

CHAPTER 155
FORMERLY
HOUSE BILL NO. 206

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSE REVOCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 2742, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(i) If a person's driver's license is revoked pursuant to subsections (b) or (c) of this section and the person has not yet been adjudicated guilty and sentenced to the charge of Driving Under the Influence, the Justice of the Peace Court may request in writing that the Division of Motor Vehicles issue a conditional license to the revoked driver as a condition of pretrial release pursuant to Sections 2108 or 2112 of Title 11 if the person is subject to continuous sobriety monitoring.

(1) When the Division of Motor Vehicles receives a request from the Justice of the Peace Court to issue a conditional license to a revoked driver, the Division may issue a conditional license during the period of revocation provided the person's driver's license is not suspended, revoked, denied, or otherwise unavailable for any other violation of the law of any jurisdiction that would prohibit the issuance of the conditional license unless it is determined by the Secretary of Transportation or the Secretary's designee that the individual is eligible for reinstatement. This conditional license only permits the driver to operate a motor vehicle to travel to and from work, school, medical appointments, any Court, or any appointments related to the driver's continuous sobriety monitoring.

(2) If at any point the revoked driver ceases to be subject to continuous sobriety monitoring, the Justice of the Peace Court must promptly notify the Division of Motor Vehicles of the change in the revoked driver's status. The Division of Motor Vehicles must direct such person to surrender said conditional license to the Division of Motor Vehicles and the Division of Motor Vehicles will restore the full revocation of the driver's license for the remainder of the term of the revocation.

(3) If at any point the Justice of the Peace Court determines, in its discretion, that the revoked driver is no longer entitled to a conditional license, the Justice of the Peace Court must promptly notify the Division of Motor Vehicles of that determination. The Division of Motor Vehicles must direct such person to surrender said conditional license to the Division of Motor Vehicles and must restore the full revocation of the driver's license for the remainder of the term of the revocation.

(4) Any person whose driver's license has been revoked and to whom a conditional license has been issued under this chapter, and who drives any motor vehicle upon the highways of this State contrary to the conditions placed upon such conditional license during the period of such conditional license, is guilty of an unclassified misdemeanor, and, upon conviction thereof, shall be fined not less than \$28.75 or more than \$230. The Division, upon receiving a record of conviction of any person operating a motor vehicle in violation of the conditions imposed

upon said conditional license, must forthwith direct such person to surrender said conditional license to the Division of Motor Vehicles and must notify the Justice of the Peace Court of the cancellation of the conditional license.

Section 2. This Act takes effect following the date of publication in the Register of Regulations of a notice that both of the following have occurred:

(1) The creation of a continuous sobriety monitoring program

(2) The Office of Highway Safety has provided notice to the Registrar of Regulations that the contingency in paragraph (1) has been fulfilled.

Approved August 30, 2017