

**2200 DIVISION OF MOTOR VEHICLES  
Driver Services  
2201 Procedure for Re-licensing Investigations**

**Character Background Review**

**1.0 Authority**

The authority to promulgate this regulation is 21 **Del.C.** §302 and 29 **Del.C.** § 10115.

**2.0 Purpose**

This policy regulation establishes administrative procedures regarding the character background review process for an individual whose license has been revoked for an alcohol-related violation pursuant to 21 **Del.C.** §2742, §2743, and §4177. Additionally, pursuant to 21 **Del.C.** §4177 A(d), the Secretary shall have power and authority to refuse to issue a driver's license to any individual whose driver license or driving privilege was revoked until such person has satisfied the Secretary that he has been of good behavior for the entire period of revocation and until he has complied with all applicable provisions of this section.

**13 DE Reg. 1225 (03/01/10)**

**3.0 Applicability**

This policy regulation interprets the following sections found in 21 **Del.C.** §2742, §2743, and §4177.

**4.0 Substance Of Policy**

- 4.1 Any Driver Improvement staff member acceptable to the Secretary of Transportation or his designee may conduct a character background review in accordance with this regulation.
- 4.2 The following individuals are required to have a favorable character background review conducted prior to becoming eligible to reinstate his driving privileges:
  - 4.2.1 Any person whose blood alcohol content (BAC) at the time of arrest was .165 or above.
  - 4.2.2 Any person revoked for a second alcohol-related violation pursuant to 21 **Del.C.** §2742, §4177, or §4177B occurring within five (5) years from the first violation and/or third or further subsequent alcohol-related violation occurring at any time following the second violation.
  - 4.2.3 Any person revoked for a felony alcohol-related violation pursuant to 21 **Del.C.** §2742 or §4177.
- 4.3 The Driver Improvement staff member shall review Delaware Justice Information System/Criminal Justice Information System (DELJIS/CJIS) and driving record regarding violations of the applicant. Violations received after the violation for which the character background review is being conducted that result in a conviction and/or violations currently pending should be addressed with the applicant and may be taken into consideration when making the decision regarding issuance of any driving authority.
- 4.4 The Driver Improvement staff member shall obtain a Problem Driver Pointer System (PDPS) printout prior to reinstating an applicant's driving privileges. An applicant must have a PDPS status of "eligible", thus indicating that his driving privileges are not withdrawn in any other state, prior to becoming eligible for valid driving privileges.
- 4.5 It is the responsibility of the Driver Improvement staff member to determine whether or not driving authority should be reinstated and how such authority should be limited based on statute requirements. (IE: full driving authority, conditional license or IID license.)
- 4.6 The Driver Improvement staff member may contact any other sources which could supply information relative to the applicant's case. These additional sources may include, but not be limited to: probation officer, alcohol program instruction, alcohol program counselor, court staff, police agency in or around

---

**TITLE 2 TRANSPORTATION  
DELAWARE ADMINISTRATIVE CODE**

---

**2**

- the applicant's place of residence, or any citizen that may be aware of the applicant's current drinking behavior.
- 4.7 If the Background Review reveals that the applicant may constitute a risk to the driving public relative to alcohol and/or drug abuse and/or that the applicant has not been of "Good Behavior", his/her driving privilege will not be reinstated. Such driving authority will remain withdrawn until it has been determined by this division that all applicable requirements have been met and that the applicant no longer represents a risk to the driving public.
- 4.7.1 For purposes of this regulation "Good Behavior" shall be defined by the Department as:
- 4.7.1.1 No additional drinking and/or drug-related incidents caused by the applicant during the period of revocation (included but not limited to arrests).
- 4.7.1.2 No traffic (moving) or license violations during the period of revocation.
- 4.8 The applicant shall be denied driving authority until the applicant has satisfactorily completed all necessary requirements as defined by Delaware statute and this regulation.
- 4.8.1 The Driver Improvement staff member having information regarding an applicant's behavior regarding those items listed in 4.7.1 may deny driving authority for one (1) month for the first action, three (3) months for two actions, and six (6) months for three or more actions.
- 4.8.2 Once additional time has been served, a prior violation will not be considered. However, if new violations are received during the denial period, the Driver Improvement staff member shall take the new violations into consideration as specified in 4.7.1 above.
- 4.9 Following the Character Background Review the Driver Improvement staff member will file a report of his/her decision regarding issuance of driving authority.
- 4.10 An entry will be made to the driving record regarding the outcome of the Character Background Review.
- 4.11 All documents will be imaged upon receipt in the Driver Improvement Section.
- 4.12 Any person whose blood alcohol concentration (BAC) at the time of arrest was below .15 and/or whose arrest was his/her first alcohol-related violation shall be processed pursuant to the following:
- 4.12.1 A review of the driving record and PDPS will be conducted to determine eligibility for driving authority.
- 4.12.2 A review of the alcohol program completion will be conducted to verify acceptable completion of the program.
- 4.13 If the applicant is refused issuance of a driver license after the period of revocation has ended the alcohol program has been satisfactorily completed and after all fines and/or fees are paid, the applicant may appeal to the of Common Pleas in the county of his/her residence.

**13 DE Reg. 1225 (03/01/10)**

**5.0 Severability**

If any part of this rule is held to be unconstitutional or otherwise contrary to law by a court of competent jurisdiction, said portion shall be severed and the remaining portions of this rule shall remain in full force and effect under Delaware law.

**6.0 Effective Date**

The following regulation shall be effective 10 days from the date the order is signed and it is published in its final form in the Register of Regulations in accordance with 29 **Del.C.** §10118(e).