

2200 Division of Motor Vehicles  
Driver Services

2212 Issuance of Occupation Driver's License After Conviction of No Insurance on a  
Vehicle (Formerly Reg. No. 78

1.0 Authority

The authority to promulgate this regulation is 21 Del.C. §302, 21 Del.C. §2118, and 29 Del.C. §10115.

2.0 Purpose

This policy regulation establishes administrative procedures used to issue occupational driving authority following conviction of failure to have insurance or failure to display an insurance ID card.

3.0 Applicability

This policy regulation interprets the sections found in 21 Del.C. §2118(a) through (z) in their entirety.

4.0 Substance of Policy

In the event of a suspension of a driver's license pursuant to the provisions of 21 Del. C. Section 2118, the suspended person may be issued an Occupational License during the mandatory period of suspension. The applicant is eligible to apply provided:

- 4.1 The applicant was not involved in an accident at the time of the incident in which property damage or personal injury occurred
- 4.2 The applicant has not been issued an occupational license during the immediate past 12 months. (Not to include conditional licenses issued under 21 Del.C. §4177(E), §4177(K), or 16 Del.C. §4764 Drug Diversion.)
- 4.3 The applicant is not under suspension or revocation of his/her driving privileges for another reason at time of application that would preclude the issuance of driving authority.
- 4.4 All valid Delaware licenses are turned in to the Division.
- 4.5 The applicant states on the application that the loss of license would create an extreme hardship which shall be defined as:
  - 4.5.1 Loss of meaningful employment opportunity;
  - 4.5.2 Loss of a school opportunity; or
  - 4.5.3 An urgent need by the applicant or within the family, which is critical to the family's health or welfare, and no other family members are capable of satisfying such urgent need. This includes; medical facilities, child, or adult care facilities.
- 4.6 An occupational license issued pursuant to this regulation shall reflect limited driving authority to drive for the above state reasons only. The occupational license shall be issued for the duration of the suspension period or the expiration of the license whichever is greater. The applicant may choose to renew the license prior to issuance of the occupational license or may complete the renewal process at a later time.
- 4.7 In order to apply for an occupational license, applicant must provide the following:
  - 4.7.1 Employment
    - 4.7.1.1 Proof of insurance on all vehicles registered in the name of the applicant and/or spouse, or the name of another, and/or on company-owned vehicles. (See Proof of Insurance).
    - 4.7.1.2 If self employed, a copy of the applicant's business license must be provided and the copy remain on file with the application.
    - 4.7.1.3 If driving vehicles owned by the employer, a statement from the employer stating:
      - 4.7.1.3.1 Applicant is employed with the company.

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- 4.7.1.3.2 Applicant's work days and hours.
- 4.7.1.3.3 If applicant needs to drive for employment-related duties.
- 4.7.1.3.4 Applicant will be driving company owned vehicles. (Please identify the vehicles).
- 4.7.1.3.5 If applicant will be driving a personal or other vehicle in addition to the company vehicle for these duties.
- 4.7.2 Attending School
  - 4.7.2.1 Documentation on the application stating the name, address, and phone number of the facility.
    - 4.7.2.1.1 Days and hours applicant is scheduled for classes; and
    - 4.7.2.1.2 Loss of school opportunity if applicant is not granted authority to drive.
  - 4.7.2.2 Proof of insurance on all vehicles registered in the name of the applicant and/or spouse, or the name of another, and/or on company-owned vehicles. (See Proof of Insurance)
- 4.7.3 Child or Adult Care Requests
  - 4.7.3.1 Documentation on the application stating the name, address, and phone number of the facility.
  - 4.7.3.2 Proof of insurance on all vehicles registered in the name of the applicant and/or spouse, or the name of another, and/or on company owned vehicles. (See Proof of Insurance)
- 4.7.4 Medical Requests
  - 4.7.4.1 A statement on the application that no other means of transportation is available
  - 4.7.4.2 Documentation on the application stating the name, address, and phone number of the physician or medical facility.
  - 4.7.4.3 Proof of insurance on all vehicles registered in the name of the applicant and/or spouse, or the name of another, and/or on company-owned vehicles. (See Proof of Insurance)
- 4.7.5 Proof of Insurance
  - 4.7.5.1 Privately-Owned Vehicles
    - 4.7.5.1.1 Applicant's vehicles and/or vehicles where applicant's name is on the policy a valid insurance ID card must be shown.
    - 4.7.5.1.2 Vehicle owned by the applicant's spouse and/or other vehicles personally owned by another individual must submit a valid insurance ID card.
  - 4.7.5.2 Employers/Company-Owned Vehicles
    - 4.7.5.2.1 Applicants requiring the privilege to drive their employer's vehicles for occupational purposes must present the employer's insurance ID or fleet ID card for proof of insurance.
    - 4.7.5.2.2 If the business is privately owned and the insurance is issued under the employer's personal policy, the applicant must provide a valid insurance ID card.
- 4.7.6 Proof of Insurance that is not acceptable
  - 4.7.6.1 Faxed copies of insurance documents unless faxed directly to the Division office

**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)**