

Delaware

Delaware's all-offender ignition interlock law went into effect on January 1, 2015. As of December 2017, there were 662 interlocks installed in Delaware. Between 2006 to 2018, interlocks stopped 5,989 attempts to drive drunk, including 946 in 2018.

Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender must use an interlock for at least four months following a drunk driving conviction.

Ignition Interlock Law Overview and MADD Legislative Recommendations

How soon can an ignition interlock be installed?		Duration on ignition interlock	Legislative Recommendation
First offense	30 days after revocation, but a person in diversion can go an interlock right away	4 to 23 months	<i>Eliminate the waiting period to install an interlock and allow for the use of an interlock upon revocation for any drunk driver.</i>
Second offense	60 days after revocation	22 months	
First refusal	45 days after revocation	23 months	

Compliance Based Removal?

Yes

The DOT extends the user's revocation period for the following actions: 1) BAC of .05 or above, 2) Running retest violation, 3) missed monitoring appointment, 4) startup violation or lock-out failure, 5) tampering with or bypassing the interlock system, 6) intentional circumvention of the interlock system or program requirements, 7) any other noncompliance of program requirements as deemed by the Secretary or the Secretary's designee. A 2 month extension for any combination of 3 of the above actions. A 4 month extension for any combination of 5 of the above actions. A 6 month extension for any combination of 8 of the above actions. An additional 1 month shall be required for each action listed greater than 8.

Day-for-Day Credit for early installation?

No

Legislative Recommendation

Allow for the use of ignition interlock after arrest and credit early installation of an interlock toward time ordered on an interlock upon conviction.

Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

Yes

Indigent Program?

Yes

The DMV shall establish a payment plan for users. The plan shall be administered by the service provider. The DMV 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.

Interlock user fees (not including leasing costs of the device)

Yes

Must pay \$143.75 reinstatement fee to the DMV.