

CHAPTER 204
FORMERLY
HOUSE BILL NO. 132

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE IGNITION INTERLOCK DEVICE.

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

Section 1. Amend § 2743(g)(2), Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 2743. Duration of revocation.

(g) Notwithstanding subsection (a) of this section, upon satisfactory completion of a program established under § 4177D of this title a person who is a first offender and meets the criteria specified in § 4177B(a) and whose license has been revoked pursuant to § 2742(b) of this title shall be permitted to apply for a driver's license under the following terms:

(1) Payment of all fees under the schedule adopted by the Secretary;

(2) At least 64 months have elapsed since the date ~~of the revoked license or temporary license, whichever is later, reached the Division of Motor Vehicles~~ of Ignition Interlock Device [IID] installation and ignition interlock license issuance;

Section 2. Amend § 4177G(e), Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 4177G. Ignition Interlock Device Program.

(e) *Installation payment of costs; indigent program.* – The Division of Motor Vehicles shall establish a payment plan for all persons obtaining an IID under this section. The plan shall be administered by the service provider(s) and the person obtaining the IID shall make all payments under the plan to the service provider(s). The Division shall further develop and implement an indigent plan for impoverished persons, ~~which shall be available on a lottery basis. For every 20 devices installed at regular prices, at least 1 device shall be provided at approximately half price under this program.~~ Any person who makes application for an indigent plan shall meet certain criteria and provide specific documentation to be approved by the Division of Motor Vehicles.

Section 3. Amend § 4177G(f)(2)(k), Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 4177G. Ignition Interlock Device Program.

(f) *IID license.* –

(2) An offender shall lose the privilege of having an IID license for failure to comply with any of the following:

a. The offender shall abide by the terms of the subsequent offender's lease with the service provider as approved by the Division of Motor Vehicles;

b. The offender shall comply with the Division of Motor Vehicles regulations concerning offender IID license restrictions;

c. The offender shall not attempt, nor allow or cause an attempt to bypass, tamper with, disable or remove the IID or its wires in connection;

d. The offender shall not attempt to operate a motor vehicle without possessing registration and an IID license which complies with this section;

e. The offender shall not violate any section of this title relating to the use, possession or consumption of alcohol or intoxicating substances;

f. The offender shall accumulate no more than 5 points per year;

g. The offender shall continue to meet all eligibility criteria identified in paragraph (f)(1) of this section;

h. The offender shall provide proof to the Division of Motor Vehicles that an approved IID has been installed prior to being issued an IID license;

i. The offender shall not fail or refuse to take random tests at such times and by such means as the Division of Motor Vehicles requires;

j. The offender shall keep scheduled appointments with the Division and the service provider; and

k. The offender shall be required to report to the service provider on ~~an bimonthly~~ a monthly basis for service of the approved IID.

Approved February 14, 2018