

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 597

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-328, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING REINSTATEMENT OF A DRIVER'S LICENSE THAT HAS BEEN
3 SUSPENDED FOR FAILURE TO PAY AN INFRACTION PENALTY AND TO MAKE TECHNICAL
4 CORRECTIONS; AMENDING CHAPTER 15, TITLE 49, IDAHO CODE, BY THE ADDITION
5 OF A NEW SECTION 49-1505, IDAHO CODE, TO PROVIDE FOR SUSPENSION OF
6 A DRIVER'S LICENSE AND PRIVILEGES FOR FAILURE TO PAY AN UNDERLYING TRAFFIC
7 INFRACTION PENALTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
8 DATE.
9

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

11 SECTION 1. That Section 49-328, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S
14 LICENSE -- FEE -- WHEN REINSTATEMENT PROHIBITED. (1) When the period of re-
15 vocation, disqualification or suspension of a driver's license has expired,
16 or the reason for the revocation, disqualification or suspension no longer
17 exists, the department shall reinstate the driver's license or driving priv-
18 ileges on application of the driver.

19 (2) The application shall be in the form prescribed by the department
20 and accompanied by a reinstatement fee of twenty-five dollars (\$25.00),
21 which shall be deposited in the state highway account.

22 (3) ~~A driver's license shall not be suspended for failure to pay an in-~~
23 ~~fraction penalty. All driver's licenses suspended prior to July 1, 2018, for~~
24 ~~failure to pay an infraction penalty shall be reinstated upon application~~
25 ~~and without charge to the applicant. A driver's license that has been sus-~~
26 ~~pended for failure to pay an infraction penalty under section 49-1505, Idaho~~
27 ~~Code, shall not be reinstated until the licensee provides proof that the in-~~
28 ~~fraction penalty has been paid to the court.~~

29 (4) In addition to any other fees required in this section to be col-
30 lected, the department shall collect sixty dollars (\$60.00) for reinstating
31 a driver's license after conviction for driving under the influence, without
32 privileges, and after conviction or other violation of any other traffic-re-
33 lated misdemeanor or infraction, of which fees forty dollars (\$40.00) shall
34 be paid over to the county treasurer of the county in which the conviction
35 occurred for support of that county's justice fund, or the current expense
36 fund if no county justice fund has been established, and the twenty dollars
37 (\$20.00) shall be deposited in the state highway account.

38 (5) In addition to any other fees required in this section to be col-
39 lected, the department shall collect two hundred dollars (\$200) for rein-
40 stating a driver's license after a suspension imposed under the provisions
41 of section 18-8002 or ~~section~~ 18-8002A, Idaho Code, or after a revocation,
42 disqualification or suspension arising out of any alcohol-related or drug-

1 related offense, other than a suspension imposed upon a person under eigh-
2 teen (18) years of age pursuant to section 18-1502(d), Idaho Code. Funds
3 collected pursuant to this subsection shall be deposited in the state high-
4 way account.

5 (6) When there is more than one (1) reason why a driver's license was re-
6 voked or suspended or why a driver was disqualified, the department shall not
7 collect multiple fees for reinstatement, but shall ~~only~~ collect only one (1)
8 reinstatement fee, which shall be the greater reinstatement fee, provided
9 however, the department shall collect a reinstatement fee for each revoca-
10 tion, disqualification or suspension under chapter 80, title 18, Idaho Code.

11 SECTION 2. That Chapter 15, Title 49, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 49-1505, Idaho Code, and to read as follows:

14 49-1505. SUSPENSION OF DRIVER'S LICENSE AND PRIVILEGES FOR FAILURE
15 TO PAY UNDERLYING TRAFFIC INFRACTION PENALTY -- APPEAL. (1) The department
16 shall immediately suspend the driver's license, privileges, and permit of
17 any driver upon receiving notice from any court of the state that a person has
18 failed to pay the penalty for a traffic infraction judgment. The notice may
19 be sent to the department by any court, which shall certify that a judgment
20 for an infraction not involving a pedestrian or a bicycle violation has been
21 entered against the person and that he has failed to pay the penalty after
22 notice and hearing, or opportunity for hearing, as prescribed by rule of
23 the supreme court. No notice of nonpayment of an infraction penalty shall
24 be sent to the department if the court finds that the person failing to pay
25 the penalty has a complete and continuing financial inability to pay the
26 penalty.

27 (2) The suspension of privileges under this section shall continue un-
28 til the penalty has been paid. The suspension shall be processed by the de-
29 partment in the same manner as other suspensions under section 49-326, Idaho
30 Code, except that no hearing shall be held by the department and the depart-
31 ment shall not issue any temporary restricted permit. Upon receipt of the
32 notice of nonpayment of the penalty from the court, the department shall per-
33 form the ministerial duty of giving official notification of suspension of
34 the driver's license, privileges, and permit.

35 (3) Upon proper application and payment of any required fee, a driver's
36 license, privileges, or permit suspended under this section shall be rein-
37 stated by the department upon proof of payment of the penalty for the infrac-
38 tion. Upon payment of the infraction penalty, the court shall issue a re-
39 ceipt, which may be filed with the department together with an application
40 for reinstatement of the driver's license, privileges, or permit.

41 (4) The driver's license, privileges, and permit of the driver whose
42 driver's license, privileges, and permit were suspended shall not be rein-
43 stated under the provisions of section 49-328, Idaho Code, or renewed under
44 the provisions of section 49-319, Idaho Code, until the penalty for the in-
45 fraction has been paid to the court in the county in which the citation was
46 issued.

47 (5) Any person operating a motor vehicle while suspended due to fail-
48 ure to pay an underlying traffic infraction penalty pursuant to this section
49 and whose driver's license, privileges, or permit has not been reinstated

1 under the provisions of section 49-328, Idaho Code, or renewed under the pro-
2 visions of section 49-319, Idaho Code, shall be in violation of the provi-
3 sions of section 49-301, Idaho Code, for operating a motor vehicle without a
4 driver's license.

5 (6) Any person whose driver's license has been suspended under this
6 section may appeal to the district court in the county where the infraction
7 judgment was entered within the time and in the manner provided for crimi-
8 nal appeals from the magistrate division to the district court. The appeal
9 shall be expedited as provided by rule of the supreme court. If the district
10 court finds that the notice of nonpayment of the infraction penalty should
11 not have been sent to the department for suspension of the driver's license,
12 privileges, or permit, the district court shall order the driver's license,
13 privileges, or permit be reinstated by the department, and upon receipt of
14 a copy of such order the department shall reinstate the driver's license,
15 privileges, or permit without the payment of a fee.

16 SECTION 3. An emergency existing therefor, which emergency is hereby
17 declared to exist, this act shall be in full force and effect on and after
18 July 1, 2022.