

# DEPARTMENT OF TRANSPORTATION

## DIVISION OF MOTOR VEHICLES

Statutory Authority: 21 Delaware Code, Section 302; 29 Delaware Code, Section 8404  
(21 Del.C. §302; 29 Del.C. §8404(8))  
2 DE Admin. Code 2223

### FINAL

#### EXEMPT FINAL ORDER

#### **2223 Ignition Interlock Device Installation, Removal and Monthly Monitoring and Calibration Fees**

Pursuant to 29 Del. C. §10113(b)(4) and (5) the DMV has revised Regulation 2223 of Title 2 of the Delaware Administrative Code to amend the regulation to be consistent with changes in basic law and also to make corrections to technical errors.

- 21 Del.C. §4177F was repealed in August 2014 and 21 Del.C. §4177G was modified to manage the IID Program.  
With this order, the Department is updating Sections 1.0, 2.0, and 3.0 of Regulation 2223 to conform to the regulation with the Act. These updates are exempt from the requirement of public notice and comment because they include "amendments to existing regulations to make them consistent with changes in basic law but which do not otherwise alter the substance of the regulations," pursuant to 29 Del.C. §10113(b)(5).
- Other technical corrections are also being made to the regulation.

This order shall be effective 10 days after publication in the *Register of Regulations*.

IS SO ORDERED.

The 24th day of February, 2022.

Nicole Majeski  
Secretary, Department of Transportation

#### **2223 Ignition Interlock Device Installation, Removal and Monthly Monitoring and Calibration Fees**

##### **1.0 Authority**

The authority to promulgate this regulation is 21 Del.C. ~~§4177F(e)~~ §4177G.

##### **2.0 Purpose**

~~Title 21 Del.C. §4177F~~ §4177G established a program utilizing the Ignition Interlock device for those individuals with an alcohol-related violation or offense. After surveying the fees charged by surrounding jurisdictions for similar services, this policy regulation will establish a fee schedule for all expenses related to installation and lease of the device.

##### **3.0 Applicability**

This policy regulation concerns ~~Title 21 Del.C. §4177F~~ §4177G.

##### **4.0 Substance of Policy**

###### **4.1 Installation of Device**

- 4.1.1 All persons who voluntarily or as a result of a court order, install an Ignition Interlock device in a motor vehicle monitored in conjunction with the Division of Motor Vehicles, will be charged a fee by the provider for that service, and this fee will include the cost of removing the device at the termination of the program.
- 4.1.2 The service providers shall charge a fee not to exceed \$100.00 for installation of the Interlock device, but this amount includes a rebate of \$30.00 which will be returned to the client at the time of removal. This fee shall be the responsibility of the clients.

###### **4.2 Monthly Monitoring & Calibration**

- 4.2.1 All persons with an Ignition Interlock device installed in a vehicle monitored in conjunction with the Division of Motor Vehicles, shall be charged a fee for the monthly electronic monitoring and regular calibration of the device.

4.2.2 The service providers shall charge a fee not to exceed \$75.00 for monthly monitoring and calibration. This fee shall be the responsibility of the clients.

4.3 Initial down ~~Payment~~ Payment.

4.3.1 The initial payment will include the installation fee and the first month's monitoring and calibration. The initial payment, therefore, shall not exceed \$175.00 and the bi-monthly payment shall not exceed ~~\$150.00~~ \$150.00.

4.4 Other ~~Fees~~ Fees.

4.4.1 The Division of Motor Vehicles recognizes that Service providers may charge fees for other services outside the scope of this policy regulation, including but not limited to fees for missed appointments, device resets, and optional insurance programs relating to damage or loss of the device.

4.5 Definition of Alcohol Related Violations and Offenses

For purposes of this policy regulation, alcohol-related violations and offenses shall mean violations of Sections 2740, 2742, 4177, 4177B, 4175 of Title 21, conforming statutes of other states or the District of Columbia, or local ordinances in conformity therewith.

## 5.0 Severability

If any part of this Regulation 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 Regulation 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). The effective date of the revisions is March 11, 2022.

**25 DE Reg. 874 (03/01/22) (Final)**