

IN THE SENATE

SENATE BILL NO. 1132

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO PROVIDE
2 FOR DRIVING PRIVILEGES RECORDS; AMENDING SECTION 49-203, IDAHO CODE,
3 TO PROVIDE FOR NONDISCLOSURE OF CERTAIN DRIVING AUTHORIZATION CARD IN-
4 FORMATION; AMENDING SECTION 49-301, IDAHO CODE, TO PROVIDE FOR DRIVING
5 AUTHORIZATION CARDS; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE
6 FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-304, IDAHO CODE,
7 TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-306,
8 IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS AND TO PROVIDE
9 THAT A PERSON WITHOUT A SOCIAL SECURITY NUMBER MAY APPLY FOR A DRIVING
10 AUTHORIZATION CARD; AMENDING SECTION 49-307, IDAHO CODE, TO PROVIDE FOR
11 DRIVING AUTHORIZATION CARDS; AMENDING CHAPTER 3, TITLE 49, IDAHO CODE,
12 BY THE ADDITION OF A NEW SECTION 49-307B, IDAHO CODE, TO DEFINE TERMS,
13 TO AUTHORIZE THE DEPARTMENT TO ISSUE DRIVING AUTHORIZATION CARDS TO
14 CERTAIN INDIVIDUALS, TO PROVIDE ELIGIBILITY REQUIREMENTS, TO PROVIDE
15 CRITERIA FOR DRIVING AUTHORIZATION CARDS, AND TO PROVIDE LIMITATIONS;
16 AMENDING SECTION 49-313, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZA-
17 TION CARDS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-315,
18 IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SEC-
19 TION 49-316, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS;
20 AMENDING SECTION 49-317, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZA-
21 TION CARDS; AMENDING SECTION 49-318, IDAHO CODE, TO PROVIDE FOR DRIVING
22 AUTHORIZATION CARDS; AMENDING SECTION 49-320, IDAHO CODE, TO PROVIDE
23 FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-321, IDAHO CODE,
24 TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-322,
25 IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SEC-
26 TION 49-326, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS;
27 AMENDING SECTION 49-327, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZA-
28 TION CARDS; AMENDING SECTION 49-328, IDAHO CODE, TO PROVIDE FOR DRIVING
29 AUTHORIZATION CARDS; AMENDING SECTION 49-331, IDAHO CODE, TO PROVIDE
30 FOR DRIVING AUTHORIZATION CARDS AND TO MAKE TECHNICAL CORRECTIONS;
31 AMENDING SECTION 49-1208, IDAHO CODE, TO PROVIDE FOR DRIVING PRIVI-
32 LEGES; AMENDING SECTION 18-8002, IDAHO CODE, TO PROVIDE FOR CERTAIN
33 SUSPENSION OF DRIVING PRIVILEGES; AND PROVIDING AN EFFECTIVE DATE.
34

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

36 SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 49-202. DUTIES OF DEPARTMENT. (1) All registration and ~~driver's li-~~
39 ~~icense~~ driving privileges records in the office of the department shall be
40 public records and open to inspection by the public during normal business
41 hours, except for those records declared by law to be for the confidential
42 use of the department, or those records containing personal information sub-

1 ject to restrictions or conditions regarding disclosure. If the department
2 has contracted for a service to be provided by another entity, an additional
3 fee shall be charged by that contractor whether the service is rendered dur-
4 ing normal business hours, other than normal business hours or on weekends.

5 (2) In addition to other fees required by law to be collected by the de-
6 partment, the department shall collect the following:

- 7 (a) For certifying a copy of any record pertaining to any vehicle li-
8 cense, any certificate of title, or any ~~driver's license~~ driving privi-
9 leges records \$14.00
- 10 (b) For issuing every Idaho certificate of title \$14.00
- 11 (c) For furnishing a duplicate copy of any Idaho certificate
12 of title \$14.00
- 13 (d) For issuance or transfer of every certificate of title on a new or
14 used vehicle or other titled vehicle in an expedited manner (rush ti-
15 tles), in addition to any other fee required by this section \$26.00
- 16 (e) For recording a transitional ownership document, in addition to any
17 other fee required by this section \$26.00
- 18 (f) For furnishing a replacement of any receipt
19 of registration \$5.00
- 20 (g) For furnishing copies of registration or ownership of motor vehi-
21 cles or ~~driver's license~~ driving privileges records, per vehicle regis-
22 tration, accident report records, title or per ~~driver's license~~ driving
23 privileges record \$7.00
- 24 Additional contractor fee, not to exceed \$4.00
- 25 (h) For services in searching files of vehicle or other
26 registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- 27 (i) Placing "stop" cards in vehicle registration or title
28 files, each \$21.00
- 29 (j) For issuance of an assigned or replacement vehicle
30 identification number (VIN) \$18.00
- 31 (k) For a vehicle identification number (VIN) inspection whether con-
32 ducted by a city or county peace officer or any other peace officer or
33 designated agent of the state of Idaho, per inspection \$5.00
- 34 (l) For all replacement registration stickers, each \$2.00
- 35 (m) For issuing letters of temporary vehicle clearance
36 to Idaho-based motor carriers \$18.00
- 37 (n) For all sample license plates, each \$21.00
- 38 (o) For filing release of liability statements \$3.50
- 39 (p) For safety and insurance programs for each vehicle operated
40 by a motor carrier \$3.00

41 A lesser amount may be set by rule of the board.

42 (3) The fees required in this section shall not apply when the service
43 is furnished to any federal, state, county or city peace officer when such
44 service is required in the performance of their duties as peace officers.

45 (4) The department may enter into agreements with private companies or
46 public entities to provide the services for which a fee is collected in sub-
47 section (2) (g) of this section. Such private contractor shall collect the
48 fee prescribed and remit the fee to the department. The contractor shall
49 also collect and retain the additional fee charged for his services.

1 (5) (a) The department shall pay three dollars (\$3.00) of the fee col-
2 lected by a county assessor or other authorized agent of the department
3 as provided in subsection (2) (a) through (f) of this section, and four
4 dollars (\$4.00) as provided in subsection (2) (g) of this section, to
5 the county assessor or sheriff of the county or authorized agent of
6 the department collecting such fee, which shall be deposited with the
7 county treasurer and credited to the county current expense fund when
8 collected by the county. When fees are collected by the department or an
9 authorized agent of the department, such fees shall be deposited with
10 the issuing entity. The remainder of the fees collected as provided in
11 that subsection shall be paid by the department to the state treasurer
12 and placed in the state highway account.

13 (b) The fee collected under subsection (2) (k) of this section for a VIN
14 inspection shall be placed in the city general fund if conducted by a
15 city peace officer, in the county current expense fund if conducted by a
16 county peace officer, shall be retained by the special agent authorized
17 to perform the inspection, or paid to the state treasurer and placed to
18 the credit of the Idaho state police if conducted by the Idaho state po-
19 lice or in the state highway account if conducted by the department.

20 (c) The fee collected under subsection (2) (o) of this section for fil-
21 ing release of liability statements shall be retained by the county as-
22 sessor of the county collecting such fee and shall be deposited with the
23 county treasurer and credited to the county current expense fund. Any
24 fees collected by the department for filing release of liability state-
25 ments shall be retained by the department.

26 (d) The fee in subsection (2) (m) of this section shall not apply when
27 the Idaho-based motor carrier or its representative obtains and prints
28 the document using internet access.

29 (e) The fee collected under subsection (2) (p) of this section for mo-
30 tor carriers shall be paid by the department to the state treasurer and
31 placed in the state highway account. The director and the director of
32 the Idaho state police shall jointly determine the amount to be trans-
33 ferred from the state highway account to the law enforcement fund for
34 motor carrier safety programs conducted by the Idaho state police pur-
35 suant to the provisions of section 67-2901A, Idaho Code.

36 (6) The department as often as practicable may provide to law enforce-
37 ment agencies the record of suspensions and revocations of driver licenses
38 via the public safety and security information system (ILETS).

39 (7) The department shall provide the forms prescribed in chapter 5 of
40 this title, shall receive and file in its office in Ada county all instru-
41 ments required in chapter 5 of this title to be filed with the department,
42 shall prescribe a uniform method of numbering certificates of title, and
43 shall maintain in the department indices for such certificates of title. All
44 indices shall be by motor or identification number and alphabetical by name
45 of the owner.

46 (8) The department shall file each registration received under a
47 distinctive registration number assigned to the vehicle and to the owner
48 thereof.

49 (9) The department shall not renew a ~~driver's license~~ driving privi-
50 leges or identification card when fees required by law have not been paid or

1 where fees for past periods are due, owing and unpaid including insufficient
2 fund checks, until those fees have been paid.

3 (10) The department shall not grant the registration of a vehicle when:

4 (a) The applicant is not entitled to registration under the provisions
5 of this title; or

6 (b) The applicant has neglected or refused to furnish the department
7 with the information required in the appropriate form or reasonable ad-
8 ditional information required by the department; or

9 (c) The fees required by law have not been paid, or where fees for past
10 registration periods are due, owing and unpaid including insufficient
11 fund checks.

12 (11) The department or its authorized agents have the authority to re-
13 quest any person to submit to medical, vision, highway, or written examina-
14 tions, to protect the safety of the public upon the highways. The depart-
15 ment or its authorized agents may exercise such authority based upon evi-
16 dence which may include, but is not limited to, observations made.

17 (12) The department shall revoke the registration of any vehicle:

18 (a) Which the department shall determine is unsafe or unfit to be oper-
19 ated or is not equipped as required by law;

20 (b) Whenever the person to whom the registration card or registration
21 plate has been issued shall make or permit to be made any unlawful use of
22 the same or permit their use by a person not entitled thereto;

23 (c) For any violation of vehicle registration requirements by the owner
24 or operator in the current or past registration periods;

25 (d) Whenever a motor carrier requests revocation, or whenever an inter-
26 state carrier's federal operating authority has been revoked;

27 (e) For failure of the owner or operator to file the reports required
28 or nonpayment of audit assessments or fees assessed against the owner by
29 the department or the state tax commission pursuant to audit under the
30 provisions of section 49-439, Idaho Code;

31 (f) Identified by any city or county administering a program estab-
32 lished by ordinance for the inspection and readjustment of motor vehi-
33 cles (which program is part of an approved state implementation plan
34 adopted by both the state and federal governments under 42 U.S.C. 7410)
35 as having failed to comply with an ordinance requiring motor vehicle
36 emission inspection and readjustment; provided that no vehicle shall be
37 identified to the department under this subsection unless:

38 (i) The city or county certifies to the department that the owner
39 of the motor vehicle has been given notice and had the opportunity
40 for a hearing concerning compliance with the ordinance and has ex-
41 hausted all remedies and appeals from any determination made at
42 such hearing; and

43 (ii) The city or county reimburses the department for all direct
44 costs associated with the registration revocation procedure.

45 (13) The department shall not reregister or permit a vehicle to oper-
46 ate on a special trip permit until all fees, penalties and interest have been
47 paid.

48 (14) The department shall institute educational programs, demonstra-
49 tions, exhibits and displays.

1 (15) The department shall cancel a ~~driver's license~~ driving privileges
2 or identification card when fees required by law have not been paid or where
3 fees are due, owing and unpaid including insufficient fund checks, until
4 those fees have been paid.

5 (16) The department shall examine persons and vehicles by written,
6 oral, vision and skills tests without compulsion except as provided by law.

7 (17) The department shall employ expert and special help as needed in
8 the department.

9 (18) The department shall compile accident statistics and disseminate
10 information relating to those statistics.

11 (19) The department shall cooperate with the United States in the elimi-
12 nation of road hazards, whether of a physical, visual or mental character.

13 (20) The department shall place and maintain traffic-control devices,
14 conforming to the board's manual and specifications, upon all state highways
15 as it shall deem necessary to indicate and to carry out the provisions of this
16 title or to regulate, warn, or guide traffic. No local authority shall place
17 or maintain any traffic-control device upon any highway under the jurisdic-
18 tion of the department except by the latter's permission. The placement and
19 maintenance of such a traffic-control device by a local authority shall be
20 made according to the board's manual and specifications for a uniform system
21 of traffic-control devices.

22 (21) The department may conduct an investigation of any bridge or other
23 elevated structure constituting a part of a highway, and, if it shall find
24 that the structure cannot with safety to itself withstand vehicles travel-
25 ing at a speed otherwise permissible under this title, shall determine and
26 declare the maximum speed of vehicles which the structure can safely with-
27 stand, and shall cause or permit suitable signs stating the maximum speed to
28 be erected and maintained before each end of the structure.

29 (22) Whenever the department shall determine on the basis of an engi-
30 neering and traffic investigation that slow speeds on any highway or part of
31 a highway impede the normal and reasonable movement of traffic, the depart-
32 ment may determine and declare a minimum speed limit below which no person
33 shall drive a vehicle except when necessary for safe operation or in compli-
34 ance with law, and that limit shall be effective when posted upon appropriate
35 fixed or variable signs.

36 (23) The department shall regulate or prohibit the use of any con-
37 trolled-access highway by any class or kind of traffic which is found to be
38 incompatible with the normal and safe movement of traffic.

39 (24) The department shall erect and maintain traffic-control devices on
40 controlled-access highways on which any prohibitions are applicable.

41 (25) The department and local authorities are authorized to determine
42 those portions of any highway under their respective jurisdictions where
43 overtaking and passing or driving on the left side of the roadway would be
44 especially hazardous and may by appropriate signs or markings on the roadway
45 indicate the beginning and end of those zones and when signs or markings are
46 in place and clearly visible to an ordinarily observant person, every driver
47 of a vehicle shall obey those directions.

48 (26) The department and local authorities in their respective juris-
49 dictions may in their discretion issue special permits authorizing the
50 operation upon a highway of traction engines or tractors having movable

1 tracks with transverse corrugations upon the periphery of the movable tracks
2 or farm tractors or other farm machinery, the operation of which upon a high-
3 way would otherwise be prohibited under this title or title 40, Idaho Code.

4 (27) The department and local highway authorities within their respec-
5 tive jurisdictions may place official traffic-control devices prohibiting,
6 limiting or restricting the stopping, standing or parking of vehicles on any
7 highway where such stopping, standing or parking is dangerous to those using
8 the highway or where the stopping, standing or parking of vehicles unduly in-
9 terferes with the free movement of traffic thereon.

10 (28) On any informational material printed after July 1, 1995, by or at
11 the order of the department and distributed to counties, school districts
12 or individuals for the purpose of assisting a person to successfully pass a
13 ~~driver's license~~ driving privileges test, the department shall include ma-
14 terial about the state's open range law and responsibilities, liabilities
15 and obligations of drivers driving in the open range.

16 SECTION 2. That Section 49-203, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 49-203. PROHIBITION ON RELEASE AND USE OF PERSONAL INFORMATION
19 CONTAINED IN MOTOR VEHICLE AND DRIVER RECORDS. (1) Except as otherwise
20 provided, the department and any officer, employee, agent or contractor
21 thereof, shall not knowingly disclose to any person or entity personal in-
22 formation about any individual when such information was obtained from a
23 motor vehicle or driver record.

24 (2) Personal information shall be disclosed, except as restricted in
25 subsection (6) of this section, for use in connection with matters of motor
26 vehicle or driver safety and theft, motor vehicle emissions, motor vehicle
27 product alterations, recalls or advisories, performance monitoring of motor
28 vehicles and dealers by motor vehicle manufacturers, and removal of nonowner
29 records from the original owner records of motor vehicle manufacturers to
30 carry out the purposes of the Automobile Information Disclosure Act (15 USC
31 1231 et seq.), the Motor Vehicle Information and Cost Savings Act (49 USC
32 32101 et seq.), the National Traffic and Motor Vehicle Safety Act of 1966,
33 the Anti Car Theft Act of 1992, and the Clean Air Act (42 USC 7401 et seq., as
34 amended.)

35 (3) Personal information may be disclosed if the requesting person
36 demonstrates in such form and manner as the department prescribes, that he
37 has obtained the written consent of the individual to whom the personal in-
38 formation pertains.

39 (4) Personal information may be disclosed, except as restricted in sub-
40 section (6) of this section, on proof of the identity of the person request-
41 ing a record, and representation by such person that the use of the personal
42 information will be strictly limited to any of the following described uses:

43 (a) For use by any government agency, including any court or law en-
44 forcement agency, in carrying out its functions, or any private person
45 or entity acting on behalf of a federal, state, or local agency in carry-
46 ing out its functions.

47 (b) For use in matters of motor vehicle or driver safety and theft; mo-
48 tor vehicle emissions, motor vehicle product alterations, recalls or
49 advisories; performance monitoring of motor vehicles, motor vehicle

1 parts, and dealers; motor vehicle market research activities, includ-
2 ing survey research; and removal of nonowner records from the original
3 records of motor vehicle manufacturers.

4 (c) For use in the normal course of business by a legitimate business or
5 its agents, employees or contractors, but only:

6 (i) To verify the accuracy of personal information submitted by
7 the individual to the business or its agents, employees or con-
8 tractors; and

9 (ii) If such information as so submitted is not correct or is
10 no longer correct, to obtain the correct information, but only
11 for the purpose of preventing fraud by pursuing legal remedies
12 against, or recovering on a debt or security interest against, the
13 individual.

14 (d) For use in connection with any civil, criminal, administrative or
15 arbitral proceeding in any federal, state or local court or agency or
16 before any self-regulatory body, including the services of process,
17 investigation in anticipation of litigation, and the execution or en-
18 forcement of judgments and orders, or pursuant to an order of a federal,
19 state or local court.

20 (e) For use in research activities, and for use in producing statisti-
21 cal reports, so long as personal information is not published, redis-
22 closed or used to contact individuals.

23 (f) For use by any insurer or insurance support organization, or by a
24 self-insured entity, or its agents, employees or contractors, in con-
25 nection with claims investigation activities, rating or underwriting.

26 (g) For use in providing notice to the owners of towed or impounded ve-
27 hicles.

28 (h) For use by any licensed private investigative agency or licensed
29 security service for any purpose permitted under the provisions of ti-
30 tle 49, Idaho Code.

31 (i) For use by an employer or its agent or insurer to obtain or verify
32 information relating to a holder of a commercial driver's license that
33 is required under the Commercial Motor Vehicle Safety Act of 1986 (49
34 USC 31101 et seq.).

35 (j) For bulk distribution for surveys, marketing, or solicitations if
36 the department has obtained the written consent of the person to whom
37 such personal information pertains.

38 (k) For any other use specifically authorized under Idaho Code, if such
39 use is related to public safety or the operation of a motor vehicle.

40 (l) For use in connection with the operation of private toll trans-
41 portation facilities, including companies that operate parking facil-
42 ities for the purpose of providing notice to the owners of vehicles who
43 have used the facility.

44 (5) Personal information obtained in an individual's motor vehicle or
45 driver record shall be disclosed, except as restricted in subsection (6) of
46 this section, in response to requests for individual motor vehicle or driver
47 records without regard to the intended use of such personal information if
48 the department has obtained the written consent of the person to whom such
49 personal information pertains.

1 (6) In addition to the restrictions and prohibitions on the disclosure
 2 of personal information contained in motor vehicle and driver records, an
 3 individual's photograph, digitized image of a photograph, digitized signa-
 4 ture, social security number, and medical or disability information shall
 5 not be disclosed without the written consent of the person to whom such in-
 6 formation pertains, except for uses permitted under subsections (4) (a) and
 7 (4) (d) of this section.

8 (7) Authorized recipients of personal information may redisseminate
 9 such information only for those purposes set forth in paragraphs (a) through
 10 (1) of subsection (4) of this section. For the purposes of this subsection
 11 (7), "authorized recipients" means an individual, organization or entity
 12 who receives personal information for uses permitted in paragraphs (a)
 13 through (1) of subsection (4) of this section and includes record redissemi-
 14 nators who agree to redisseminate such information only for the purposes set
 15 forth in paragraphs (a) through (1) of subsection (4) of this section.

16 (8) Under no circumstance shall a driver's status as a holder of a driv-
 17 ing authorization card be disclosed to any entity.

18 SECTION 3. That Section 49-301, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly
 21 exempted by the provisions of this chapter, shall drive any motor vehicle
 22 upon a highway unless the person has a current and valid Idaho driver's li-
 23 cense or driving authorization card. Provided however, that those persons
 24 holding a restricted school attendance driving permit may drive upon a high-
 25 way pursuant to the restrictions set forth in section 49-307A, Idaho Code.

26 (2) No person shall operate a motorcycle upon a highway unless he has a
 27 motorcycle endorsement on his valid driver's license or driving authoriza-
 28 tion card. The provisions of this subsection shall not apply to persons op-
 29 erating autocycles.

30 (3) No person shall operate a motor vehicle in violation of any valid
 31 restriction identified on, or attached to, his valid driver's license or
 32 driving authorization card.

33 (4) No person shall receive a class D driver's license or driving autho-
 34 rization card unless and until he surrenders to the department all driver's
 35 licenses and driving authorization cards in his possession issued to him
 36 by Idaho or any other jurisdiction for use within the United States, or any
 37 identification cards issued by any other jurisdiction within the United
 38 States, or until he executes an affidavit that he does not possess a driver's
 39 license, driving authorization card, or any identification cards.

40 (5) No person shall be permitted to have more than one (1) driver's li-
 41 cense or driving authorization card issued for use within the United States
 42 at any time.

43 (6) No person shall operate a commercial motor vehicle as defined in
 44 section 49-123, Idaho Code, upon a highway:

45 (a) Without obtaining a commercial driver's license.

46 (b) Without having the appropriate class A, B or C commercial driver's
 47 license in the operator's possession.

1 (c) Without the proper license class of commercial driver's license or
2 endorsements for the specific vehicle group being operated or for the
3 passengers or type of cargo being transported.

4 (d) Unless the operator has a seasonal or class A, B or C driver's li-
5 cense with required endorsements in his possession.

6 (e) Without having a current and valid medical examiner's certificate
7 on file with the department while operating in a "non-excepted" status
8 as required by the federal motor carrier safety administration. Med-
9 ical examiner's certificates submitted for filing must be legible and
10 shall be submitted in a manner acceptable to the department. If the
11 federal motor carrier safety administration has issued a medical ex-
12 emption letter or skill performance evaluation certificate, the driver
13 must have the current and valid documentation in physical possession
14 and available upon request to a duly authorized federal, state or local
15 enforcement official.

16 (7) Any holder of a class A, B or C commercial driver's license issued
17 by a jurisdiction other than Idaho shall apply for an Idaho-issued commer-
18 cial driver's license within thirty (30) days of establishing a domicile in
19 Idaho. In accordance with the federal motor carrier safety regulations, no
20 person shall receive a class A, B or C driver's license unless and until he
21 surrenders to the department all driver's licenses in his possession issued
22 to him by Idaho or any other jurisdiction.

23 (8) A person operating a vehicle that requires a class A, B or C license
24 without a current and valid license required to drive such vehicle is guilty
25 of a misdemeanor. Except as provided in sections 18-8001(1) and 49-304,
26 Idaho Code, operating a vehicle without a current and valid class D driver's
27 license or driving authorization card in violation of this section is an
28 infraction punishable by a fine of one hundred fifty dollars (\$150). A sec-
29 ond conviction for operating a vehicle without a current and valid class D
30 driver's license or driving authorization card within a period of five (5)
31 years of the first conviction is an infraction punishable by a fine of three
32 hundred dollars (\$300). A third and any subsequent conviction for operating
33 a vehicle without a current and valid class D driver's license or driving
34 authorization card within a period of five (5) years of the first conviction
35 shall be a misdemeanor, punishable by a fine not exceeding one thousand dol-
36 lars (\$1,000), or by imprisonment in the county jail not exceeding six (6)
37 months, or both.

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

40 49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not
41 issue any driver's license, any instruction permit, privileges or right to
42 drive and if issued, may revoke or cancel the driver's license of a person
43 who:

44 (1) As an operator of a vehicle requiring a class D driver's license, is
45 under the age of seventeen (17) years, except that the department may issue
46 a driver's license to any person who has successfully completed an approved
47 driver's training course, has completed the requirements of a class D su-
48 pervised instruction permit, and who is at least fifteen (15) years of age,
49 with driving privileges restricted to daylight hours only except as provided

1 in section 49-307(9), Idaho Code, and with full privileges at sixteen (16)
2 years of age. The restriction of daylight hours only shall mean that period
3 of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sun-
4 set. If a person who is at least fifteen (15) years but is under seventeen
5 (17) years of age has successfully completed an approved driver's training
6 course and has been issued a driver's license in another state, he may be
7 issued a class D driver's license in this state. Provided however, that a
8 restricted school attendance driving permit may be issued to those persons
9 meeting the criteria set forth in section 49-307A, Idaho Code.

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

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

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

21 (5) As a driver has had his license, class D instruction permit, re-
22 stricted school attendance driving permit, privileges or right to drive
23 suspended for the duration of the suspension, nor to any person who has had
24 his class D driver's training instruction permit or class D supervised in-
25 struction permit canceled for the duration of the cancellation, nor to any
26 person whose license has been revoked, suspended, canceled or disqualified
27 by this state or any other jurisdiction; provided however, where a driver's
28 license has been revoked, suspended, canceled or disqualified in any other
29 jurisdiction, and the driver has completed the period of revocation, suspen-
30 sion, cancellation or disqualification as specified by the jurisdiction,
31 that person may be granted a class D driver's license in this state if five
32 (5) years have elapsed from the time of eligibility for reinstatement in the
33 other jurisdiction, even though the driver has not fulfilled the require-
34 ments for reinstatement in the other jurisdiction.

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

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

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

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

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

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

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

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

7 (14) Is not lawfully present in the United States, except the person may
8 be issued a driving authorization card pursuant to section 49-307B, Idaho
9 Code.

10 SECTION 5. That Section 49-304, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcy-
13 cle "M" endorsement on a driver's license or driving authorization card to
14 applicants who complete the requirements to operate a motorcycle.

15 (1) No person may operate a motorcycle upon a highway without a motorcy-
16 cle "M" endorsement on a valid driver's license.

17 (2) Any person who applies for a driver's license, driving authoriza-
18 tion card, or renewal of a driver's license or driving authorization card may
19 also apply for a motorcycle "M" endorsement. The requirements for obtaining
20 a motorcycle "M" endorsement are:

21 (a) The applicant shall be tested by written examination for his knowl-
22 edge of safe motorcycle operating practices and traffic laws specific
23 to the operation of motorcycles upon payment of the fee specified in
24 section 49-306, Idaho Code.

25 (b) Upon successful completion of the knowledge test and upon payment
26 of the fee required for an "M" endorsement, the applicant shall obtain a
27 motorcycle "M" endorsement on his driver's license.

28 (3) No person under the age of twenty-one (21) years may apply for or ob-
29 tain a motorcycle "M" endorsement on his driver's license or driving autho-
30 rization card unless he has successfully completed a motorcycle rider train-
31 ing course approved under the provisions of chapter 49, title 33, Idaho Code,
32 in addition to satisfying the requirements specified in subsection (2) of
33 this section. The provisions of this subsection shall not be effective un-
34 less and until the motorcycle rider training course is fully implemented by
35 the division of career technical education.

36 (4) Any person who applies for a motorcycle endorsement on a driver's
37 license or driving authorization card, in addition to the requirements spec-
38 ified in subsection (2) of this section, may also be required to pass the
39 motorcycle "M" skills test before he can obtain the motorcycle "M" endorse-
40 ment.

41 (5) The operation of a motorcycle upon a highway by any person who has
42 failed to obtain a motorcycle "M" endorsement as provided in this section
43 shall constitute an infraction.

44 (6) The provisions of this section shall not apply to persons operating
45 autocycles.

46 SECTION 6. That Section 49-306, Idaho Code, be, and the same is hereby
47 amended to read as follows:

1 49-306. APPLICATION FOR DRIVER'S LICENSE, DRIVING AUTHORIZATION
2 CARD, INSTRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL
3 ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction per-
4 mit, restricted school attendance driving permit, or for a driver's license
5 or driving authorization card shall be made upon a form furnished by the de-
6 partment and shall be verified by the applicant before a person authorized
7 to administer oaths. Officers and employees of the department, agents au-
8 thorized by the department, and sheriffs and their deputies are authorized
9 to administer the oaths without charge. Every application for a permit,
10 extension, ~~or~~ driver's license, or driving authorization card shall be ac-
11 companied by the following fee, none of which is refundable:
12 (a) Class A, B, C (4-year) license with endorsements --
13 age 21 years and older\$40.00
14 (b) Class A, B, C (3-year) license with endorsements --
15 age 18 to 21 years\$30.00
16 (c) Class A, B, C (1-year) license with endorsements --
17 age 20 years\$15.00
18 (d) Class D (3-year) license -- under age 18 years\$25.00
19 (e) Class D (3-year) license -- age 18 to 21 years\$25.00
20 (f) Class D (1-year) license -- age 17 years or age 20 years\$15.00
21 (g) Four-year Class D license -- age 21 years and older\$30.00
22 (h) Eight-year Class D license -- age 21 to 63 years\$55.00
23 (i) Commercial learner's permit\$29.00
24 (j) Class D instruction permit or supervised instruction permit
25\$15.00
26 (k) Duplicate driver's license, driving authorization card, or permit
27 issued under
28 section 49-318, Idaho Code\$15.00
29 (l) Driver's license extension issued under section
30 49-319, Idaho Code\$10.00
31 (m) License classification change (upgrade)\$25.00
32 (n) Endorsement addition\$15.00
33 (o) Class A, B, C skills tests not more than\$200.00
34 (p) Class D or driving authorization card skills test not more
35 than\$35.00
36 (q) Motorcycle endorsement skills test not more than\$25.00
37 (r) Knowledge test\$ 3.00
38 (s) Seasonal driver's license\$39.00
39 (t) Onetime motorcycle "M" endorsement\$15.00
40 (u) Motorcycle endorsement instruction permit\$15.00
41 (v) Restricted driving permit or restricted school attendance
42 driving permit\$60.00
43 (w) Driving authorization card\$25.00
44 (2) A person who applies for a driver's license, driving authorization
45 card, or a driver's license renewal, or driving authorization card renewal
46 may designate a voluntary contribution of two dollars (\$2.00) for the pur-
47 pose of promoting and supporting organ donation. Such a contribution shall
48 be treated as a voluntary contribution to the organ donation contribution
49 fund created in section 49-2447, Idaho Code, and not as a driver's license
50 fee.

1 (3) Every application shall state the true and full name, date of birth,
2 sex, declaration of Idaho residency, Idaho residence address and mailing ad-
3 dress, if different, of the applicant, height, weight, hair color, and eye
4 color, and the applicant's social security number as verified by the social
5 security administration. If an applicant has submitted an application pur-
6 suant to the provisions of chapter 58, title 19, Idaho Code, then the appli-
7 cant may state, in his or her application pursuant to this section, the ap-
8 plicant's alternative Idaho mailing address in place of his or her Idaho res-
9 idence address and mailing address. Notwithstanding the provisions of sec-
10 tion 49-303(13), Idaho Code, an applicant for a nondomiciled class A, B or
11 C driver's license or nondomiciled commercial learner's permit having res-
12 idency in a state that is prohibited from issuing class A, B or C driver's
13 licenses or commercial learner's permits, as provided in 49 CFR 384, is ex-
14 cepted from providing proof of Idaho residency and an Idaho mailing address.

15 (a) The requirement that an applicant provide a social security number
16 as verified by the social security administration shall apply only to
17 applicants who have been assigned a social security number.

18 (b) The requirement that an applicant provide a social security num-
19 ber as verified by the social security administration shall not apply to
20 persons making application for a driving authorization card as allowed
21 in section 49-307B, Idaho Code.

22 (c) An applicant, except those applying for a driving authorization
23 card, who has not been assigned a social security number shall:

24 (i) Present written verification from the social security admin-
25 istration that the applicant has not been assigned a social secu-
26 rity number; and

27 (ii) Submit a birth certificate, passport or other documentary
28 evidence issued by an entity other than a state or the United
29 States; and

30 (iii) Submit such proof as the department may require that the ap-
31 plicant is lawfully present in the United States.

32 A driver's license, commercial learner's permit or any instruction
33 permit issued on and after January 1, 1993, shall not contain an appli-
34 cant's social security number. Applications on file shall be exempt
35 from disclosure except as provided in sections 49-202, 49-203, 49-203A
36 and 49-204, Idaho Code.

37 (ed) Every application for a class A, B or C license shall state where
38 the applicant has been licensed for the preceding ten (10) years and un-
39 der which of the following driving categories the applicant will oper-
40 ate:

41 (i) Non-excepted interstate. The applicant operates or expects
42 to operate in interstate commerce, and is required to provide a
43 medical examiner's certificate;

44 (ii) Excepted interstate. The applicant operates or expects to
45 operate in interstate commerce, but engages exclusively in trans-
46 portation or operations excepted by the federal motor carrier
47 safety administration from all or parts of the qualification re-
48 quirements of federal motor carrier safety regulation 49, part
49 391, and is therefore not required to provide a medical examiner's
50 certificate;

1 (iii) Non-excepted intrastate. The applicant operates only in
2 intrastate commerce and is subject to and meets all Idaho driver
3 qualification requirements and the applicable parts of federal
4 motor carrier safety regulation 49, part 391, and is required to
5 provide a medical examiner's certificate; or

6 (iv) Excepted intrastate. The applicant operates in intrastate
7 commerce, but engages exclusively in exempted transportation or
8 operations as listed in section 67-2901B(2), Idaho Code, and the
9 applicable parts of federal motor carrier safety regulation 49,
10 part 391, and is therefore not required to provide a medical exam-
11 iner's certificate.

12 All applications shall also state whether the applicant has previ-
13 ously been licensed as a driver, and if so, when and by what state or
14 country, and whether a driver's license or privileges have ever been
15 suspended, revoked, denied, disqualified, canceled or whether an ap-
16 plication has ever been refused, and if so, the date of and reason for
17 the suspension, revocation, denial, disqualification, cancellation
18 or refusal and the applicant's oath that all information is correct as
19 signified by the applicant's signature.

20 (~~de~~) The applicant must submit proof of identity acceptable to the ex-
21 aminer or the department and date of birth as set forth in a certified
22 copy of his birth certificate. When a certified copy of his birth cer-
23 tificate or a delayed birth certificate is impossible to obtain from
24 a vital statistics agency, another government-issued document may be
25 submitted that provides satisfactory evidence of a person's full legal
26 name and, unless applying for a driving authorization card, date of
27 birth acceptable to the examiner or the department.

28 (~~ef~~) Every applicant for a class A, B or C driver's license or commer-
29 cial learner's permit shall provide proof of United States citizenship
30 or lawful permanent residency in the United States upon application for
31 issuance, transfer, upgrade or renewal, unless the applicant's driving
32 record already contains documentation confirming United States citi-
33 zenship or lawful permanent residency. Every applicant for a nondomi-
34 ciled class A, B or C driver's license or commercial learner's permit
35 domiciled in a foreign country must provide an unexpired employment au-
36 thorization document issued by the department of homeland security or
37 an unexpired foreign passport accompanied by an approved I-94 form doc-
38 umenting the applicant's most recent admittance into the United States.

39 (~~fg~~) Individuals required to register in compliance with section 3 of
40 the federal military selective service act, 50 U.S.C. App. 451 et seq.,
41 as amended, shall be provided an opportunity to fulfill such registra-
42 tion requirements in conjunction with an application for a driver's li-
43 cense, commercial learner's permit or instruction permit. Any regis-
44 tration information so supplied shall be transmitted by the department
45 to the selective service system.

46 (4) Whenever an application is received from a person previously li-
47 censed in another jurisdiction, the department shall request a copy of the
48 driver's record from the other jurisdiction and shall contact the national
49 driver register. When received, the driver's record from the previous ju-
50 risdiction shall become a part of the driver's record in this state with the

1 same force and effect as though entered on the driver's record in this state
2 in the original instance.

3 (5) Whenever the department receives a request for a driver's record
4 from another licensing jurisdiction, the record shall be forwarded without
5 charge.

6 (6) The department shall contact and notify the commercial driver li-
7 cense information system of the proposed application for a class A, B or C
8 driver's license or commercial learner's permit to ensure identification of
9 the person and to obtain clearance to issue the license.

10 (7) When the fees required under this section are collected by a county
11 officer, they shall, except as provided in subsection (8) of this section,
12 be paid over to the county treasurer not less often than monthly, who shall
13 immediately:

14 (a) Deposit an amount equal to five dollars (\$5.00) from each driver's
15 license except an eight-year class D license, or any class D instruction
16 permit application fees, application for a duplicate driver's license
17 or permit, classification change, seasonal driver's license and addi-
18 tional endorsement, and ten dollars (\$10.00) from each eight-year class
19 D driver's license, in the current expense fund;

20 (b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle
21 endorsement and motorcycle endorsement instruction permit fee in the
22 current expense fund;

23 (c) Deposit an amount equal to three dollars (\$3.00) from each fee for a
24 knowledge test in the current expense fund;

25 (d) Deposit an amount up to twenty-five dollars (\$25.00) from each fee
26 for a motorcycle endorsement skills test in the current expense fund;
27 provided however, if a contractor administers the skills test he shall
28 be entitled to the entire fee;

29 (e) Remit the remainder to the state treasurer; and

30 (f) Deposit up to twenty-eight dollars and fifty cents (\$28.50) from
31 each fee for a class D skills test into the county current expense fund,
32 unless the test is administered by a department-approved contractor, in
33 which case the contractor shall be entitled to up to twenty-eight dol-
34 lars and fifty cents (\$28.50) of each fee.

35 (8) When the fees required under this section are collected by the de-
36 partment or an agent authorized by the department, they shall be paid over
37 to the state treasurer. When the department or an agent authorized by the
38 department collects the fees required under this section, the portion of
39 fees to be retained by the county shall be retained by the issuing authorized
40 agent.

41 (9) The state treasurer shall distribute the moneys received from fees
42 imposed by the provisions of this section, whether collected by a county of-
43 ficer or by a state officer or agency as follows:

44 (a) Two dollars (\$2.00) of each fee for a four-year driver's license
45 or seasonal driver's license, and four dollars (\$4.00) of each fee for
46 an eight-year class D driver's license, and one dollar and fifty cents
47 (\$1.50) of each fee charged for driver's licenses pursuant to subsec-
48 tion (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each
49 fee charged for driver's licenses pursuant to subsection (1) (c) and
50 (f) of this section shall be deposited in the emergency medical ser-

1 vices fund II created in section 56-1018A, Idaho Code, and four dollars
2 (\$4.00) of each fee charged pursuant to subsection (1) (a), (g) and (s)
3 of this section and eight dollars (\$8.00) of each fee charged pursuant
4 to subsection (1) (h) of this section and three dollars (\$3.00) of each
5 fee for driver's licenses pursuant to subsection (1) (b), (d) and (e) of
6 this section, and one dollar (\$1.00) of each fee charged for driver's
7 licenses pursuant to subsection (1) (c) and (f) of this section shall be
8 deposited in the emergency medical services fund III created in section
9 56-1018B, Idaho Code;

10 (b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A,
11 B or C driver's license, and nineteen dollars and fifty cents (\$19.50)
12 of each fee charged for a license pursuant to subsection (1) (b) of this
13 section, and eight dollars and sixteen cents (\$8.16) of each fee charged
14 for a license pursuant to subsection (1) (c) of this section shall be de-
15 posited in the state highway account;

16 (c) Twenty dollars (\$20.00) of each fee for a commercial learner's per-
17 mit or driver's license classification change shall be deposited in the
18 state highway account;

19 (d) Four dollars (\$4.00) of each fee for a commercial learner's permit
20 shall be deposited in the emergency medical services fund III created in
21 section 56-1018B, Idaho Code;

22 (e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class
23 A, B or C driver's license, class A, B or C driver's license extension,
24 or additional endorsement shall be deposited in the state highway ac-
25 count;

26 (f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle
27 endorsement and motorcycle endorsement instruction permit shall be de-
28 posited in the state highway account;

29 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year
30 class D driver's license, and ten dollars and sixty cents (\$10.60) of
31 each fee for an eight-year class D driver's license, and four dollars
32 (\$4.00) of each fee charged for a license pursuant to subsection (1) (d)
33 and (e) of this section, and one dollar and thirty-three cents (\$1.33)
34 of each fee charged for a license pursuant to subsection (1) (f) of this
35 section shall be deposited in the driver training account;

36 (h) Twelve dollars and seventy cents (\$12.70) of each fee for a
37 four-year class D driver's license, and twenty dollars and forty cents
38 (\$20.40) of each fee for an eight-year class D driver's license, and ten
39 dollars and fifty cents (\$10.50) of each fee charged for a license pur-
40 suant to subsection (1) (d) and (e) of this section, and six dollars and
41 eighty-three cents (\$6.83) of each fee charged for a license pursuant
42 to subsection (1) (f) of this section shall be deposited in the highway
43 distribution account;

44 (i) Two dollars and sixty cents (\$2.60) of each fee for a class D in-
45 struction permit, duplicate class D license or permit, and class D li-
46 cense extension shall be deposited in the driver training account;

47 (j) Seven dollars and forty cents (\$7.40) of each fee for a class D in-
48 struction permit, duplicate class D license or permit, and class D li-
49 cense extension shall be deposited in the highway distribution account;

1 (k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test
2 shall be deposited in the state highway account;

3 (l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D
4 driver's license, and two dollars (\$2.00) of each fee for an eight-year
5 class D driver's license, and one dollar (\$1.00) of each fee charged for
6 a license pursuant to subsection (1)(b), (d) and (e) of this section,
7 and thirty-four cents (34¢) of each fee charged for a license pursuant
8 to subsection (1)(c) and (f) of this section shall be deposited in the
9 motorcycle safety program fund established in section 33-4904, Idaho
10 Code;

11 (m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills
12 test shall be deposited into the state highway account; and

13 (n) Each voluntary contribution of two dollars (\$2.00) as described in
14 subsection (2) of this section, less actual administrative costs asso-
15 ciated with collecting and transferring such contributions, shall be
16 deposited into the organ donation contribution fund created in section
17 49-2447, Idaho Code.

18 (10) The contractor administering a class A, B or C skills test shall
19 be entitled to not more than one hundred ninety dollars (\$190) of the skills
20 test fee. A contractor administering a class A, B or C skills test may col-
21 lect an additional fee for the use of the contractor's vehicle for the skills
22 test.

23 (11) Sixty dollars (\$60.00) of each restricted driving permit and each
24 restricted school attendance driving permit shall be deposited in the state
25 highway account.

26 (12) The department may issue seasonal class B or C driver's licenses to
27 drivers who are employees of agri-chemical businesses, custom harvesters,
28 farm retail outlets and suppliers, and livestock feeders that:

29 (a) Will only be valid for driving commercial vehicles that normally
30 require class B or C commercial driver's licenses;

31 (b) Will be valid for seasonal periods that begin on the date of is-
32 suance and that are not to exceed one hundred eighty (180) days in a
33 twelve (12) month period;

34 (c) May only be obtained twice in a driver's lifetime;

35 (d) Are valid only within a one hundred fifty (150) mile radius of the
36 place of business or farm being serviced; and

37 (e) Will be valid only in conjunction with valid Idaho class D driver's
38 licenses.

39 (13) The department may issue seasonal class B or C driver's licenses to
40 drivers who:

41 (a) Have not violated the single license provisions of applicable fed-
42 eral regulations;

43 (b) Have not had any license suspensions, revocations or cancella-
44 tions;

45 (c) Have not had any convictions in any vehicle for any offense listed
46 in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic
47 offense;

48 (d) Have at least one (1) year of driving experience with a class D or
49 equivalent license in any type motor vehicle; and

50 (e) Are at least sixteen (16) years old.

1 SECTION 7. That Section 49-307, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SU-
4 PERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE
5 -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D
6 driver's training course shall be allowed to attend classes or participate
7 in driving instruction unless he has obtained a class D driver's training in-
8 struction permit, or a class D instruction permit as provided in subsection
9 (4) of this section.

10 (2) Every enrollee of a class D driver's training course shall pay a
11 nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each
12 fee so imposed shall be deposited in the state highway account, five dollars
13 (\$5.00) shall be deposited in the county current expense fund, and five dol-
14 lars (\$5.00) shall be:

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

17 (b) Paid to the bureau of occupational licenses and deposited in the
18 state treasury to the credit of the occupational licenses fund if the
19 person is taking driver's training from a private driver's training
20 program. The amount to be remitted to the bureau of occupational li-
21 censes shall be annually calculated and paid. To calculate such amount,
22 the total number of public driver's training students as submitted to
23 the state department of education shall be subtracted from the total
24 number of permits sold as reported by the Idaho transportation de-
25 partment, and the resulting number shall be multiplied by five dollars
26 (\$5.00).

27 (3) Each enrollee of a class D driver's training course shall provide
28 the type of information required for a driver's license, driving autho-
29 ORIZATION card, or instruction permit. If an enrollee of a class D driver's
30 training course cannot provide a certified copy of his birth certificate or
31 acceptable identification allowed for a driving authorization card at the
32 time of application for a permit, the department may issue a class D driver's
33 training instruction permit or a class D instruction permit upon receipt
34 of identification acceptable to the department. The certified copy of an
35 applicant's birth certificate shall be required before a class D driver's
36 license will be issued. Acceptable identification documentation shall be
37 required before a driving authorization card will be issued.

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

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

49 (6) Class D supervised instruction permit.

1 (a) Upon successful completion of the class D driver's training course,
2 the driver's training instructor shall submit the student log to the
3 county driver's license office and give the class D driver's training
4 instruction permit to the parent or legal guardian of the permittee, and
5 the parent or legal guardian shall assume responsibility for ensuring
6 that the permittee complies with the requirements of operating a vehi-
7 cle with a class D supervised instruction permit. The class D driver's
8 training instruction permit shall then serve as a class D supervised
9 instruction permit.

10 (b) In the event the permittee reaches the age of seventeen (17) years
11 while operating a class D vehicle with a class D supervised instruction
12 permit, the supervised instruction permit shall become a class D in-
13 struction permit.

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

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

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

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

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

32 (e) The permittee is subject to the provisions of sections 18-1502 and
33 18-8004, Idaho Code, relating to violation of age restrictions on con-
34 sumption of beer, wine, and alcohol and driving under the influence of
35 alcohol, drugs or any other intoxicating substances, respectively.

36 (f) The permittee shall not have been convicted of any moving traffic
37 violation, or have had driving privileges suspended by the department
38 or the court for any offense, or found to be in violation of any of the
39 restrictions on the class D supervised instruction permit, for a period
40 of at least six (6) months from the date the driver's training instruc-
41 tor gave the permit to the parent or legal guardian, or from the date a
42 canceled class D supervised instruction permit was reissued, or until
43 the permittee reaches seventeen (17) years of age.

44 (g) If the permittee is under seventeen (17) years of age and is con-
45 victed of a violation of any traffic law, or section 18-1502, 18-8004
46 or 23-949, Idaho Code, or is found to be in violation of any of the re-
47 strictions on the class D supervised instruction permit, the department
48 shall cancel the class D supervised instruction permit, and the cancel-
49 lation shall not be used to establish rates of motor vehicle insurance
50 charged by a casualty insurer. If the permittee is under seventeen (17)

1 years of age, the permittee may reapply for and be issued a new class D
2 supervised instruction permit upon payment of the appropriate fee, and
3 shall again be required to operate with the class D supervised instruc-
4 tion permit for at least six (6) months from the date of reissue with-
5 out a conviction or suspension, accumulate the required hours of driv-
6 ing time and adhere to the requirements as specified in paragraphs (a)
7 through (f) of this subsection.

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

12 (9) Upon passage of the knowledge and skills tests, the permittee may
13 apply for a class D driver's license with driving privileges restricted to
14 daylight hours for persons under sixteen (16) years of age, and with full
15 privileges at sixteen (16) years of age or older. Provided however, the re-
16 striction on daylight hours only driving privileges for persons under six-
17 teen (16) years of age shall not apply if:

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

20 (b) Is accompanied by a driver who holds a valid driver's license and is
21 twenty-one (21) years of age or older and is actually occupying a seat
22 beside the licensee who is under sixteen (16) years of age; and

23 (c) The two (2) licensed drivers are the only occupants of the front
24 passenger section of the vehicle.

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

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

35 SECTION 8. That Chapter 3, Title 49, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 49-307B, Idaho Code, and to read as follows:

38 49-307B. DRIVING AUTHORIZATION CARDS. (1) As used in this chapter:

39 (a) "Driving authorization card" means the evidence of the authoriza-
40 tion granted and issued under the provisions of this chapter to operate
41 a motor vehicle in the same way as a class D driver's license;

42 (b) "Governmental entity" means the state of Idaho and its political
43 subdivisions, including but not limited to any county, city, town, mu-
44 nicipality, school district, office, department, agency, authority,
45 commission, board, institution, hospital, college, university, or
46 other instrumentality of the state.

47 (2) Notwithstanding any other provision of law, an individual may apply
48 for and obtain a driving authorization card in accordance with this section
49 if the individual:

- 1 (a) Is domiciled in Idaho;
2 (b) Is sixteen (16) years of age or older; and
3 (c) Satisfies the other requirements of this section as a condition to
4 issuance of driving privileges.

5 (3) An applicant for a driving authorization card under this section
6 shall submit valid identification documentation in a form acceptable to the
7 department. In addition to other documents the department may determine
8 are acceptable as identification documentation, a valid birth certificate,
9 passport, consular identification card, or other documentary evidence
10 of identity issued by a governmental entity, a state or territory of the
11 United States, a federally recognized Indian tribe, or a foreign state
12 shall constitute valid identification documentation. An applicant need not
13 demonstrate lawful presence in the United States.

14 (4) The department shall issue a driving authorization card to such
15 person if the person otherwise meets the requirements established in this
16 section and the applicable requirements in sections 49-306 and 49-313, Idaho
17 Code.

18 (5) A person seeking issuance of a driving authorization card may par-
19 ticipate in class D driver's training instruction under the provisions of
20 section 49-307, Idaho Code.

21 (6) A driving authorization card issued under this section shall be
22 valid for one (1) year from the date of issuance.

23 (7) Except as provided in this section, the provisions, requirements,
24 classes, endorsements, fees, restrictions, and sanctions provided in this
25 chapter apply to a driving authorization card in the same way as a class D
26 driver's license issued under this chapter.

27 (8) The fee for a driving authorization card issued pursuant to this
28 section shall be twenty-five dollars (\$25.00) per year, and such fees shall
29 be divided equally between the department and the issuing entity. If issued
30 by the department, the entire fee shall be retained by the department. An ap-
31 plicant who meets the requirements set forth in subsection (2) of this sec-
32 tion and the applicable requirements in section 49-306, Idaho Code, may re-
33 new a driving authorization card not sooner than three (3) months prior to
34 its expiration.

35 (9) A governmental entity may not accept a driving authorization card
36 as proof of lawful presence in the United States. No driving authorization
37 card shall be valid for voting purposes, for the purchase of firearms, or for
38 the exercise of any rights or privileges reserved exclusively to citizens of
39 the United States.

40 (10) No person shall accept a driving authorization card issued under
41 this section for proof of the holder's lawful presence in the United States.
42 A driving authorization card issued under this section shall be distinguish-
43 able in appearance from all other driving and identification credentials is-
44 sued by the department and shall contain a notice on its face in capitalized
45 letters, indicating "FOR DRIVING PURPOSES ONLY - NOT FOR VOTING OR OTHER OF-
46 FICIAL USES."

47 (11) Application for or lawful possession of a driving authorization
48 card under the section shall not provide a basis, in whole or in part, for the
49 arrest or investigation of an individual on the basis of immigration status.

1 (12) The department may promulgate reasonable rules consistent with
2 this chapter for the purpose of carrying out the provisions of this section.

3 SECTION 9. That Section 49-313, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or
6 authorized agents of the department shall examine every applicant for an
7 instruction permit, commercial learner's permit, restricted school atten-
8 dance driving permit, seasonal driver's license, driver's license, driving
9 authorization card, or a motorcycle endorsement, except as otherwise pro-
10 vided by law. The examination shall include a vision screening and a test
11 of the applicant's ability to read and understand highway signs regulating,
12 warning, and directing traffic. A skills test shall be required for an ap-
13 plicant who has not been previously licensed or authorized for the class of
14 license or authorization requested, or who holds a license issued by another
15 country unless a reciprocal agreement is in force. However, a skills test
16 may be required for any and all other applicants at the discretion of the
17 examiner or department for a class A, B, C or D driver's license, driving au-
18 thorization card, or a motorcycle endorsement. In addition, the applicant's
19 knowledge of traffic laws of this state and when a motorcycle endorsement is
20 applied for, the applicant's knowledge of safe motorcycle operating prac-
21 tices and traffic laws specifically relating to motorcycle operation shall
22 be tested by a written examination, except as provided in section 49-319,
23 Idaho Code. At the discretion of the examiner, the prescribed written exami-
24 nation may be conducted orally.

25 (2) The knowledge and skills examinations for applicants for driver's
26 licenses in class A, B or C shall be conducted in compliance with 49 CFR part
27 383.

28 (3) The skills test for a class A, B, C or D driver's license, a driving
29 authorization card, or for any endorsement shall be given by the department
30 or its authorized agents. The skills examiner for a motorcycle endorsement
31 shall be certified by the division of career technical education.

32 (4) The department shall not issue the following endorsements except as
33 provided:

34 (a) A tank, double/triple trailer, or hazardous material endorsement
35 unless the applicant, in addition to all other applicable qualifica-
36 tions, has passed an appropriate knowledge test.

37 (b) A passenger endorsement unless the applicant, in addition to all
38 other applicable qualifications, has passed an appropriate knowledge
39 and skills test.

40 (c) A school bus endorsement unless the applicant, in addition to all
41 other applicable qualifications, has passed appropriate knowledge and
42 skills tests. Until September 30, 2005, the department may waive the
43 school bus endorsement skills test requirement if the applicant meets
44 the conditions set forth in accordance with 49 CFR ~~part~~ section 383.123.

45 (5) Any person failing to pass a knowledge or skills test for a class A,
46 B, C or D driver's license, a driving authorization card, or a knowledge test
47 for a seasonal driver's license, or any endorsement may not retake the test
48 within three (3) calendar days of the failure.

1 (6) Any person retaking a knowledge or skills test for a driver's li-
2 cense or a driving authorization card shall pay the appropriate testing fee
3 as specified in section 49-306, Idaho Code.

4 (7) The motorcycle skills test for a motorcycle endorsement shall be
5 waived by the department:

6 (a) On and after September 1, 1998, if the applicant presents satisfac-
7 tory evidence of successful completion of a recognized motorcycle rider
8 training course approved by the division of career technical education;

9 (b) On and after September 1, 1998, if the applicant presents evi-
10 dence of a motorcycle endorsement on his current license by a state or
11 province which requires a motorcycle skills test equivalent to that
12 required by Idaho law as determined by the division of career technical
13 education;

14 (c) Until September 1, 1998.

15 (8) At the discretion of the department, an alternate skills test for
16 the motorcycle endorsement may be administered when the endorsement is for
17 operation of a three-wheeled motorcycle only.

18 (9) The department or its authorized agents may refuse to give an appli-
19 cant a skills test if there are reasonable grounds to believe that the safety
20 of the applicant, public, or the examiner would be jeopardized by doing so.
21 Reasonable grounds would include, but not be limited to, the applicant's in-
22 ability to pass the vision screening, written tests, or a statement by a li-
23 censed physician stating the applicant is not physically able to drive a mo-
24 tor vehicle.

25 (10) The department or its authorized agents may deny issuance or re-
26 newal of a driver's license, driving authorization card, or endorsement to
27 any applicant who does not meet the licensing requirements for the class of
28 driver's license or endorsement being renewed or issued.

29 (11) Skills examinations for seasonal driver's licenses shall be
30 waived.

31 SECTION 10. That Section 49-315, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 49-315. LICENSES OR AUTHORIZATION CARDS ISSUED TO DRIVERS. (1) The
34 department shall issue to every qualifying applicant a distinguishing
35 driver's license or driving authorization card as applied for, which shall
36 bear a distinguishing number assigned to the licensee or person authorized,
37 the full name, date of birth, Idaho residence address, sex, weight, height,
38 eye color, hair color, color photograph, name of this state, date of is-
39 suance, date of expiration, license class, endorsements, restrictions, and
40 the applicant's signature. If an applicant has submitted an application
41 pursuant to the provisions of chapter 58, title 19, Idaho Code, then the
42 applicant's driver's license shall contain his or her alternative Idaho
43 mailing address in place of his or her Idaho residence address. Driver's
44 licenses for persons under eighteen (18) years of age shall include a nota-
45 tion "under 18 until (month, day, year)," and driver's licenses or driving
46 authorization card for persons eighteen (18) years of age to twenty-one (21)
47 years of age shall include a notation "under 21 until (month, day, year)." No
48 driver's license or driving authorization card shall be valid until it has
49 been signed on the signature line of the license by the licensee.

1 (2) Every driver's license and driving authorization card shall bear a
2 color photograph of the licensee or authorized person, which shall be taken
3 by the examiner at the time the application is made. The photograph shall be
4 taken without headgear or other clothing or device that disguises or other-
5 wise conceals the face or head of the applicant. A waiver may be granted by
6 the department allowing the applicant to wear headgear or other head cover-
7 ing for medical, religious or safety purposes as long as the face is not dis-
8 guised or otherwise concealed. At the request of the applicant, a driver's
9 license or driving authorization card may contain a statement or indication
10 of the medical condition of the licensee.

11 (3) The department shall notify the commercial driver license infor-
12 mation system that a class A, B or C driver's license has been issued as re-
13 quired by 49 CFR parts 383 and 384.

14 (4) A licensee applying for a hazardous material endorsement on a
15 driver's license shall have a security background records check and shall
16 receive clearance from the federal transportation security administration
17 before the endorsement can be issued, renewed or transferred as required
18 by 49 CFR part 383, subject to procedures established by the federal trans-
19 portation security administration.

20 (5) A licensee or authorized person who desires to donate any or all or-
21 gans or tissue in the event of death, and who has completed a document of gift
22 pursuant to the provisions for donation of anatomical gifts as set forth in
23 chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate
24 this desire on the driver's license or driving authorization card by the im-
25 printing of the word "donor" on the license. The provisions of this subsec-
26 tion shall apply to licensees fifteen (15) years of age or older but less than
27 eighteen (18) years of age if the requirements provided in chapter 34, title
28 39, Idaho Code, have been complied with and the donor indicates this desire
29 be placed on the license.

30 (6) A licensee or authorized person who is a person with a permanent
31 disability may request that the notation "permanently disabled" be im-
32 printed on the driver's license or driving authorization card, provided
33 the licensee or authorized person presents written certification from a
34 licensed physician verifying that the licensee's or authorized person's
35 stated impairment qualifies as a permanent disability according to the pro-
36 visions of section 49-117, Idaho Code.

37 (7) A licensee who is a veteran may request that his or her status as
38 such be designated on the driver's license at no additional cost. Any such
39 request shall be accompanied by proof of being a current or former member of
40 the United States armed forces. Upon request and submission of satisfactory
41 proof, the department shall indicate such person's status as a veteran on any
42 class of driver's license issued pursuant to this section. Such designation
43 shall be made upon original issuance or renewal of a driver's license. Des-
44 ignation shall also be made on any duplicate driver's license issued, pro-
45 vided that the fee for such duplicate driver's license is paid in accordance
46 with section 49-306, Idaho Code.

47 Satisfactory proof of being a current or former member of the United
48 States armed forces must be furnished by an applicant to the department
49 before a designation of veteran status will be indicated on any class of
50 driver's license. Acceptable proof shall be a copy of form DD214 or an equiv-

1 alent document or statement from the department of veterans affairs that
2 identifies a character of service upon separation as "honorable" or "general
3 under honorable conditions."

4 SECTION 11. That Section 49-316, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 49-316. DRIVER'S LICENSE OR DRIVING AUTHORIZATION CARD TO BE CARRIED
7 AND EXHIBITED ON DEMAND. Every licensee or authorized person shall have his
8 driver's license or driving authorization card in his immediate possession
9 at all times when operating a motor vehicle and shall, upon demand, surrender
10 the driver's license or driving authorization card into the hands of a peace
11 officer for his inspection. However, no person charged with a violation of
12 the provisions of this section shall be convicted if a driver's license or
13 driving authorization card issued to the person and valid at the time of his
14 arrest is produced in court.

15 SECTION 12. That Section 49-317, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 49-317. RESTRICTED DRIVER'S LICENSES AND DRIVING AUTHORIZATION
18 CARDS. (1) The department, upon issuing a driver's license or driving autho-
19 rization card, shall have authority whenever good cause appears to impose
20 restrictions suitable to the licensee's or authorized person's driving
21 ability with respect to:

22 (a) The type of or special mechanical control devices required or not
23 permitted on a motor vehicle which the licensee or authorized person may
24 operate;

25 (b) Medical variances as determined by the federal motor carrier safety
26 administration; or

27 (c) Other restrictions applicable to the licensee or authorized person
28 as the department may determine to be appropriate to assure the safe op-
29 eration of a motor vehicle by the licensee or authorized person.

30 (2) The department may ~~either~~ issue a special restricted driver's li-
31 cense or a special restricted driving authorization card or may set forth
32 restrictions upon the usual driver's license form or driving authorization
33 card form.

34 (3) The department shall, upon receiving satisfactory evidence of any
35 violation of the restrictions of a driver's license or driving authorization
36 card, suspend the driver's license or privileges for a period of thirty (30)
37 days but the licensee or authorized person shall be entitled to a hearing as
38 provided in section 49-326, Idaho Code.

39 SECTION 13. That Section 49-318, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 49-318. DUPLICATE DRIVER LICENSES AND SUBSTITUTE PERMITS. (1) The
42 holder of any instruction permit, class A, B, C or D, driving authorization
43 card, restricted school attendance driving permit, or seasonal driver's
44 license which is lost or destroyed, or a licensee whose name is legally

1 changed, may apply for a duplicate driver's license or substitute permit. A
2 duplicate driver's license or substitute permit will be issued upon:

3 (a) Payment of the fee as provided in section 49-306, Idaho Code;

4 (b) Furnishing satisfactory proof that the permit, class A, B, C or D,
5 restricted school attendance driving permit, or seasonal driver's li-
6 cense has been lost or destroyed, or that the licensee's name has been
7 legally changed; and

8 (c) Furnishing proof of the applicant's identity acceptable to the
9 examiner or the department and date of birth as set forth in a certi-
10 fied copy of his birth certificate when obtainable, or another document
11 which provides evidence of a person's date of birth acceptable to the
12 examiner or department. In the case of a name change, the applicant
13 shall provide legal documentation acceptable to the department to ver-
14 ify the change.

15 (2) A duplicate driver's license or substitute permit shall not be is-
16 sued, as provided in subsection (1) of this section, if the license or permit
17 is suspended, revoked, canceled or disqualified in this state or any other
18 jurisdiction or if the applicant has applied for, or has been issued, a li-
19 cense or permit in another jurisdiction.

20 (3) The holder of any instruction permit, class A, B, C or D, restricted
21 school attendance driving permit, or seasonal driver's license who requests
22 a duplicate driver's license or substitute permit as provided in subsection
23 (1) of this section, may request that the notation "permanently disabled" be
24 imprinted on the permit or license and the department shall imprint "perma-
25 nently disabled" on the permit or license if:

26 (a) The person has a permanent disability; and

27 (b) The person presents written certification from a licensed physi-
28 cian verifying that the person's stated impairment qualifies as a per-
29 manent disability as provided in section 49-117, Idaho Code; and

30 (c) The department determines that the person meets the requirements
31 for issuance of a permit or license as specified in section 49-313,
32 Idaho Code.

33 SECTION 14. That Section 49-320, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 49-320. NOTICE OF CHANGE OF ADDRESS. It is the responsibility of every
36 licensed or authorized driver and every person applying for a driver's li-
37 cense or driving authorization card to keep a current address on file with
38 the department.

39 (1) Whenever any person after applying for or receiving a driver's li-
40 cense or driving authorization card shall move from the address shown in the
41 application or in the driver's license or driving authorization card issued,
42 that person shall, within thirty (30) days, notify the department in writing
43 of the old and new addresses.

44 (2) Whenever any statute or rule requires a driver to receive notice of
45 any official action with regard to the person's driver's license or driving
46 privileges taken or proposed by a court or the department, notification by
47 first class mail at the address shown on the application for a driver's li-
48 cense or driving authorization card, or at the address shown on the driver's

1 license or driving authorization card or at the address given by the driver,
2 shall constitute all the legal notice that is required.

3 (3) It is an infraction for any person to fail to notify the department
4 of a change of address as required by the provisions of subsection (1) of this
5 section.

6 SECTION 15. That Section 49-321, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 49-321. RECORDS TO BE KEPT BY THE DEPARTMENT. (1) The department shall
9 file every application for a driver's license or driving authorization card
10 received by it and shall maintain suitable indices containing:

11 (a) All applications denied and on each note the reason for denial;

12 (b) All applications granted;

13 (c) The name of every licensee or authorized person whose driver's li-
14 cense or driving authorization card has been suspended, revoked, can-
15 celed, denied or disqualified by the department and after each name note
16 the reasons for the action;

17 (d) The driver's license number or driving authorization number for the
18 applicant; and

19 (e) The social security number of the applicant, if applicable.

20 (2) The department shall file the original or copy of the medical exam-
21 iner's certificates, medical exemption letters and skill performance evalu-
22 ation certificates of all commercial driver's license or instruction permit
23 holders required to provide documentation of their physical qualification.
24 The department shall maintain the document(s) for a period of three (3) years
25 beyond the date the certificate or document was issued.

26 (3) The department shall also file all accident reports and abstracts
27 of court records of convictions received by it under the law from any juris-
28 diction and is authorized to forward records of convictions, suspensions or
29 disqualifications to any jurisdiction. Records may be in either paper or
30 electronic form. The department shall maintain convenient records or make
31 suitable notations in order that an individual record of each licensee or au-
32 thorized person showing the convictions and the traffic accidents in which
33 the licensee or authorized person has been involved shall be readily ascer-
34 tainable and available for consideration of the department upon any applica-
35 tion for renewal of a driver's license or driving authorization card and at
36 other suitable times.

37 (4) The department of health and welfare, on or about the 25th day of
38 each month shall, upon the request of the department, furnish the department
39 a listing showing the name, age, county of residence, and residence address
40 of each Idaho resident who has died during the preceding month. The listing
41 shall be used only for purposes of updating the driver's license and driving
42 authorization card files of the department and shall be subject to disclo-
43 sure according to chapter 1, title 74, Idaho Code.

44 (5) The department, upon request by the office of the secretary of
45 state, shall provide the office of the secretary of state with a digital copy
46 of the driver's license or identification card signature of a person who is
47 an applicant for voter registration pursuant to section 34-409, Idaho Code.

1 SECTION 16. That Section 49-322, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-322. AUTHORITY OF DEPARTMENT TO CANCEL DRIVER'S LICENSE, DRIVING
4 AUTHORIZATION CARD, OR INSTRUCTION PERMIT. (1) The department shall cancel
5 any driver's license, driving authorization card, restricted school atten-
6 dance driving permit, or instruction permit upon determining that the li-
7 censee, authorized person, or permittee was not entitled to the issuance of
8 the driver's license, driving authorization card, or instruction permit, or
9 that the licensee, authorized person, or permittee failed to give the re-
10 quired or correct information in his application, or committed fraud in mak-
11 ing the application.

12 (2) Upon a cancellation, the licensee or permittee shall surrender the
13 canceled driver's license or canceled instruction permit to the department.

14 (3) The department shall cancel a person's commercial driver's license
15 upon determining that the class A, B or C licensee has falsified information.
16 Upon cancellation of a class A, B or C driver's license, the licensee shall be
17 disqualified from operating a commercial motor vehicle for a period of sixty
18 (60) days.

19 (4) The department shall decertify the medical status and initiate a
20 downgrade of any driver who is required by the federal motor carrier safety
21 administration to maintain a medical examiner's certificate and/or medical
22 exemption letter or skill performance evaluation certificate upon determin-
23 ing the person's medical certification has expired or has been revoked or
24 canceled. The department shall change the person's driving status in the
25 driver record to "not-certified," within ten (10) days and shall mail a no-
26 tification letter regarding the pending decertification and downgrade ac-
27 tion to the driver's last known address. The downgrade action shall occur no
28 more than sixty (60) days from the date the "not-certified" status is posted
29 to the record. Drivers can remove the "not-certified" medical status from
30 their driving record by presenting a current and valid medical examiner's
31 certificate and/or medical exemption letter or skill performance evaluation
32 certificate to the department or by submitting an application to the depart-
33 ment requesting their medical status be changed to "Excepted."

34 (5) When a driver's license has been canceled for reasons of impair-
35 ment, incompetence or inability of the licensed driver to operate a motor
36 vehicle safely as provided in section 49-303 or 49-326, Idaho Code, and
37 the licensee has voluntarily surrendered his driver's license, or when a
38 licensed driver requests cancellation of his license for any of the same
39 reasons stated in this subsection and he voluntarily surrenders his license,
40 the licensee may be eligible for a no-fee identification card as provided in
41 section 49-2444, Idaho Code.

42 SECTION 17. That Section 49-326, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 49-326. AUTHORITY OF DEPARTMENT TO SUSPEND, DISQUALIFY OR REVOKE
45 DRIVER'S LICENSE OR DRIVING AUTHORIZATION CARD AND PRIVILEGES. (1) If the
46 court has not ordered the suspension of a license or privileges, the de-
47 partment is authorized to suspend, disqualify or revoke the license or

1 privileges of a driver without preliminary hearing upon a showing by its
2 records or other sufficient evidence that the driver:

3 (a) Has committed an offense for which mandatory revocation, suspen-
4 sion or disqualification of license or privileges is required upon con-
5 viction, court order or administrative action;

6 (b) Has been convicted in any court in this state of an offense against
7 a municipal ordinance which would have been grounds for suspension, re-
8 vocation or disqualification of his driver's license or privileges had
9 the charge been prosecuted under a state law;

10 (c) Is incompetent to drive a motor vehicle;

11 1. Any person who in the opinion of the department, based upon rec-
12 ommendation of the person's personal physician, is afflicted with
13 or subject to any condition which brings about momentary or pro-
14 longed lapses of consciousness or control, which is or may become
15 chronic, or when the person is suffering from a physical or mental
16 disability or disease serving to prevent him from exercising rea-
17 sonable and ordinary control over a motor vehicle while operating
18 it upon the streets and highways, or any person who is unable to un-
19 derstand highway signs, warning, regulating or directing traffic,
20 is incompetent to drive a motor vehicle.

21 2. Any person who shall not have minimum visual acuity with or
22 without corrective lenses of 20/40 in at least one (1) eye as
23 determined by the Snellen system or other available systems is
24 incompetent to operate a motor vehicle, however, the department
25 shall have the authority to license such person upon the recom-
26 mendation of an ophthalmologist or qualified physician and upon
27 passage of a skills test. At 20/70 or more in both eyes with or
28 without corrective lenses the department may suspend the driver's
29 license and privileges. Any person who applies for or receives
30 any type of tax, welfare or other benefits or exemptions for the
31 blind shall be presumed incompetent to operate a motor vehicle.
32 This presumption can be overcome by any person whose vision can be
33 corrected to a visual acuity of 20/40 or better in one (1) eye as
34 documented by a licensed ophthalmologist or optometrist.

35 3. Any person, department, or political subdivision of the state
36 of Idaho who receives an application for any type of tax, welfare,
37 aid or other benefits or exemptions for the blind shall immedi-
38 ately forward the name, address, sex, date of birth, and date of
39 application of the applicant to the department.

40 4. Any physician who has reason to believe that a patient is incom-
41 petent to drive a motor vehicle as defined in this subsection, may
42 submit a report to the department. Before submitting a report, a
43 physician should notify the patient or the patient's family of the
44 physician's concerns about the patient's ability to drive. If the
45 physician submits a report, the physician shall provide a copy of
46 the report to the patient or to a member of the patient's family.
47 If a physician submits a report in good faith, no professional dis-
48 ciplinary procedure, no monetary liability and no cause of action
49 may arise against the physician for submission of the report;

1 (d) Has permitted an unlawful or fraudulent use of a driver's license or
2 driving authorization card;

3 (e) Has committed an offense in another state or jurisdiction as evi-
4 denced by a conviction, court order or administrative action, which if
5 committed in Idaho would be grounds for suspension, disqualification or
6 revocation;

7 (f) Has been convicted of the offense of reckless driving, or fleeing
8 or attempting to elude a peace officer, and providing that the operat-
9 ing privilege shall be suspended for a period of thirty (30) days upon
10 conviction and providing further, that if a second conviction occurs
11 within a two (2) year period of time from the time of the first convic-
12 tion, the suspension shall be for ninety (90) days, and if a third con-
13 viction shall occur within a three (3) year period of time from the time
14 of the first conviction, the period of suspension shall be for one (1)
15 year;

16 (g) Has failed to satisfy a judgment as set forth in chapter 12, title
17 49, Idaho Code;

18 (h) Has failed to maintain proof of financial responsibility as set
19 forth in chapter 12, title 49, Idaho Code;

20 (i) Has a driving record which shows a violation point count of twelve
21 (12) or more points in any consecutive twelve (12) month period;

22 (j) Is an habitual violator of traffic laws;

23 (k) Has been convicted of the offense of violation of a restricted
24 license or restricted driving authorization card and providing the
25 driver's license and privileges be suspended for a period of thirty (30)
26 days;

27 (l) Has been convicted for the offense of leaving the scene of an acci-
28 dent involving damages to a vehicle, the period of revocation shall be
29 one (1) year;

30 (m) Has been convicted for the offense of leaving the scene of an acci-
31 dent resulting in injury or death, the period of revocation shall be one
32 (1) year;

33 (n) Is under the age of eighteen (18) years and is not satisfactorily
34 enrolled in school, has not received a waiver pursuant to or has not com-
35 pleted school as provided in section 49-303A, Idaho Code;

36 (o) Was cited under the age of seventeen (17) years and subsequently
37 received a conviction involving a moving traffic violation arising out
38 of the operation of a motor vehicle, and providing the driver shall be
39 sent a written warning from the Idaho transportation department for a
40 first conviction; the driver's license shall be suspended for a period
41 of thirty (30) days for a second conviction; and the driver's license
42 shall be suspended for a period of sixty (60) days for a third or sub-
43 sequent conviction; and providing further that no restricted driving
44 privileges shall be issued during any period of suspension hereunder.

45 (2) A violation point is assessed for conviction of any charge or with
46 proof of any infraction involving a moving traffic violation. A value of
47 one (1) point shall be given for a less serious violation and up to four (4)
48 points for a more serious violation. Conviction or proof of infraction for
49 only one (1) violation arising from one (1) occasion of arrest or citation
50 shall be counted in determining the violation point count.

1 (3) The department is authorized and directed to establish a violation
 2 point count system for various moving traffic violations and infractions oc-
 3 ccurring either within or without the state of Idaho, affecting all holders of
 4 driver's licenses and driving authorization cards issued by the department.

5 (4) Notification of suspension, revocation, cancellation or dis-
 6 qualification. Upon suspending, revoking, canceling or disqualifying the
 7 driver's license or driving privileges of any person, the department shall
 8 immediately notify the applicant or licensee in writing, at the licensee's
 9 address on file with the department pursuant to section 49-320, Idaho Code.
 10 Upon his request, the department shall afford him an opportunity for a hear-
 11 ing before a hearing officer appointed by the director. The hearing may be
 12 held by telephone within twenty (20) days after receipt of the request, un-
 13 less this period is for good cause shown, extended by the hearing officer for
 14 one ten (10) day period. The notice and hearing shall be required prior to
 15 the imposition of additional suspension or disqualification periods beyond
 16 the periods as set forth in this section. Upon a hearing, the hearing officer
 17 may administer oaths, may issue subpoenas for the attendance of witnesses
 18 and the production of relevant books and papers, and may require a reexamina-
 19 tion of the licensee. Upon the hearing, the department shall either rescind
 20 its order or, with good cause, may affirm or extend the suspension or dis-
 21 qualification of the driver's license or revoke the driver's license.

22 Whenever a driver's license, permit or driving privilege has been sus-
 23 pended or revoked by the department as provided in this section, other than
 24 as set forth in subsection (1) (c), (d), (g), (h), (m), (n) or (o) of this sec-
 25 tion, the department may issue a temporary restricted permit restricting the
 26 time, area and purpose of use. The application, eligibility requirements
 27 and form of the temporary restricted permit shall be provided by administra-
 28 tive rule. A temporary restricted permit may be issued to grant noncommer-
 29 cial driving privileges, but no temporary restricted permit shall be issued
 30 which grants driving privileges to operate a commercial motor vehicle.

31 (5) The department shall not suspend or revoke a driver's license or
 32 privileges for a period of more than one (1) year, unless otherwise provided
 33 by law. The provisions of this subsection shall not be applicable with re-
 34 spect to the issuance of temporary restricted permits as provided in section
 35 49-325, Idaho Code, nor shall it be applicable to those suspensions placed on
 36 an individual's record for the purpose of administering suspensions ordered
 37 to take effect after an individual's release from confinement or imprison-
 38 ment pursuant to chapter 80, title 18, Idaho Code.

39 (6) The department shall not disqualify a driver for a period longer
 40 than specified by 49 CFR part 383.

41 SECTION 18. That Section 49-327, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 49-327. SURRENDER OF DRIVER'S LICENSE OR DRIVING AUTHORIZATION CARD
 44 -- APPLICATION FOR DUPLICATE. (1) Upon suspending, canceling or revoking a
 45 driver's license or driving authorization card, the department shall re-
 46 quire that the driver's license or driving authorization card be surrendered
 47 to the department. At the end of the period of suspension, revocation or can-
 48 cellation the driver may apply for a duplicate driver's license or duplicate

1 driving authorization card, provided that the driver is eligible and has
2 fulfilled all reinstatement requirements.

3 (2) If any person shall fail to return to the department the Idaho
4 driver's license or driving authorization card as required, the department
5 may direct any peace officer to secure its possession and return the driver's
6 license or driving authorization card to the department.

7 SECTION 19. That Section 49-328, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S
10 LICENSE OR DRIVING AUTHORIZATION CARD -- FEE -- WHEN REINSTATEMENT PROHIB-
11 ITED. (1) When the period of revocation, disqualification or suspension of
12 a driver's license or driving authorization card has expired, or the reason
13 for the revocation, disqualification or suspension no longer exists, the de-
14 partment shall reinstate the driver's license or driving privileges on ap-
15 plication of the driver.

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

19 (3) A driver's license or driving authorization card shall not be sus-
20 pended for failure to pay an infraction penalty. All driver's licenses sus-
21 pended prior to July 1, 2018, for failure to pay an infraction penalty shall
22 be reinstated upon application and without charge to the applicant.

23 (4) In addition to any other fees required in this section to be col-
24 lected, the department shall collect sixty dollars (\$60.00) for reinstating
25 a driver's license or driving authorization card after conviction for driv-
26 ing under the influence, without privileges, and after conviction or other
27 violation of any other traffic-related misdemeanor or infraction, of which
28 fees forty dollars (\$40.00) shall be paid over to the county treasurer of the
29 county in which the conviction occurred for support of that county's justice
30 fund, or the current expense fund if no county justice fund has been estab-
31 lished, and the twenty dollars (\$20.00) shall be deposited in the state high-
32 way account.

33 (5) In addition to any other fees required in this section to be col-
34 lected, the department shall collect two hundred dollars (\$200) for rein-
35 stating ~~a driver's license~~ driving privileges after a suspension imposed un-
36 der the provisions of section 18-8002 or section 18-8002A, Idaho Code, or af-
37 ter a revocation, disqualification or suspension arising out of any alcohol
38 or drug-related offense, other than a suspension imposed upon a person under
39 eighteen (18) years of age pursuant to section 18-1502(d), Idaho Code. Funds
40 collected pursuant to this subsection shall be deposited in the state high-
41 way account.

42 (6) When there is more than one (1) reason why ~~a driver's license was~~
43 driving privileges were revoked or suspended or why a driver was disqual-
44 ified, the department shall not collect multiple fees for reinstatement,
45 but shall only collect one (1) reinstatement fee, which shall be the greater
46 reinstatement fee, provided however, the department shall collect a rein-
47 statement fee for each revocation, disqualification or suspension under
48 chapter 80, title 18, Idaho Code.

1 SECTION 20. That Section 49-331, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-331. UNLAWFUL USE OF DRIVER'S LICENSE OR DRIVING AUTHORIZATION
4 CARD. It is a misdemeanor for any person:

5 (1) To display or cause or permit to be displayed or have in his pos-
6 session any mutilated or illegible, ~~cancelled~~ canceled, revoked, suspended,
7 disqualified, fictitious or fraudulently altered driver's license or driv-
8 ing authorization card;

9 (2) To lend his driver's license or driving authorization card to any
10 other person or knowingly permit the use of his driver's license or driving
11 authorization card by another;

12 (3) To display or represent as one's own a driver's license or driving
13 authorization card not issued to him;

14 (4) To fail or refuse to surrender to the department, upon its lawful
15 demand, any driver's license ~~which~~ or driving authorization card that has
16 been suspended, revoked, disqualified or ~~cancelled~~ canceled;

17 (5) To use a false or fictitious name in any application for a driver's
18 license or driving authorization card, or to knowingly make a false state-
19 ment, or to knowingly conceal a material fact or otherwise commit a fraud in
20 any application;

21 (6) To permit any unlawful use of a driver's license or driving autho-
22 rization card issued to him; or

23 (7) To manufacture, produce, sell, offer for sale or transfer to an-
24 other person any document purporting to be a certificate of birth or driver's
25 license or driving authorization card.

26 In addition to the misdemeanor penalties that may be imposed for vio-
27 lation of the provisions of paragraphs (1) through (7) of this section, the
28 court upon conviction may enter an order directing the department to suspend
29 the driver's license, a permit to drive, privileges or any nonresident's
30 driving privileges for a period of ninety (90) days. A conviction under
31 this section shall not be used as a factor or considered in any manner for
32 the purpose of establishing rates of motor vehicle insurance charged by a
33 casualty insurer, nor shall such conviction be grounds for nonrenewal of any
34 insurance policy as provided in section 41-2507, Idaho Code.

35 SECTION 21. That Section 49-1208, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 49-1208. PROOF REQUIRED UPON CERTAIN CONVICTIONS. (1) If a person is
38 not licensed, but by final order or judgment is convicted of, or forfeits
39 any bail or collateral deposited to secure an appearance for trial, or has
40 entered a plea of guilty for, any offense requiring the suspension or revo-
41 cation of ~~the driver's license~~ driving privileges, or for operating a mo-
42 tor vehicle upon the highways without being ~~licensed~~ privileged to do so,
43 no ~~driver's license~~ driving privileges shall be issued to that person and
44 his driving privileges shall remain suspended or revoked until he gives and
45 maintains proof of financial responsibility. Such person shall be required
46 to verify proof of financial responsibility for a three (3) year period com-
47 mencing with the last day of the suspension or revocation.

1 (2) Whenever the department or a court suspends, or the department
 2 revokes a resident's driver's license or nonresident's driving privilege
 3 by reason of a conviction, forfeiture of bail, or upon a plea or finding of
 4 guilty, the license or privilege shall remain suspended or revoked unless
 5 the person shall have previously given or shall immediately give and main-
 6 tain proof of financial responsibility. Such person shall be required to
 7 verify proof of financial responsibility for a three (3) year period com-
 8 mencing with the last day of the suspension or revocation.

9 (3) Any person who is convicted of violating the provisions of either
 10 section 49-1229, 49-1232 or 49-1428, Idaho Code, for the first time shall
 11 give and maintain proof of financial responsibility throughout the one (1)
 12 year period following the conviction. Any person convicted for a second or
 13 any subsequent time of violating the provisions of section 49-1229, 49-1232
 14 or 49-1428, Idaho Code, within a five (5) year period, shall give and main-
 15 tain proof of financial responsibility throughout the three (3) year period
 16 following such conviction. The department shall notify any person subject
 17 to this subsection of the requirements for maintaining proof of financial
 18 responsibility for a second and any subsequent conviction. The driver's li-
 19 cense and driving privileges shall remain suspended unless the person gives
 20 and maintains proof of financial responsibility throughout either the one
 21 (1) year or the three (3) year period following such conviction.

22 (4) Whenever a person is required to maintain proof of financial re-
 23 sponsibility, and who is not a resident of Idaho, files and maintains proof
 24 of financial responsibility in his home state the department shall reinstate
 25 the person's driving privileges as long as proof of financial responsibility
 26 is maintained in the person's home state.

27 SECTION 22. That Section 18-8002, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 18-8002. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS
 30 OR OTHER INTOXICATING SUBSTANCES -- PENALTY AND SUSPENSION UPON REFUSAL OF
 31 TESTS. (1) Any person who drives or is in actual physical control of a motor
 32 vehicle in this state shall be deemed to have given his consent to eviden-
 33 tiary testing for concentration of alcohol as defined in section 18-8004,
 34 Idaho Code, and to have given his consent to evidentiary testing for the
 35 presence of drugs or other intoxicating substances, provided that such
 36 testing is administered at the request of a peace officer having reasonable
 37 grounds to believe that person has been driving or was in actual physical
 38 control of a motor vehicle in violation of the provisions of section 18-8004
 39 or 18-8006, Idaho Code.

40 (2) Such person shall not have the right to consult with an attorney be-
 41 fore submitting to such evidentiary testing.

42 (3) At the time evidentiary testing for concentration of alcohol or for
 43 the presence of drugs or other intoxicating substances is requested, the
 44 person shall be informed that if he refuses to submit to or if he fails to
 45 complete evidentiary testing:

46 (a) He is subject to a civil penalty of two hundred fifty dollars (\$250)
 47 for refusing to take the test;

48 (b) He is subject to mandatory installation of a state approved igni-
 49 tion interlock system, at his expense, on all of the motor vehicles op-

1 erated by him for a period to end one (1) year following the end of the
2 suspension period;

3 (c) He has the right to request a hearing within seven (7) days to show
4 cause why he refused to submit to, or complete evidentiary testing;

5 (d) If he does not request a hearing or does not prevail at the hearing,
6 the court shall sustain the civil penalty and shall order the required
7 installation of a state approved ignition interlock system on all motor
8 vehicles operated by him and his ~~driver's license~~ driving privileges
9 will be suspended absolutely for one (1) year if this is his first re-
10 fusal and two (2) years if this is his second refusal within ten (10)
11 years;

12 (e) Provided however, if he is admitted to a problem solving court pro-
13 gram and has served at least forty-five (45) days of an absolute sus-
14 pension of driving privileges, then he may be eligible for a restricted
15 permit for the purpose of getting to and from work, school or an alcohol
16 treatment program, but only if a state approved ignition interlock sys-
17 tem has been installed, at his expense, on all motor vehicles operated
18 by him; and

19 (f) After submitting to evidentiary testing he may, when practicable,
20 at his own expense, have additional tests made by a person of his own
21 choosing.

22 (4) If the motorist refuses to submit to or complete evidentiary test-
23 ing after the information has been given in accordance with subsection (3) of
24 this section:

25 (a) He shall be fined a civil penalty of two hundred fifty dollars
26 (\$250);

27 (b) The court shall direct the installation, at his expense, of a state
28 approved ignition interlock system meeting the requirements set forth
29 in section 18-8008, Idaho Code, on all motor vehicles operated by him
30 for a period of one (1) year following the end of the suspension period;

31 (c) A written request may be made within seven (7) calendar days for a
32 hearing before the court; if requested, the hearing must be held within
33 thirty (30) days of the date of service unless this period is, for good
34 cause shown, extended by the court for one (1) additional thirty (30)
35 day period. The hearing shall be limited to the question of why the
36 defendant did not submit to, or complete, evidentiary testing, and the
37 burden of proof shall be upon the defendant; the court shall sustain
38 a two hundred fifty dollar (\$250) civil penalty immediately, suspend
39 all the defendant's driving privileges immediately for one (1) year for
40 a first refusal and two (2) years for a second refusal within ten (10)
41 years and direct the installation, at his expense, of a state approved
42 ignition interlock system meeting the requirements set forth in section
43 18-8008, Idaho Code, on all motor vehicles operated by him for a period
44 to end one (1) year following the end of the suspension period, unless it
45 finds that the peace officer did not have legal cause to stop and request
46 him to take the test or that the request violated his civil rights;

47 (d) If a hearing is not requested by written notice to the court con-
48 cerned within seven (7) calendar days, upon receipt of a sworn statement
49 by the peace officer of the circumstances of the refusal, the court
50 shall sustain a two hundred fifty dollar (\$250) civil penalty, suspend

1 the defendant's driving privileges for one (1) year for a first refusal
2 and two (2) years for a second refusal within ten (10) years, during
3 which time he shall have absolutely no driving privileges of any kind,
4 and direct the installation of a state approved ignition interlock
5 system, at his expense, meeting the requirements set forth in section
6 18-8008, Idaho Code, on all motor vehicles operated by him for a period
7 to end one (1) year following the end of the suspension period;

8 (e) Notwithstanding the provisions of paragraphs (c) and (d) of this
9 subsection, if the defendant is enrolled in and is a participant in good
10 standing in a drug court or mental health court approved by the supreme
11 court drug court and mental health court coordinating committee under
12 the provisions of chapter 56, title 19, Idaho Code, or other similar
13 problem solving court utilizing community-based sentencing alterna-
14 tives, then the defendant shall be eligible for restricted noncommer-
15 cial driving privileges for the purpose of getting to and from work,
16 school or an alcohol treatment program, which may be granted by the pre-
17 siding judge of the drug court or mental health court or other similar
18 problem solving court, provided that the defendant has served a period
19 of absolute suspension of driving privileges of at least forty-five
20 (45) days, that a state approved ignition interlock system meeting the
21 requirements set forth in section 18-8008, Idaho Code, is installed,
22 at his expense, on all motor vehicles operated by him for a period to
23 end one (1) year following the end of the suspension period and that the
24 defendant has shown proof of financial responsibility as defined and
25 in the amounts specified in section 49-117, Idaho Code, provided that
26 the restricted noncommercial driving privileges and the requirement
27 of a state approved ignition interlock system may be continued if the
28 defendant successfully completes the drug court, mental health court or
29 other similar problem solving court, and that the court may revoke such
30 privileges for failure to comply with the terms of probation or with the
31 terms and conditions of the drug court, mental health court or other
32 similar problem solving court program; and

33 (f) After submitting to evidentiary testing at the request of the peace
34 officer, he may, when practicable, at his own expense, have additional
35 tests made by a person of his own choosing. The failure or inability to
36 obtain an additional test or tests by a person shall not preclude the ad-
37 mission of results of evidentiary testing for alcohol concentration or
38 for the presence of drugs or other intoxicating substances taken at the
39 direction of the peace officer unless the additional test was denied by
40 the peace officer.

41 (5) Any sustained sanction under this section or section 18-8002A,
42 Idaho Code, shall be a sanction separate and apart from any other sanction
43 imposed for a violation of other Idaho motor vehicle codes or for a con-
44 viction of an offense pursuant to this chapter and may be appealed to the
45 district court.

46 (6) No hospital, hospital officer, agent, or employee, or health care
47 professional licensed by the state of Idaho, whether or not such person has
48 privileges to practice in the hospital in which a body fluid sample is ob-
49 tained or an evidentiary test is made, shall incur any civil or criminal li-
50 ability for any act arising out of administering an evidentiary test for al-

1 cohol concentration or for the presence of drugs or other intoxicating sub-
2 stances at the request or order of a peace officer in the manner described in
3 this section and section 18-8002A, Idaho Code; provided that nothing in this
4 section shall relieve any such person or legal entity from civil liability
5 arising from the failure to exercise the community standard of care.

6 (a) This immunity extends to any person who assists any individual to
7 withdraw a blood sample for evidentiary testing at the request or order
8 of a peace officer, which individual is authorized to withdraw a blood
9 sample under the provisions of section 18-8003, Idaho Code, regardless
10 of the location where the blood sample is actually withdrawn.

11 (b) A peace officer is empowered to order an individual authorized in
12 section 18-8003, Idaho Code, to withdraw a blood sample for evidentiary
13 testing when the peace officer has probable cause to believe that the
14 suspect has committed any of the following offenses:

15 (i) Aggravated driving under the influence of alcohol, drugs or
16 other intoxicating substances as provided in section 18-8006,
17 Idaho Code;

18 (ii) Vehicular manslaughter as provided in subsection (3) (a), (b)
19 and (c) of section 18-4006, Idaho Code;

20 (iii) Aggravated operating of a vessel on the waters of the state
21 while under the influence of alcohol, drugs or other intoxicating
22 substances as provided in section 67-7035, Idaho Code; or

23 (iv) Any criminal homicide involving a vessel on the waters of the
24 state while under the influence of alcohol, drugs or other intoxi-
25 cating substances.

26 (c) Nothing herein shall limit the discretion of the hospital admin-
27 istration to designate the qualified hospital employee responsible to
28 withdraw the blood sample.

29 (d) The law enforcement agency that requests or orders withdrawal of
30 the blood sample shall pay the reasonable costs to withdraw such blood
31 sample, perform laboratory analysis, preserve evidentiary test re-
32 sults, and testify in judicial proceedings. The court may order resti-
33 tution pursuant to the provisions of section 18-8003(2), Idaho Code.

34 (e) The withdrawal of the blood sample may be delayed or terminated if:

35 (i) In the reasonable judgment of the hospital personnel, with-
36 drawal of the blood sample may result in serious bodily injury to
37 hospital personnel or other patients; or

38 (ii) The licensed health care professional treating the suspect
39 believes the withdrawal of the blood sample is contraindicated be-
40 cause of the medical condition of the suspect or other patients.

41 (7) "Actual physical control" as used in this section and section
42 18-8002A, Idaho Code, shall be defined as being in the driver's position of
43 the motor vehicle with the motor running or with the motor vehicle moving.

44 (8) Any written notice required by this section shall be effective upon
45 mailing.

46 (9) For the purposes of this section and section 18-8002A, Idaho Code,
47 "evidentiary testing" shall mean a procedure or test or series of proce-
48 dures or tests, including the additional test authorized in subsection (10)
49 of this section, utilized to determine the concentration of alcohol or the
50 presence of drugs or other intoxicating substances in a person.

1 (10) A person who submits to a breath test for alcohol concentration,
2 as defined in subsection (4) of section 18-8004, Idaho Code, may also be re-
3 quested to submit to a second evidentiary test of blood or urine for the pur-
4 pose of determining the presence of drugs or other intoxicating substances
5 if the peace officer has reasonable cause to believe that a person was driv-
6 ing under the influence of any drug or intoxicating substance or the combined
7 influence of alcohol and any drug or intoxicating substance. The peace of-
8 ficer shall state in his or her report the facts upon which that belief is
9 based.

10 (11) Notwithstanding any other provision of law to the contrary, the
11 civil penalty imposed under the provisions of this section must be paid, as
12 ordered by the court, to the county justice fund or the county current ex-
13 pense fund where the incident occurred. If a person does not pay the civil
14 penalty imposed as provided in this section within thirty (30) days of the
15 imposition, unless this period has been extended by the court for good cause
16 shown, the prosecuting attorney representing the political subdivision
17 where the incident occurred may petition the court in the jurisdiction where
18 the incident occurred to file the order imposing the civil penalty as an or-
19 der of the court. Once entered, the order may be enforced in the same manner
20 as a final judgment of the court. In addition to the civil penalty, attor-
21 ney's fees, costs and interest may be assessed against any person who fails
22 to pay the civil penalty.

23 (12) Upon motion of the person required to install an ignition inter-
24 lock device pursuant to subsection (4) (b) of this section, a court in its
25 discretion may relieve the person from the installation of the device where
26 the court finds it clear and convincing that the person will not present a
27 danger to the public or that there are exceptional or mitigating circum-
28 stances demonstrating that installation of the device is unnecessary or
29 unwarranted. Financial hardship, standing alone, is not an exceptional or
30 mitigating circumstance.

31 (13) A court may determine that an offender is eligible to utilize
32 available funds from the court interlock device and electronic monitoring
33 device fund, as outlined in section 18-8010, Idaho Code, for the instal-
34 lation and operation of an ignition interlock device, based on evidence of
35 financial hardship.

36 (14) As used in this section, "at his expense" includes the cost of ob-
37 taining, installing, using and maintaining an ignition interlock system.

38 SECTION 23. This act shall be in full force and effect on and after Jan-
39 uary 1, 2022.