or matter subsisting before the time when such repeal shall take effect; but the proceedings in every such case shall conform with the provisions of this Code.

(b) All the provisions of laws repealed by § 103 of this title shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right, or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.

(c) No offense committed, and no penalty or forfeiture incurred, under any of the laws repealed by § 103 of this title, and before the time when such repeal shall take effect, shall be affected by such repeal.

(d) No action or prosecution, pending on the effective date of the repeal provided in § 103 of this title, for any offense committed or for the recovery of any penalty or forfeiture, incurred under any of the laws repealed by such section, shall be affected by such repeal; except that the proceedings in such action or prosecution shall conform with the provisions of this Code.

(1 Del. C. 1953, § 104.)

§ 105 Effect on private or local acts.

No private act, or act of local application, or portion of any prior Code or other statute pertaining to the City of Wilmington, or special act of incorporation, in effect on the date of enactment of this Code, and not revised and brought into this Code, shall be affected by any provision hereof.

(1 Del. C. 1953, § 105.)

§ 106 Effect on acts heretofore repealed.

No statute which heretofore has been repealed shall be revived by the repeal provided in § 103 of this title.

(1 Del. C. 1953, § 106.)

§ 107 Effect of repeal of validating statutes.

The repeal by § 103 of this title of a statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.

(1 Del. C. 1953, § 107.)

§ 108 Distribution of Code, Rules, and supplements.

(a) All legislative, executive, judicial, or other state governmental entities or agencies shall have the Delaware Code available electronically.

(b) Each state entity or agency desiring printed copies of the Delaware Code, and supplements thereto, and the Rules, and supplements thereto, purchased by the State shall annually certify to Legislative Council the exact number of printed copies that entity or agency requires and the reason such copies are necessary by September 1 of each year.

(c) Legislative Council shall be responsible for budgeting the necessary funds to provide copies of the Delaware Code, and supplements thereto, and the Rules, and supplements thereto. Any additional copies of the Delaware Code, and supplements thereto, and the Rules, and supplements thereto, over current allocations shall be the responsibility of the requesting entity or agency. Special orders, such as individual titles, shall continue to be the responsibility of each entity or agency.

(1 Del. C. 1953, § 108; 50 Del. Laws, c. 230, § 1; 51 Del. Laws, c. 134, § 4; 53 Del. Laws, c. 72, §§ 3, 4; 56 Del. Laws, c. 84; 57 Del. Laws, c. 105, §§ 1-4; 58 Del. Laws, c. 560, § 1; 59 Del. Laws, c. 253, § 1; 60 Del. Laws, c. 220, § 1; 61 Del. Laws, c. 286, § 1; 62 Del. Laws, c. 117, § 1; 64 Del. Laws, c. 453, § 1; 69 Del. Laws, c. 67, § 2; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 190, § 1; 73 Del. Laws, c. 65, §§ 1-3; 73 Del. Laws, c. 143, § 1; 75 Del. Laws, c. 88, §§ 21(1), 22(1), 26(1); 78 Del. Laws, c. 120, § 1; 79 Del. Laws, c. 387, § 1.)

§ 109 Amendments to Code.

(a) All laws enacted after May 13, 1975, of a public and general nature, but not local, private or temporary laws, shall be enacted as amendments to the titles of this Code. If the subject matter of any such law is already generally embodied in one of the titles of this Code or can appropriately be classified therein, such new law shall be enacted as an amendment to such title of the Code. If it is not possible to classify the subject matter of a new law in an existing title, a new title shall be enacted containing such new law as a chapter or chapters, each chapter to contain a proper designation and descriptive name or heading, as provided in subsection (c) of this section.

(b) A new title shall be created only as a last resort and only when it would be unreasonable to include the new law in an existing title. If a new title is created, it shall be given a name and a number following that of the then last title number. New titles shall be given names which are broad and comprehensive in scope so that each will accommodate the greatest number of new laws having related subject matter.

(c) The skips and gaps in the numbering of the chapters and sections of this Code are for the purpose of accommodating future growth and expansion of the law thereby permitting the insertion in the Code of new laws in their most logical positions with respect to existing related laws. When a new chapter is enacted it shall be given a name, which shall be sufficiently broad and comprehensive to describe generally its subject matter, and a number designating its position within a title. Such chapter name is not to be confused with the title of a bill which is dealt with in § 16, article II of the Constitution of this State.

(d) (1) When it is the purpose of a bill to change the language of a code provision, as distinct from affecting an outright repeal of the code provision, the change shall not be made by repealing the code provision and enacting a new section in lieu thereof. Any bill which amends an existing code provision shall set out in full that part of the code provision to be amended and shall indicate the words to be deleted by strike through and shall indicate new words by underline. If the changes are such as do not lend themselves easily to this type of amendment, the amending act may state that the section (specifying it by section and title number) is amended to read as thereinafter set forth. A section should be repealed, as distinct from amended, when an outright repeal thereof is intended or when the subject matter of the proposed new law is more than a mere amendment or revision of the old section.

(2) In the case of amendments to bills, the amendment shall indicate the line or lines affected by the amendment and then set forth the text to be deleted in quotation marks or where text is to be inserted by identifying the text in quotation marks on either side of the insertion, if necessary. The amendment to the bill shall instruct whether or not text is to be deleted or inserted. Text to be deleted or inserted shall be set forth in quotation marks and shall be marked as if in the bill with the appropriate strike through, underline or neither.

(3) The provisions of paragraph (d)(1) of this section shall not be applicable to the annual operating budget, capital improvements budget and grants in aid legislation. Such legislation shall have attached a side-by-side comparison of prior year appropriations and appropriations contained within the legislation, along with a corresponding comparison of authorized positions. However, all other provisions of this section shall remain applicable to appropriations legislation.

(e) When sections of this Code are amended, the descriptive headings or catchlines immediately preceding, or within them, need not be amended, and when new sections are enacted, descriptive headings or catchlines need not be enacted to accompany them, in view of § 306 of this title, except that any desired changes in the section numbers contained in any such headings or catchlines shall be made by specific statutory amendments of such numbers, and new sections shall be assigned proper title section numbers by the law or laws that enact them.

(f) Title names, and part, chapter, and subchapter headings, except as they appear in the analyses referred to in § 306 of this title, constitute part of the law, and shall not be changed except by specific statutory amendment thereof.

(g) In the enactment of new laws, the plan, scheme, style, format and arrangement of this Code shall be followed as closely as possible to the end that the Code and all amendments thereto will comprise a harmonious entity containing all the laws of this State, then in effect, of a public and general nature.

(h) No law shall be invalid because it was not enacted in conformity with this section.

(1 Del. C. 1953, § 109; 60 Del. Laws, c. 56, § 4; 78 Del. Laws, c. 90, §§ 1, 3; 80 Del. Laws, c. 88, § 1.)

§ 110 Supplements as part of Code.

The laws appearing in this Code adopted after the effective date hereof or contained in any current pocket parts or supplements to this Code, printed and published hereafter under contract or otherwise as may be authorized by law, shall constitute, prima facie, a part of this Code if such laws, as so contained, purport to represent reproductions of statutory amendments of this Code, as stated in accompanying notes thereto. If any such pocket parts or supplements are printed and published on a cumulative basis, then only such laws contained in the latest publication thereof shall constitute, prima facie, a part of this Code.

(1 Del. C. 1953, § 110.)

Chapter 2
CONTINUOUS CODE REVISION

Subchapter I

Delaware Code Revisors

§ 201 Appointment; composition.

The Delaware Code Revisors (the Revisors) shall consist of 2 attorneys-at-law licensed to practice law before the Supreme Court of the State who shall be appointed by the Governor. At the time of appointment, the 2 attorneys shall not be members of the same political party. One shall be appointed for a period terminating with the 126th General Assembly and one shall be appointed for a period terminating with the 127th General Assembly. Thereafter all appointments shall be for a term of 4 years. In case of a vacancy the Governor shall make an appointment for the unexpired term.

(1 Del. C. 1953, § 201; 49 Del. Laws, c. 347; 58 Del. Laws, c. 253, § 1.)

§ 202 Compensation and expenses.

The Legislative Council shall determine the compensation to be paid to a Revisor and reimburse a Revisor for necessary out-of-pocket and travel expenses incurred in performing the Revisor's duties under this chapter. The Legislative Council may not set the yearly compensation to be paid to a Revisor at less than $5,000.

(1 Del. C. 1953, § 202; 49 Del. Laws, c. 347; 58 Del. Laws, c. 253, § 2; 70 Del. Laws, c. 186, § 1; 83 Del. Laws, c. 281, § 1.)

Subchapter II

Preparation of Supplements and Code

§ 210 Duties and powers of Revisors.

(a) At the close of each regular, annual session of the General Assembly, the Revisors shall prepare or cause to be prepared supplements to the Delaware Code and all other general and permanent laws which have become law since the publication of the last supplements, noting the sections that have been repealed, generally updating the Code and including, in the discretion of the Revisors, updated annotations of court decisions. The supplements are to be completed and delivered to the State not later than 6 months after the close of such legislative session.

(b) From time to time, after consultation with the Legislative Council, the Revisors shall prepare or cause to be prepared a revised, recompiled, or revised and recompiled Delaware Code, or replacement or supplemental volume or volumes thereof, which may, in the discretion of the Revisors, include updated annotations of court decisions.

(c) The Revisors may make and enter into all contracts and agreements, and execute, acknowledge and deliver all instruments and assurances, necessary or incidental to the performance of their duties and the execution of their duties and powers under this chapter.

(d) The Revisors may sue and be sued in their own name.

(e) The Revisors shall annually publish or cause to be published the Rules and, 6 months later, shall publish or cause to be published supplements to the Rules. The Revisors shall consult with the state and federal courts of Delaware in publishing or causing to be published the Rules and Rules supplements. The Revisors may include annotations of court decisions and other aides in the Rules and Rules supplements.

(1 Del. C. 1953, § 210; 49 Del. Laws, c. 347; 58 Del. Laws, c. 253, § 3; 58 Del. Laws, c. 581, § 2; 60 Del. Laws, c. 295, § 1; 79 Del. Laws, c. 387, § 2.)

§ 211 Scope of editorial revision; omissions.

(a) In performing their duties and powers under § 210 of this title, the Revisors shall not alter the sense, meaning or effect of any act of the General Assembly but they may:

(1) Renumber and rearrange sections or parts of sections;

(2) Transfer sections or divide sections so as to give to distinct subject matters a separate section number, but without changing the meaning;

(3) Insert or change the wording of headnotes;

(4) Change reference numbers to agree with renumbered chapters or sections;

(5) Substitute the proper section or chapter number for the terms "this act," "the preceding section" and the like;

(6) Strike out figures where they are merely a repetition of written words and vice versa;

(7) Change capitalization for the purpose of uniformity;

(8) Correct manifest typographical and grammatical errors; and

(9) Make any other purely formal or clerical changes in keeping with the purpose of the revision.

(b) The Revisors shall omit all titles of acts, all enacting, resolving, and repealing clauses, all appropriation measures, all temporary or local statutes, all declarations of emergency, and all validity, declaration of policy, and construction clauses, except when the retention thereof is necessary to preserve the full meaning and intent of the law.

(c) (1) The Revisors shall use gender silent techniques to ensure that masculine and feminine pronouns are not used and shall ensure that a solely masculine or feminine designation occurs only when it applies to 1 gender.

(2) The Revisors shall apply paragraph (c)(1) of this section to all laws enacted on or after May 31, 2023, and may apply paragraph (c)(1) of this section to laws enacted before May 31, 2023.

(3) If the Revisors cannot determine how to apply paragraph (c)(1) of this section to masculine and feminine pronouns used in a law, the Revisors shall report this to the Director of the Division of Legislative Services for possible correction through the legislative process.

(4) "Gender silent techniques" include substituting the nouns to which the masculine and feminine pronouns refer.

(1 Del. C. 1953, § 211; 49 Del. Laws, c. 347; 58 Del. Laws, c. 253, § 4; 58 Del. Laws, c. 581, § 3; 70 Del. Laws, c. 186, § 1; 84 Del. Laws, c. 42, § 1; 84 Del. Laws, c. 255, § 1.)

§ 212 Bids; contract.

The Revisors shall, after consultation with the Legislative Council, upon such specifications and conditions as they shall determine, duly and sufficiently advertise for bids for the compilation, revision, annotation, printing and binding of the Code supplements and the revised or recompiled Delaware Code, along with the Rules and Rules supplements, and shall award a contract for such work to the lowest and best legal publisher of recognized standing as such. The contract for Code supplements may, in the discretion of the Revisors, cover the Code supplements for 1 or more of the sessions of the General Assembly.

(1 Del. C. 1953, § 212; 49 Del. Laws, c. 347; 52 Del. Laws, c. 220; 58 Del. Laws, c. 253, §§ 4, 5; 58 Del. Laws, c. 581, § 4; 79 Del. Laws, c. 387, § 2.)

§ 213 Number of Code supplements, Rules, and Rules supplements; sale rights.

The Revisors shall consult with Legislative Council to determine the number of Code supplements, Rules, and Rules supplements to be printed and delivered to the State by the publisher each year. The Revisors are authorized in awarding the contract for the printing of the Code supplements, Rules, and Rules supplements, to grant the publisher such sales rights as in the judgment of the Revisors would be advantageous to the State.

(1 Del. C. 1953, § 213; 49 Del. Laws, c. 347; 58 Del. Laws, c. 253, §§ 4, 6; 79 Del. Laws, c. 387, § 2.)

Subchapter III

Distribution

§ 220 Distribution of the Code and the Rules.

Completed Code supplements, Rules, and Rules supplements shall be delivered to each state entity or agency in accordance with the directive of Legislative Council.

(1 Del. C. 1953, § 220; 49 Del. Laws, c. 347; 58 Del. Laws, c. 253, §§ 4, 7; 73 Del. Laws, c. 143, § 2; 75 Del. Laws, c. 88, § 22(1); 79 Del. Laws, c. 387, § 2.)

Chapter 3
INTERPRETATION OF STATUTES

§ 301 Rules of construction and definitions.

The rules of construction and the definitions set forth in this chapter shall be observed in the construction of this Code and all other statutes, unless such construction would be inconsistent with the manifest intent of the General Assembly, or repugnant to the Code or to the context of the same statute.

(Code 1852, § 34; Code 1915, § 1; Code 1935, § 1; 1 Del. C. 1953, § 301.)

§ 302 Definitions.

In the construction of this Code and of all other statutes of this State, unless the context requires a different meaning:

(1) "Adult" or "adult person" means a person of the age of 18 years or older.

(2) "Child" means a person who has not reached the age of 18 years.

(3) "Full age" means the age of 18 years or older.

(4) "Grantee" includes every person to whom a freehold estate or interest is conveyed.

(5) "Grantor" includes every person by whom a freehold estate or interest is conveyed.

(6) "Infancy" means an age of less than 18 years.

(7) "Infant" means a person who has not reached the age of 18 years.

(8) "Inhabitant" means a resident in any place.

(9) "Kin" and "kindred," as applied to the descent of estates, signify kin or kindred by blood, and the degrees of consanguinity shall be computed by the civil law method; but collateral kindred claiming through a nearer common ancestor, shall be preferred to those claiming through a more remote common ancestor.

(10) "Lawful age" means the age of 18 years or older.

(11) "Minor" or "minor child" means a person who has not reached the age of 18 years.

(12) "Money" or "dollars" means lawful money of the United States.

(13) "Month" means a calendar month, unless otherwise expressed.

(14) "Oath" includes affirmation in all cases where an affirmation may be substituted for an oath, and "sworn" includes affirmed; and the forms shall be varied accordingly.

(15) "Person" and "whoever" respectively include corporations, companies, associations, firms, partnerships, societies and joint-stock companies, as well as individuals.

(16) "Person with a mental condition" includes every person with an emotional or psychiatric disorder or disability.

(17) "Real estate" or "real property" is synonymous with the phrase "lands, tenements and hereditaments."

(18) "State" means the State of Delaware; and when applied to different parts of the United States, it includes the District of Columbia and the several territories and possessions of the United States.

(19) "Tavern" includes inn.

(20) "Under age" means an age of less than 18 years.

(21) "United States" includes its territories and possessions and the District of Columbia.

(22) "Will" means "last will and testament" and includes "codicil."

(23) "Written" and "writing" respectively include printing and typewriting and reproductions of visual symbols by photographing, lithographing, multigraphing, mimeographing, manifolding or otherwise; but in all cases where the written signature of any person is by law required, it shall be the proper handwriting of such person, or if the person cannot write the person's name, the person's mark.

(24) "Year" means a calendar year, and is equivalent to the words "year of our Lord."

(Code 1852, §§ 37-49; Code 1915, § 1; Code 1935, § 1; 1 Del. C. 1953, § 302; 49 Del. Laws, c. 57, § 1; 58 Del. Laws, c. 439, § 2; 70 Del. Laws, c. 186, § 1; 78 Del. Laws, c. 179, § 1.)

§ 303 Words and phrases.

Words and phrases shall be read with their context and shall be construed according to the common and approved usage of the English language. Technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

(Code 1852, § 35; Code 1915, § 1; Code 1935, § 1; 1 Del. C. 1953, § 303.)

§ 304 Words of number and gender.

(a) Words used in the singular number include the plural and the plural includes the singular.

(b) Words importing the masculine gender include the feminine as well, except as otherwise clearly indicated by the context.

(c) All forms prescribed by law may be varied according to subsections (a) and (b) of this section.

(Code 1852, § 36; Code 1915, § 1; Code 1935, § 1; 1 Del. C. 1953, § 304.)

§ 305 Classification and arrangement.

The classification and organization of the titles, parts, chapters, subchapters, and sections of this Code, and the headings thereto, are made for the purpose of convenient reference and orderly arrangement, and no implication, inference or presumption of a legislative construction shall be drawn therefrom.

(1 Del. C. 1953, § 305.)

§ 306 Analyses of titles, parts, chapters, subchapters and sections; section headings; notes.

The various analyses set out in this Code, constituting enumerations or lists of the titles, parts, chapters, subchapters and sections of this Code, and the descriptive headings or catchlines immediately preceding or within the texts of the individual sections of this Code, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of the law. All derivation and other notes set out in this Code are given for the purpose of convenient reference, and do not constitute part of the law.

(1 Del. C. 1953, § 306.)

§ 307 References.

(a) Unless otherwise indicated in the context, references in this Code to titles, parts, chapters, subchapters or sections shall mean titles, parts, chapters, subchapters or sections of this Code.

(b) Whenever any reference is made to any portion of this Code or any other law, the reference applies to all amendments thereto.

(1 Del. C. 1953, § 307.)

§ 308 Severability of provisions.

If any provision of this Code or amendments hereto, or the application thereof to any person, thing or circumstances is held invalid, such invalidity shall not affect the provisions or application of this Code or such amendments that can be given effect without the invalid provisions or application, and to this end the provisions of this Code and such amendments are declared to be severable.

(1 Del. C. 1953, § 308.)

Chapter 4
UNIFORM ELECTRONIC LEGAL MATERIAL ACT

§ 401 Short title.

This chapter may be cited as the "Uniform Electronic Legal Material Act."

(79 Del. Laws, c. 357, § 1.)

§ 402 Definitions.

In this chapter:

(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) "Legal material" means, whether or not in effect:

a. The Constitution of Delaware;

b. The Laws of Delaware;

c. The Delaware Code; and

d. A state agency regulation promulgated in accordance with §§ 10111-10119 of Title 29.

(3) "Official publisher" means:

a. For the Constitution of Delaware, the General Assembly;

b. For the Laws of Delaware, the General Assembly;

c. For the Delaware Code, the General Assembly; and

d. For a regulation published in the Delaware Administrative Code, the General Assembly.

(4) "Publish" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.

(5) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(79 Del. Laws, c. 357, § 1.)

§ 403 Applicability.

This chapter applies to all legal material in an electronic record that is designated as official under § 404 of this title and first published electronically on or after October 21, 2014.

(79 Del. Laws, c. 357, § 1.)

§ 404 Legal material in official electronic record.

(a) If an official publisher publishes legal material only in an electronic record, the publisher shall:

(1) Designate the electronic record as official; and

(2) Meet the requirements of §§ 405, 407, and 408 of this title.

(b) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the requirements of §§ 405, 407, and 408 of this title are met.

(79 Del. Laws, c. 357, § 1.)

§ 405 Authentication of official electronic record.

(a) An official publisher of legal material in an electronic record that is designated as official under § 404 of this title shall authenticate the record.

(b) To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

(79 Del. Laws, c. 357, § 1.)

§ 406 Effect of authentication.

(a) Legal material in an electronic record that is authenticated under § 405 of this title is presumed to be an accurate copy of the legal material.

(b) If another state has adopted a law substantially similar to this chapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(c) A party contesting the authentication of legal material in an electronic record authenticated under § 405 of this title has the burden of proving by a preponderance of the evidence that the record is not authentic.

(79 Del. Laws, c. 357, § 1.)

§ 407 Preservation and security of legal material in official electronic record.

(a) An official publisher of legal material in an electronic record that is or was designated as official under § 404 of this title shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(b) If legal material is preserved under subsection (a) of this section in an electronic record, the official publisher shall:

(1) Ensure the integrity of the record;

(2) Provide for backup and disaster recovery of the record; and

(3) Ensure the continuing usability of the material.

(79 Del. Laws, c. 357, § 1.)

§ 408 Public access to legal material in official electronic record.

An official publisher of legal material in an electronic record that must be preserved under § 407 of this title shall ensure that the material is reasonably available for use by the public on a permanent basis.

(79 Del. Laws, c. 357, § 1.)

§ 409 Standards.

In implementing this chapter, an official publisher of legal material in an electronic record shall consider:

(1) Standards and practices of other jurisdictions;

(2) The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies;

(3) The needs of users of legal material in an electronic record;

(4) The views of governmental officials and entities and other interested persons; and

(5) To the extent practicable, the use of methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods and technologies used by other official publishers in this State and in other states that have adopted a law substantially similar to this chapter.

(79 Del. Laws, c. 357, § 1.)

§ 410 Uniformity of application and construction.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(79 Del. Laws, c. 357, § 1.)

§ 411 Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the “Electronic Signatures in Global and National Commerce Act,” 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b).

(79 Del. Laws, c. 357, § 1.)

Chapter 5
LEGAL HOLIDAYS

§ 501 Designation

(a) The following days shall be legal holidays in this State:

(1) January 1, known as New Year's Day.

(2) The third Monday in January, known as Martin Luther King, Jr. Day.

(3) Good Friday.

(4) June 19, known as Juneteenth.

(5) July 4, known as Independence Day.

(6) The first Monday in September, known as Labor Day.

(7) November 11, known as Veterans Day.

(8) The fourth Thursday in November, known as Thanksgiving Day.

(9) The Friday following Thanksgiving Day.

(10) December 25, known as Christmas.

(11) Saturdays.

(12) The day of the General Election as it biennially occurs; and

(13) In Sussex County, Return Day, the second day after the General Election, after 12:00 Noon.

(b) If any of the legal holidays fall on Sunday, the Monday following shall be a legal holiday. If any of the legal holidays other than Saturday fall on Saturday, the Friday preceding shall be a legal holiday.

(c) The last Monday in May shall be the legal holiday, known as Memorial Day, in the State.

(d) Veterans Day shall be a legal holiday for all public school students and the employees of public districts and charter schools. If Veterans Day falls on a Sunday, the following Monday shall be a legal holiday. If Veterans Day falls on a Saturday, the preceding Friday shall be a legal holiday.

(e) The Director of the Office of Management and Budget shall promulgate policies and procedures to implement 2 floating holidays.

(11 Del. Laws, c. 195; 12 Del. Laws, c. 14; 15 Del. Laws, c. 192; 18 Del. Laws, c. 697; 19 Del. Laws, c. 694; 20 Del. Laws, cc. 67, 511; 22 Del. Laws, cc. 164, 165, 391; 26 Del. Laws, c. 182; Code 1915, §§ 2841, 2841A to 2841D; 28 Del. Laws, c. 214; 30 Del. Laws, c. 193; 34 Del. Laws, c. 190, § 1; 34 Del. Laws, c. 191, § 1; 36 Del. Laws, c. 247; 37 Del. Laws, c. 233, § 1; 40 Del. Laws, c. 207; Code 1935, § 3321; 43 Del. Laws, c. 202, § 1; 43 Del. Laws, c. 203, § 1; 47 Del. Laws, c. 40, § 1; 47 Del. Laws, c. 143, § 1; 47 Del. Laws, c. 247, § 1; 48 Del. Laws, c. 49, § 1; 1 Del. C. 1953, § 501; 52 Del. Laws, c. 83; 53 Del. Laws, c. 23, § 1; 54 Del. Laws, c. 308; 55 Del. Laws, c. 28, § 1; 57 Del. Laws, c. 14; 59 Del. Laws, c. 268, § 1; 60 Del. Laws, c. 602, § 1; 60 Del. Laws, c. 634, § 1; 64 Del. Laws, c. 451, § 1; 65 Del. Laws, c. 62, § 1; 66 Del. Laws, c. 330, §§ 1, 2; 67 Del. Laws, c. 19, §§ 1, 2; 67 Del. Laws, c. 22, §§ 1, 2; 72 Del. Laws, c. 105, § 1; 74 Del. Laws, c. 319, § 1; 76 Del. Laws, c. 113, § 1; 77 Del. Laws, c. 84, § 56; 77 Del. Laws, c. 328, § 28; 83 Del. Laws, c. 37, § 1; 83 Del. Laws, c. 257, § 1.)

§ 502 Validity of acts, transactions, legal procedures, etc.

No contract made, instrument executed, or act done on any of the legal holidays designated in § 501 of this title shall be thereby rendered invalid, and nothing in that section shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons, confession, judgment, order or decree, or other legal process whatever, or the proceedings of any court or judge or board of canvass on any of such holidays.

(1 Del. C. 1953, § 502; 55 Del. Laws, c. 28, § 2; 55 Del. Laws, c. 53; 65 Del. Laws, c. 298, § 2.)

Chapter 6
SPECIAL DAYS AND SPECIAL MONTHS

§ 601 Arbor Day.

The following day shall be commemorated in this State by appropriate ceremonies: The last Friday in April, known as Arbor Day.

(1 Del. C. 1953, § 601; 53 Del. Laws, c. 23.)

§ 602 Delaware Day.

The Department of State shall stage suitable and proper celebrations in each county of this State on the 7th day of December of each year commemorating the ratification of the federal constitution by this State.

(42 Del. Laws, c. 203, § 1; 29 Del. C. 1953, § 3702; 57 Del. Laws, c. 608, § 3B.)

§ 603 Native American Day.

The following day shall be commemorated in this State by appropriate ceremonies: The first Saturday of September that is after Labor Day, known as Native American Day.

(71 Del. Laws, c. 168, § 1.)

§ 604 Juneteenth National Freedom Day.

The following day shall be commemorated in this State by appropriate ceremonies: The third Saturday of June, known as Juneteenth National Freedom Day.

(72 Del. Laws, c. 269, § 1.)

§ 605 March For The Arts in Education.

The following month shall be commemorated in this State by appropriate ceremonies: the month of March, known as March for the Arts in Education.

(74 Del. Laws, c. 180, § 2.)

§ 606 Melanoma and Skin Cancer Detection and Prevention Month.

The following month shall be commemorated in this State by appropriate ceremonies: the month of May, known as “Melanoma and Skin Cancer Detection and Prevention Month.”

(77 Del. Laws, c. 35, § 1.)

§ 607 Military Spouse Appreciation Day.

The following day shall be commemorated annually in this State by appropriate ceremonies: the Friday before Mother’s Day, known as “Military Spouse Appreciation Day.”

(77 Del. Laws, c. 214, § 1.)

§ 608 Vietnam Veterans Day.

March 30 shall be known as Vietnam Veterans Day and shall be commemorated in this State by appropriate ceremonies to honor those members of the United States Armed Forces who served in Vietnam or in the Vietnam area of operation.

(77 Del. Laws, c. 475, § 1.)

§ 609 Disability History and Awareness Month.

The following month shall be commemorated in this State by appropriate ceremonies: the month of October, known as “Disability History and Awareness Month”. In commemorating such month, public schools are encouraged to informally offer instruction and events highlighting disability history and awareness during October of each year which may include offering guest speakers, supplementing existing lesson plans, holding assemblies, and sponsoring essay or art projects.

(78 Del. Laws, c. 178, § 1.)

§ 610 6888th Central Postal Directory Battalion Day.

March 9 is known as 6888th Central Postal Directory Battalion Day and should be commemorated in this State by appropriate ceremonies to honor the 6888th Central Postal Directory Battalion members. In commemorating this day, citizens are encouraged to write and mail letters to family, friends, military personnel, and veterans to recognize postal employees and the important service these employees provide in connecting us to each other.

(85 Del. Laws, c. 158, § 1.)

§ 611 Puerto Rico Day.

June 11 is designated as “Puerto Rico Day” and will be commemorated in this State by appropriate ceremonies.

(85 Del. Laws, c. 292, § 1.)

§ 612 Veterans Month.

May is known as “Veterans Month” and is to be commemorated in this State by appropriate ceremonies.

(85 Del. Laws, c. 353, § 1.)

§ 613 Diwali Day.

In accordance with the official day recognized by the Indian government, the fifteenth day of the Hindu lunisolar month of Kartik is designated “Diwali Day.”

(85 Del. Laws, c. 528, § 1.)

Chapter 7
AGE OF MAJORITY

§ 701 Age of majority.

A person of the age of 18 years or older on June 16, 1972, and any person who attains the age of 18 years thereafter, shall be deemed to be of full legal age for all purposes whatsoever and shall have the same duties, liabilities, responsibilities, rights and legal capacity as persons heretofore acquired at 21 years of age unless otherwise provided.

(1 Del. C. 1953, § 701; 58 Del. Laws, c. 439, § 1.)

Chapter 8

Standard Time [Effective upon meeting the contingency in 82 Del. Laws, c. 193, § 5]

§ 801 Standard time [Effective upon meeting the contingency in 82 Del. Laws, c. 193, § 5].

The standard time for this State is the time determined by 15 U.S.C. §§ 260 through 267, however, this State is exempt from 15 U.S.C. § 260a (regarding the advancement of time) and instead observes the standard time during the period under 15 U.S.C. § 260a.

(82 Del. Laws, c. 193, § 2.)