

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 56

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-302, IDAHO  
2 CODE, TO REVISE PROVISIONS REGARDING DRIVING PRIVILEGES AND TO MAKE  
3 TECHNICAL CORRECTIONS; AMENDING SECTION 49-303, IDAHO CODE, TO REVISE  
4 PROVISIONS REGARDING DRIVING PRIVILEGES AND TO MAKE A TECHNICAL CORREC-  
5 TION; AMENDING SECTION 49-307, IDAHO CODE, TO REMOVE LANGUAGE REGARDING  
6 A CERTAIN RESTRICTION, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORREC-  
7 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 49-302, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons  
13 are exempt from licensing if driving privileges are not suspended, canceled,  
14 revoked, disqualified, denied or refused:

15 (1) Any person while driving or operating any farm tractor or implement  
16 of husbandry when incidentally operated on a highway.

17 (2) Farmers are exempt from obtaining a class A, B or C driver's license  
18 to operate a commercial motor vehicle ~~which~~ that is:

19 (a) Controlled and operated by a farmer, including operation by employ-  
20 ees or family members; and

21 (b) Used to transport ~~either~~ agricultural products, farm machinery, or  
22 farm supplies, ~~or both,~~ to or from a farm; and

23 (c) Not used in the operations of a common or contract motor carrier;  
24 and

25 (d) Used within one hundred fifty (150) miles of the person's farm.

26 (3) Any person is exempt from obtaining a class A, B or C driver's li-  
27 cense for the operation of commercial motor vehicles ~~which~~ that are neces-  
28 sary to the preservation of life or property or the execution of emergency  
29 governmental functions, are equipped with audible and visual signals, and  
30 are not subject to normal traffic regulations.

31 (4) Any person is exempt from obtaining a class A, B or C license to  
32 operate a commercial vehicle ~~which~~ that is exclusively used to transport  
33 personal possessions or family members for nonbusiness or recreational pur-  
34 poses.

35 (5) A nonresident who is at least fifteen (15) years of age and who has  
36 in his immediate possession a valid driver's license issued to him in his  
37 home state or country may operate a motor vehicle in Idaho only as a class D  
38 operator with driving privileges restricted to daylight hours only ~~except as~~  
39 ~~provided in pursuant to~~ section 49-307(9), Idaho Code, and with full privi-  
40 leges at sixteen (16) years of age, and only if Idaho residency is not estab-  
41 lished.

1 (6) A nonresident who is at least fifteen (15) years of age and who has  
2 in his possession a valid driver's license with a motorcycle endorsement or  
3 who has a valid motorcycle driver's license issued to him in his home state or  
4 country may operate a motorcycle in Idaho with driving privileges restricted  
5 to daylight hours only, and with full privileges at sixteen (16) years of  
6 age.

7 (7) A nonresident who has in his immediate possession a valid commer-  
8 cial driver's license issued to him in his home state or country may operate a  
9 motor vehicle in Idaho.

10 (8) A nonresident on active duty in the armed forces of the United  
11 States who has a valid driver's license issued by his home jurisdiction,  
12 and such nonresident's spouse or dependent son or daughter who has a valid  
13 driver's license issued by such person's home jurisdiction.

14 (9) Any active duty military personnel, active duty U.S. coast guard  
15 personnel, and members of the reserves and national guard on active duty,  
16 including personnel on full-time national guard duty, personnel on part-time  
17 training, and national guard military technicians who as civilians are  
18 required to wear military uniforms and are subject to the code of military  
19 justice, are exempt from obtaining a commercial driver's license to operate  
20 military vehicles. This exemption does not apply to U.S. reserve techni-  
21 cians.

22 (10) Any person with a valid driver's license issued in their name is ex-  
23 empt from the requirement to obtain a motorcycle endorsement on the license  
24 when operating a motorcycle on highways or sections of highways designated  
25 for unregistered motorcycle use under section 49-426(3), Idaho Code.

26 (11) Any person under the age of sixteen (16) years when operating an  
27 ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal  
28 or state land where the road is not part of the highway system of the state  
29 of Idaho or local road management authority and is supervised by a licensed  
30 adult operator eighteen (18) years of age or older, and the road is open for  
31 such use, subject to the following:

32 (a) Any unlicensed operators under the age of sixteen (16) years, on  
33 national forest roads must have completed a motorbike or ATV safety  
34 course approved by the Idaho department of parks and recreation, and a  
35 certificate or other proof of completion of such safety course shall be  
36 in the possession of the unlicensed operator of any ATV, UTV, specialty  
37 off-highway vehicle or motorbike, or shall be present in the vehicle at  
38 all times when the vehicle is operated on national forest roads. The  
39 certificate or proof of completion shall be provided for inspection to  
40 any peace officer upon request. No person shall be convicted of violat-  
41 ing the provisions of this subsection if that person produces, at any  
42 time prior to conviction, the certificate or proof of completion of the  
43 approved safety course where the certificate shows completion of the  
44 course prior to the violation. In the event of a violation of the provi-  
45 sions of this subsection, the supervising adult may be charged with an  
46 infraction.

47 (b) For purposes of this subsection, "supervised" means that the su-  
48 pervising adult must be in a position, on another ATV, UTV, specialty  
49 off-highway vehicle or motorbike, or if on the ground, within three hun-

1           dred (300) feet of the unlicensed operator, to provide close support,  
2           assistance or direction to the unlicensed operator.

3           SECTION 2. That Section 49-303, Idaho Code, be, and the same is hereby  
4           amended to read as follows:

5           49-303.   WHICH PERSONS SHALL NOT BE LICENSED. The department shall not  
6           issue any driver's license, any instruction permit, privileges or right to  
7           drive and, if issued, may revoke or cancel the driver's license of a person  
8           who:

9           (1) As an operator of a vehicle requiring a class D driver's license, is  
10          under the age of seventeen (17) years, except that the department may issue  
11          a driver's license to any person who has successfully completed an approved  
12          driver's training course, who has completed the requirements of a class D su-  
13          pervised instruction permit, and who is at least fifteen (15) years of age,  
14          with driving privileges restricted to daylight hours only ~~except as provided~~  
15          ~~in pursuant to section 49-307(9), Idaho Code, and with full privileges at~~  
16          ~~sixteen (16) years of age. The restriction of daylight hours only shall mean~~  
17          ~~that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour~~  
18          ~~after sunset.~~ If a person who is at least fifteen (15) years but is under  
19          seventeen (17) years of age has successfully completed an approved driver's  
20          training course and has been issued a driver's license in another state, he  
21          may be issued a class D driver's license in this state. Provided however,  
22          that a restricted school attendance driving permit may be issued to those  
23          persons meeting the criteria set forth in section 49-307A, Idaho Code.

24          (2) As an operator of a vehicle requiring a class D driver's license,  
25          is under the age of seventeen (17) years and has not successfully completed  
26          an approved driver's training course and has not satisfied the requirements  
27          of a class D supervised instruction permit. Provided however, that a re-  
28          stricted school attendance driving permit may be issued to those persons  
29          meeting the criteria set forth in section 49-307A, Idaho Code.

30          (3) As an operator of a commercial vehicle requiring a class A, B or C  
31          driver's license, is under the age of eighteen (18) years.

32          (4) Applicants with less than one (1) year of driving experience, as ev-  
33          idenced by a previous driver's license, shall not be issued a class A, B or C  
34          driver's license or a class A, B or C instruction permit.

35          (5) As a driver, has had his license, class D instruction permit, re-  
36          stricted school attendance driving permit, privileges or right to drive  
37          suspended for the duration of the suspension, nor to any person who has had  
38          his class D driver's training instruction permit or class D supervised in-  
39          struction permit canceled for the duration of the cancellation, nor to any  
40          person whose license has been revoked, suspended, canceled or disqualified  
41          by this state or any other jurisdiction; provided however, where a driver's  
42          license has been revoked, suspended, canceled or disqualified in any other  
43          jurisdiction, and the driver has completed the period of revocation, suspen-  
44          sion, cancellation or disqualification as specified by the jurisdiction,  
45          that person may be granted a class D driver's license in this state if five  
46          (5) years have elapsed from the time of eligibility for reinstatement in  
47          the other jurisdiction, even though the driver has not fulfilled the re-  
48          quirements for reinstatement in the other jurisdiction. Notwithstanding  
49          the provisions of this section, a person who has had his noncommercial Idaho

1 driver's license suspended may renew his driver's license as provided in  
2 section 49-319, Idaho Code, which renewal shall be subject to the suspen-  
3 sion.

4 (6) Has been adjudged by a court of competent jurisdiction to be a ha-  
5 bitual drunkard or addicted to the use of narcotic drugs and such order has  
6 been received by the department.

7 (7) Has been adjudged by a licensed physician or by a court of competent  
8 jurisdiction to be afflicted with or suffering from any mental incompetence  
9 that would affect the person's ability to safely operate a motor vehicle and  
10 who has not at the time of application been restored to competency by the  
11 methods provided by law and such order has been received by the department.

12 (8) Is required by the provisions of this chapter to take an examina-  
13 tion, unless that person shall have successfully passed such examination.

14 (9) May be required under any law of this state to furnish proof of fi-  
15 nancial responsibility and who has not furnished that proof.

16 (10) The department has good cause to believe that the operation of a mo-  
17 tor vehicle on the highways by that person would be harmful to public safety  
18 or welfare.

19 (11) Is disqualified for a class A, B or C driver's license, except he  
20 may be issued a class D driver's license.

21 (12) Is under eighteen (18) years of age, is not enrolled in school, and  
22 has not received a waiver pursuant to or has not satisfactorily completed  
23 school as provided in section 49-303A, Idaho Code.

24 (13) Is not a resident of the state of Idaho.

25 (14) Is not lawfully present in the United States.

26 SECTION 3. That Section 49-307, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SU-  
29 PERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE  
30 -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D  
31 driver's training course shall be allowed to attend classes or participate  
32 in driving instruction unless he has obtained a class D driver's training in-  
33 struction permit, or a class D instruction permit as provided in subsection  
34 (4) of this section.

35 (2) Every enrollee of a class D driver's training course shall pay a  
36 nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each  
37 fee so imposed shall be deposited in the state highway account, five dollars  
38 (\$5.00) shall be deposited in the county current expense fund, and five dol-  
39 lars (\$5.00) shall be:

40 (a) Deposited in the driver training account if the person is taking  
41 driver's training from a public school; or

42 (b) Paid to the division of occupational and professional licenses  
43 and deposited in the state treasury to the credit of the occupational  
44 licenses fund if the person is taking driver's training from a private  
45 driver's training program. The amount to be remitted to the division  
46 of occupational and professional licenses shall be annually calculated  
47 and paid. To calculate such amount, the total number of public driver's  
48 training students as submitted to the state department of education  
49 shall be subtracted from the total number of permits sold as reported by

1 the Idaho transportation department, and the resulting number shall be  
2 multiplied by five dollars (\$5.00).

3 (3) Each enrollee of a class D driver's training course shall provide  
4 the type of information required for a driver's license or instruction per-  
5 mit. If an enrollee of a class D driver's training course cannot provide a  
6 certified copy of his birth certificate at the time of application for a per-  
7 mit, the department may issue a class D driver's training instruction permit  
8 or a class D instruction permit upon receipt of identification acceptable  
9 to the department. The certified copy of an applicant's birth certificate  
10 shall be required before a class D driver's license will be issued.

11 (4) The class D driver's training instruction permit shall expire five  
12 (5) days after the permittee's eighteenth birthday for permittees fourteen  
13 and one-half (14 1/2) years of age through seventeen and one-half (17 1/2)  
14 years of age. The class D driver's training instruction permit shall ex-  
15 pire one hundred eighty (180) days from the date of issue for persons sev-  
16 enteen and one-half (17 1/2) years of age or older. Persons aged seventeen  
17 (17) years or older may attend classes or participate in driver's training  
18 instruction while operating with a class D instruction permit or a class D  
19 driver's training instruction permit.

20 (5) The class D driver's training instruction permit shall be issued to  
21 the instructor of the course.

22 (6) Class D supervised instruction permit.

23 (a) Upon successful completion of the class D driver's training course,  
24 the driver's training instructor shall submit the student log to the  
25 county driver's license office and give the class D driver's training  
26 instruction permit to the parent or legal guardian of the permittee, and  
27 the parent or legal guardian shall assume responsibility for ensuring  
28 that the permittee complies with the requirements of operating a vehi-  
29 cle with a class D supervised instruction permit. The class D driver's  
30 training instruction permit shall then serve as a class D supervised  
31 instruction permit.

32 (b) In the event the permittee reaches the age of seventeen (17) years  
33 while operating a class D vehicle with a class D supervised instruction  
34 permit, the supervised instruction permit shall become a class D in-  
35 struction permit.

36 (7) No permittee may apply for a class D driver's license sooner than  
37 fifteen (15) years of age and no sooner than six (6) months after completing a  
38 class D driver's training course, during which time the permittee shall sat-  
39 isfy all requirements for operation of a class D vehicle with a class D super-  
40 vised instruction permit as follows:

41 (a) The permittee shall not operate a vehicle unless he is accompanied  
42 by a driver who holds a valid driver's license, is twenty-one (21) years  
43 of age or older, and ~~who~~ is actually occupying a seat beside the permit-  
44 tee driver. The supervising driver and the permittee shall be the only  
45 occupants of the front passenger section of the vehicle.

46 (b) Over a period of time not less than six (6) months, the permittee  
47 shall accumulate at least fifty (50) hours of supervised driving time,  
48 ten (10) hours of which shall be during hours of darkness.

49 (c) The permit shall be in the permittee's immediate possession at all  
50 times while operating a vehicle.

1 (d) In addition to the permittee driver and the supervising driver, all  
2 other occupants of the vehicle shall wear a seat belt or be restrained by  
3 child passenger restraints as required by law.

4 (e) The permittee is subject to the provisions of sections 18-1502 and  
5 18-8004, Idaho Code, relating to violation of age restrictions on con-  
6 sumption of beer, wine, and alcohol and driving under the influence of  
7 alcohol, drugs or any other intoxicating substances, respectively.

8 (f) The permittee shall not have been convicted of any moving traffic  
9 violation, ~~or~~ have had driving privileges suspended by the department  
10 or the court for any offense, or have been found to be in violation of any  
11 of the restrictions on the class D supervised instruction permit, for  
12 a period of at least six (6) months from the date the driver's training  
13 instructor gave the permit to the parent or legal guardian, or from the  
14 date a canceled class D supervised instruction permit was reissued, or  
15 until the permittee reaches seventeen (17) years of age.

16 (g) If the permittee is under seventeen (17) years of age and is con-  
17 victed of a violation of any traffic law, or section 18-1502, 18-8004  
18 or 23-949, Idaho Code, or is found to be in violation of any of the re-  
19 strictions on the class D supervised instruction permit, the department  
20 shall cancel the class D supervised instruction permit, and the cancel-  
21 lation shall not be used to establish rates of motor vehicle insurance  
22 charged by a casualty insurer. If the permittee is under seventeen (17)  
23 years of age, the permittee may reapply for and be issued a new class D  
24 supervised instruction permit upon payment of the appropriate fee, and  
25 shall again be required to operate with the class D supervised instruc-  
26 tion permit for at least six (6) months from the date of reissue with-  
27 out a conviction or suspension, accumulate the required hours of driv-  
28 ing time, and adhere to the requirements as specified in paragraphs (a)  
29 through (f) of this subsection.

30 (8) Upon completion of the requirements in subsection (7) of this sec-  
31 tion, the permittee shall take the knowledge test and skills test adminis-  
32 tered by a person certified by the Idaho transportation department to admin-  
33 ister knowledge and skills tests.

34 (9) (a) Upon passage of the knowledge and skills tests, the permittee  
35 may apply for a class D driver's license with driving privileges re-  
36 stricted to daylight hours only for persons under sixteen (16) years  
37 of age, and with full privileges at sixteen (16) years of age or older.  
38 ~~Provided however, the restriction on daylight hours only driving privi-~~  
39 ~~leges for persons under sixteen (16) years of age shall not apply if:~~

40 ~~(a) The person under sixteen (16) years of age has a valid class D~~  
41 ~~driver's license; and~~

42 ~~(b) Is accompanied by a driver who holds a valid driver's license~~  
43 ~~and is twenty-one (21) years of age or older and is actually occu-~~  
44 ~~pying a seat beside the licensee who is under sixteen (16) years of~~  
45 ~~age; and~~

46 ~~(c) The two (2) licensed drivers are the only occupants of the~~  
47 ~~front passenger section of the vehicle.~~

48 ~~—The restriction of daylight hours only shall mean that period of time one-~~  
49 ~~half (1/2) hour before sunrise to one-half (1/2) hour after sunset.~~

1       (b) For purposes of this subsection, "daylight hours only" means the  
2 period of time between 5:00 a.m. and 10:00 p.m. local time.

3       (c) The restriction on daylight hours only driving privileges for per-  
4 sons under sixteen (16) years of age shall not apply if:

5           (i) The person under sixteen (16) years of age has a valid class D  
6 driver's license;

7           (ii) The person under sixteen (16) years of age is accompanied by  
8 a driver who holds a valid driver's license and is twenty-one (21)  
9 years of age or older and is actually occupying a seat beside the  
10 licensee who is under sixteen (16) years of age; and

11           (iii) The two (2) licensed drivers are the only occupants of the  
12 front passenger section of the vehicle.

13       (10) Upon passage of the knowledge and skills tests, the permittee may  
14 apply for a class D driver's license. Any such licensee who is under the age  
15 of seventeen (17) years shall be required, during the first six (6) months  
16 from the date of issue of the class D driver's license, to limit the number  
17 of passengers in the vehicle who are under the age of seventeen (17) years to  
18 not more than one (1) such passenger. Provided however, the limit of one (1)  
19 passenger under the age of seventeen (17) years shall not apply to passengers  
20 who are related to the driver by blood, adoption or marriage.

21       SECTION 4. An emergency existing therefor, which emergency is hereby  
22 declared to exist, this act shall be in full force and effect on and after  
23 July 1, 2023.