

CHAPTER 160
FORMERLY
SENATE BILL NO. 177

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES
OF THE ROAD

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 § 4177B(f)(2), Title 21 of the Delaware Code by deleting the phrase “(a)(2)-(a)(6)” and inserting in lieu thereof the phrase, “(a)(2), (a)(3), (a)(5) and (a)(6)”.

Section 2. Amend § 4177B(f), Title 21 of the Delaware Code by adding a new paragraph (3) to state as follows:

“(3) Subsection (a)(4). However, if a person who has a blood alcohol concentration of .15 or greater is permitted to participate in the FOE-IID program pursuant to § 4177B(g), § 4177C(c) shall apply.”

Section 3. Amend § 4177C(c), Title 21 of the Delaware Code by deleting the word “have” after the phrase “section 4177D of this title” and before the phrase “the ignition interlock device installed on a minimum of 1 vehicle”, and inserting in lieu thereof, the phrase, “be eligible to apply for”.

Section 4. Amend subsection 4177C(c)(1), Title 21 of the Delaware Code by deleting the phrase “1 month” before the phrase “At least” and after the phrase “has elapsed”, and inserting in lieu thereof, the phrase “45 days”.

Section 5. Amend subsection 4177C(c), Title 21 of the Delaware Code by adding a new subsection (3) to state as follows:

“(3) For a person sentenced under this section, the IID license issued shall limit conditional driving privileges to driving to and from work, school, alcohol treatment programs, and the interlock service provider.”

Section 6. Amend § 4177C, Title 21 of the Delaware Code by redesignating the existing subsections (c) through (g), as (d) through (h) and by adding a new subsection (c) to read as follows:

“(c) Any person who, as a first offender with a blood alcohol concentration of .15 or greater or a first offender who refused a chemical test, has been permitted to participate in the FOE-IID Diversion pursuant to § 4177B(g), and is enrolled in a course of instruction and/or program of rehabilitation pursuant to §§ 4177B(g) and 4177D of this title shall have an ignition interlock device installed on a minimum of 1 vehicle registered in that person’s name or may have the device installed on a vehicle owned by another person if there are no vehicles registered in the name of the offender, immediately following the effective date of revocation. The ignition interlock device shall remain installed on the vehicle for a period of 6 months from the effective date of revocation. That offender may be eligible to apply for an ignition interlock device license under the following terms:

- a. At least 45 days has elapsed since the effective date of the revocation.
- b. All licenses have been surrendered to the Division of Motor Vehicles prior to issuance of the IID [Ignition Interlock Device] license.”

Approved July 13, 2009