

2200 Division of Motor Vehicles  
Driver Services

**2210 Issuance of a Conditional License as the Result of a Suspension Due to a Conviction for Passing a Stopped School Bus. (Formerly Reg. No. 57)**

**1.0 Authority**

The authority to promulgate this regulation is 21 **Del.C.** §302, 21 **Del.C.** §4177(j) and 29 **Del.C.** §10115.

**2.0 Purpose**

This policy regulation establishes administrative procedures regarding the issuance of a conditional license following a suspension action due to a conviction for passing a stopped school bus in violation of 21 **Del.C.** §4166(d).

**3.0 Applicability**

This policy regulation interprets the following sections found in 21 **Del.C.** §4166

**4.0 Substance of Policy**

- 4.1 Upon receiving a notice of conviction for a violation of 21 **Del.C.** §4166(d) the driver's license and/or driving privilege shall be suspended for a period of one (1) month for a first offense.
- 4.2 Upon receiving a notice of conviction for a second violation of 21 **Del.C.** §4166(d) within three (3) years of a prior violation, the driver's license and/or driving privilege shall be suspended for a period of six (6) months.
- 4.3 Upon receiving a notice of conviction for a third or further subsequent violation of 21 **Del.C.** §4166(d) within three (3) years of a prior violation, the driver's license and/or driving privilege shall be suspended for a period of one (1) year.
- 4.4 In the event of a suspension of a driver's license pursuant to this policy, the Division may issue a conditional license during the period of suspension if the applicant stipulates the suspension has created an extreme hardship, such as loss of meaningful employment opportunity or loss of school opportunity.
  - 4.4.1 A minimum suspension period of one (1) month must be served without driving authority if the suspension action is processed based on (4.1) above.
  - 4.4.2 A minimum suspension period of three (3) months must be served without driving authority if the suspension action is processed based on (4.2) above.
  - 4.4.3 A minimum suspension period of six (6) months must be served without driving authority if the suspension action is processed based on (4.3) above.
- 4.5 However no such conditional license shall be issued if the licensee has been issued an occupational license or a conditional license within the preceding twelve (12) months or has previously been issued a total of three (3) occupational or conditional licenses as shown on the licensee's driving record.
- 4.6 The Department, upon receiving a record of conviction of any person upon a violation of operating a motor vehicle in violation of the condition imposed upon said conditional license during the period of such conditional license, shall immediately extend the period of such suspension for an additional like period and shall forthwith direct such person to surrender said conditional license to the Department.

**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)**