DELAWARE · DUI CHECKLIST

Delaware DUI Checklist

What to do today, this week, and before your court date. Print it. Check things off. One step at a time.

YOUR FIRST DEADLINE

15 days to act on your DMV administrative revocation hearing (21 Del. C. §2742)

15 days from the arrest, when the officer takes your license and issues a 15-day temporary license. The request must be in writing: in person at any DMV office, by mail, or by fax (Form MV533). If you don't request it, the license is revoked at the end of the 15 days.

Who: Delaware Division of Motor Vehicles (Revocation Section, 302.744.2508)

KEY FACTS

SUSPENSION, 1ST FAILED TEST
3 months administrative revocation

SUSPENSION, 1ST REFUSAL
12 months administrative revocation

1ST OFFENSE CHARGE
Misdemeanor

1ST OFFENSE FINE
$500 to $1,500

1ST OFFENSE JAIL
Up to 12 months

INSURANCE FILING
Proof of insurance required; see your guide

PRIOR OFFENSES
Priors within 10 years count

IGNITION INTERLOCK
Mandatory for all DUI offenders, first and repeat, for offenses on or after February 1, 2015. First Offender Election participants can apply for an interlock license right away.

1 First 24 Hours

- [ ] **DMV administrative revocation hearing (21 Del. C. §2742): act within 15 days. 15 days from the arrest, when the officer takes your license and issues a 15-day temporary license. The request must be in writing: in person at any DMV office, by mail, or by fax (Form MV533). If you don't request it, the license is revoked at the end of the 15 days.**
- [ ] Find your temporary license — The officer took your license and gave you a temporary one good for 15 days. Note the date: it starts your deadline.

- [ ] Request the DMV hearing in writing within 15 days — Use Form MV533 at any DMV office, by mail, or by fax. If you don't, your license is revoked when the temporary license runs out.
- [ ] Check whether the First Offender Election is open to you — It is closed if your BAC was 0.15 or more, someone was hurt, a child was in the car, or you were unlicensed.
- [ ] Plan for the interlock — Every DUI offender in Delaware now needs an ignition interlock to get back on the road. Ask the DMV about the interlock license.
- [ ] Talk to a lawyer before the hearing — The DMV hearing and the criminal case run separately. A lawyer can tell you how each affects your license.

2 Court

- [ ] Arrest and charge — A misdemeanor DUI is tried only in the Court of Common Pleas in your county.
- [ ] Arraignment and First Offender Election — You enter a plea of guilty or not guilty. At arraignment, an eligible first offender can apply for the First Offender Election.
- [ ] Case review — After a not guilty plea, the case is set for a case review, where a plea offer is often discussed, or for trial.
- [ ] Trial — A law-trained judge hears the case. You also have the right to ask for a jury trial.
- [ ] Sentencing or DUI Treatment Court — On conviction, the judge sets the penalties and orders the DUI evaluation and program. Some repeat offenders are referred to the Court of Common Pleas DUI Treatment Court.

3 Getting Your License Back

- [ ] DUI Evaluation & Referral Program (DERP) course of instruction or rehabilitation: No DUI license is reinstated until you finish the course or rehabilitation program set by a DERP screening. First offenders under 0.15 usually get 16 hours of classes. The DERP fee is at least $100. Finishing the Court of Common Pleas DUI Treatment Program or graduating from the Superior Court's Veterans' Treatment Court counts as the course.
- [ ] Ignition interlock: Mandatory for all DUI offenders, first and repeat, for offenses on or after February 1, 2015. First Offender Election participants can apply for an interlock license right away.
- [ ] Get proof of insurance before you reinstate your license.
- [ ] Ask about a Ignition interlock device (IID) license: Surrender your license to DMV, complete DMV's Ignition Interlock Program application, install the device, and show proof of insurance. Questions: DMV at 302-744-2508.

Your full Delaware DUI guide

Deadlines, penalties, the court process, license hearings, and FAQs, with links to the official sources.

https://dui911.org/delaware

Official source for your license deadline: https://dmv.de.gov/DriverServices/driver_improvement/index.shtml?dc=dr_di_revocation

This checklist is educational and is not legal advice. Laws, deadlines and fees change; confirm them with the agency or a licensed Delaware attorney before you rely on them. DUI911.org is not a law firm and is not affiliated with any law firm, interlock company or insurer.