

## Delaware DUI / DWI Regulations

|                                       |   |
|---------------------------------------|---|
| DUI / DWI Statute                     | <a href="#">21 §4177</a>  |
| Criteria for DUI / DWI                | <p>BAC ≥ 0.02 if under 21 years old</p> <p>BAC ≥ 0.04 while operating a commercial motor vehicle or school bus</p> <p>BAC ≥ 0.05 all drivers if other signs of impairment are evident</p> <p>BAC ≥ 0.08 for all non-commercial drivers aged 21 years or older</p> <p>BAC ≥ 0.15 enhanced penalties</p>  |
| Penalties for 1 <sup>st</sup> offense | <p>License Suspension</p> <ul style="list-style-type: none"> <li>✧ BAC &lt; 0.15: 12 months</li> <li>✧ BAC 0.15 to 0.199: 18 months</li> <li>✧ BAC ≥ 0.20: 24 months (may have conditional license)</li> </ul> <p>Prison Term / Community Service<br/>60 days to 6 months in jail; possible community service</p> <p>Fines: \$500 - \$1,500</p> <p>Vehicle: potential impound or confiscation</p>   |
| "Look back" period                    | <ul style="list-style-type: none"> <li>✧ 10 years for 2<sup>nd</sup> offense</li> <li>✧ Lifetime for 3<sup>rd</sup> or subsequent offense</li> </ul>  |
| Penalties for repeat offenders        | <p>2<sup>nd</sup> Offense</p> <ul style="list-style-type: none"> <li>✧ License Suspension <ul style="list-style-type: none"> <li>○ BAC &lt; 0.15: 18 months</li> <li>○ BAC 0.15 to 0.199: 24 months</li> <li>○ BAC ≥ 0.20: 30 months (no conditional license)</li> </ul> </li> <li>✧ Prison Term / Community Service <ul style="list-style-type: none"> <li>○ 60 days to 18 months in jail</li> <li>○ Possible community service</li> </ul> </li> <li>✧ Fines: \$750 - \$2,500</li> <li>✧ Vehicle: potential impound or confiscation</li> </ul> <p>3<sup>rd</sup> Offense</p> <ul style="list-style-type: none"> <li>✧ License Suspension <ul style="list-style-type: none"> <li>○ BAC less than 0.15: 24 months</li> <li>○ BAC 0.15 to 0.199: 30 months</li> <li>○ BAC ≥ 0.20: 36 months (no conditional license)</li> </ul> </li> <li>✧ Prison Term / Community Service <ul style="list-style-type: none"> <li>○ 1 – 2 years in jail</li> <li>○ Possible community service</li> </ul> </li> </ul> |

National Motorists Association  
December 2015

This information was current at the time of publication. The reader should check official sources for the latest version of regulations.

## Delaware DUI / DWI Regulations

|                      |   |
|----------------------|---|
|                      | <ul style="list-style-type: none"> <li>✧ Fines: \$1,500 - \$5,000</li> <li>✧ Vehicle: potential impound or confiscation</li> </ul> <p>4<sup>th</sup> or Subsequent Offense</p> <ul style="list-style-type: none"> <li>✧ License Suspension             <ul style="list-style-type: none"> <li>○ 60 months (no conditional license)</li> </ul> </li> <li>✧ Prison Term / Community Service             <ul style="list-style-type: none"> <li>○ 2 - 5 years in jail</li> <li>○ Possible community service</li> <li>○ Fines: \$3,000 - \$7,000</li> <li>○ Vehicle: potential impound or confiscation</li> </ul> </li> </ul> |
| License suspensions  | <p>1<sup>st</sup> offense: 12 – 24 months<br/>           2<sup>nd</sup> offense: 18 – 30 months<br/>           3<sup>rd</sup> offense: 24 – 36 months<br/>           4<sup>th</sup> and subsequent offenses: 60 months</p> <p>All repeat offenses are ineligible for conditional or restricted licenses</p>   |
| Ignition interlocks  | Mandatory on all first and recurrent offenses, regardless of BAC level  |
| Vehicle impoundment  | Impoundment of license plate for repeat offenses or driving with a suspended license  |
| Open Container laws: | None. Alcohol may not be consumed by driver while on highway or in presence or view of a police officer.  |

### Sources

[https://www.dmv.de.gov/services/driver\\_services/driver\\_improvement/dr\\_di\\_dui.shtml](https://www.dmv.de.gov/services/driver_services/driver_improvement/dr_di_dui.shtml)

<http://www.yourduilegalguide.com/delaware.htm>

<http://www.cdc.gov/motorvehiclesafety/calculator/factsheet/licenseplate.html>

<http://dui.drivinglaws.org/resources/can-a-passenger-drink-alcohol.htm>

<http://www.ncsl.org/research/financial-services-and-commerce/open-container-and-consumption-statutes.aspx>