

**2200 DIVISION OF MOTOR VEHICLES
Driver Services**

**2206 Revocation of a Driver's License/Driving Privilege Pursuant to Section 4103(b) and
Section 2732(a-8) (Formerly Reg. No. 40)**

1.0 Authority

The authority to promulgate this regulation is 21 **Del.C.** §302, 21 **Del.C.** §4103(b), (c), 21 **Del.C.** §2732(a) (8), and 29 **Del.C.** §10115.

2.0 Purpose

This policy regulation establishes administrative procedures regarding the revocation of a driver's license or driving privilege following a conviction of failure to stop at the command of a police officer.

3.0 Applicability

This policy regulation interprets the following sections found in 21 **Del.C.** §4103(b), (c) and §2732(a)(8).

4.0 Substance of Policy

- 4.1 Upon receipt of a first conviction for a violation of 21 **Del.C.** §4103(b) the driver's license and/or driving privilege shall be revoked for a period of one (1) year.
- 4.2 Upon receipt of information that a first conviction involved a high speed chase, injury to a police officer(s) or to other person(s), the driver's license and/or driving privilege shall be revoked for a period of two (2) years, provided a written request and copy of the police report is received from law enforcement, the court, or the Department of Justice.
- 4.3 An administrative hearing may be requested within 30 days of the effective date of the revocation for the action taken under 4.2 above. The scope of the hearing will be as follows:
 - 4.3.1 Determine if the petitioner was charged with a violation of 21 **Del.C.** §4103(b) and was convicted of said violation.
 - 4.3.2 Determine if the Division received a written request and copy of the police report from law enforcement, the court, or the Department of Justice requesting a two (2) year revocation based on a high speed chase or injury to police officers) or other(s).
- 4.4 Upon receipt of a second or further subsequent conviction the driver's license and/or driving privilege shall be revoked for a period of three (3) years.
- 4.5 No administrative hearing may be requested for a one (1) year or three (3) year revocation action as they are required by statute.

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).

9 DE Reg. 1988 (06/01/06)