



SPONSOR: Rep. Briggs King & Rep. Keeley & Sen. Lopez &
Sen. Pettyjohn
Reps. Osienski, Outten, B. Short, D. Short, Wilson; Sen.
Hocker

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 294

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 4177D, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4177D. Courses of instruction; rehabilitation programs.

4 ~~The Secretary of Safety and Homeland Security, through the Office of Highway Safety~~ The Secretary of the
5 Department of Health and Social Services, through the Division of Substance Abuse and Mental Health, shall establish
6 courses of instruction and programs of rehabilitation for persons whose drivers' licenses have been revoked for ~~operating~~
7 driving a vehicle while under the influence of ~~intoxicating liquor or drugs alcohol or any drug, or both.~~ ~~The Secretary of~~
8 ~~Safety and Homeland Security~~ The Secretary of the Department of Health and Social Services shall administer such
9 courses and programs ~~and adopt rules and regulations therefor, and~~ and adopt rules and regulations for such courses and
10 programs. The Secretary of the Department of Health and Social Services shall establish a schedule of fees for enrollment
11 in such courses and ~~programs which shall not~~ programs. The schedule of fees may not exceed the maximum fine imposed
12 ~~for the offense as set forth in § 4177~~ an offense under § 4177 of this title. ~~Successful~~ A person's successful completion of
13 the Court of Common Pleas Driving Under the Influence Treatment Program ~~shall be considered~~ is equivalent to a course
14 of instruction ~~and/or~~ or program of rehabilitation approved under this section.

15 Section 2. This Act takes effect 6 months after its enactment into law.

SYNOPSIS

Section 1 of this Act transfers from the Department of Safety and Homeland Security to the Department of Health and Social Services the responsibility for establishing, administering, adopting rules and regulations, and setting fees for courses of instruction and programs of rehabilitation for those whose licenses have been revoked for driving a vehicle under the influence of alcohol or any drug, or both. The Department of Health and Social Services' Division of Substance Abuse and Mental Health is better positioned to establish and operate programs aimed at treating substance abuse issues.

Section 1 of this Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual and to update language in this Act that is no longer consistent with language in § 4177 of Title 21.

Section 2 of this Act delays the Act's effective date for 6 months.

