

IN THE SENATE

SENATE BILL NO. 1198

BY BURGOYNE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-301, IDAHO CODE, TO PROVIDE
2 FOR DRIVING PRIVILEGE CARDS; AMENDING SECTION 49-303, IDAHO CODE, TO
3 PROVIDE FOR DRIVING PRIVILEGE CARDS, TO PROVIDE A CODE REFERENCE AND TO
4 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-306, IDAHO CODE, TO
5 PROVIDE FOR DRIVING PRIVILEGE CARDS AND TO PROVIDE THAT A PERSON WITH-
6 OUT A SOCIAL SECURITY NUMBER MAY APPLY FOR A DRIVING PRIVILEGE CARD;
7 AMENDING SECTION 49-306, IDAHO CODE, AS AMENDED BY SECTION 6, CHAPTER
8 54, LAWS OF 2015, TO PROVIDE FOR DRIVING PRIVILEGE CARDS AND TO PROVIDE
9 THAT A PERSON WITHOUT A SOCIAL SECURITY NUMBER MAY APPLY FOR A DRIVING
10 PRIVILEGE CARD; AMENDING CHAPTER 3, TITLE 49, IDAHO CODE, BY THE ADDI-
11 TION OF A NEW SECTION 49-307B, IDAHO CODE, TO DEFINE TERMS, TO AUTHORIZE
12 THE DEPARTMENT TO ISSUE DRIVING PRIVILEGE CARDS TO CERTAIN INDIVIDUALS,
13 TO PROVIDE ELIGIBILITY REQUIREMENTS, TO PROVIDE CRITERIA FOR DRIVING
14 PRIVILEGE CARDS, TO PROVIDE LIMITATIONS AND TO PROVIDE RULEMAKING AU-
15 THORITY; AMENDING SECTION 49-313, IDAHO CODE, TO PROVIDE FOR DRIVING
16 PRIVILEGE CARDS; AND PROVIDING AN EFFECTIVE DATE.
17

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

19 SECTION 1. That Section 49-301, Idaho Code, be, and the same is hereby
20 amended to read as follows:

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

28 (2) No person shall operate a motorcycle upon a highway unless he has
29 a motorcycle endorsement on his valid driver's license. The provisions of
30 this subsection shall not apply to persons operating autocycles.

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

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

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

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

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

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

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

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

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

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

28 (8) Except as provided in section 49-304, Idaho Code, a violation of
29 this section is a misdemeanor.

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

32 49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not
33 issue any driver's license, any driving privilege card issued pursuant to
34 section 49-307B, Idaho Code, any instruction permit, privileges or right to
35 drive to, and if issued, may revoke or cancel the driver's license or driving
36 privilege card of, a person who:

37 (1) As an operator of a vehicle requiring a class D driver's license, is
38 under the age of seventeen (17) years, except that the department may issue
39 a driver's license to any person who has successfully completed an approved
40 driver's training course, has completed the requirements of a class D su-
41 pervised instruction permit, and who is at least fifteen (15) years of age,
42 with driving privileges restricted to daylight hours only except as provided
43 in section 49-307(9), Idaho Code, and with full privileges at sixteen (16)
44 years of age. The restriction of daylight hours only shall mean that period
45 of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sun-
46 set. If a person who is at least fifteen (15) years but is under seventeen
47 (17) years of age has successfully completed an approved driver's training
48 course and has been issued a driver's license in another state, he may be
49 issued a class D driver's license in this state. Provided however, that a

1 restricted school attendance driving permit may be issued to those persons
2 meeting the criteria set forth in section 49-307A, Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

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

49 (14) Is not lawfully present in the United States, except as provided in
50 section 49-307B, Idaho Code.

1 SECTION 3. That Section 49-306, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-306. APPLICATION FOR DRIVER'S LICENSE, DRIVING PRIVILEGE CARD, IN-
4 STRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTEN-
5 DANCE DRIVING PERMIT. (1) Every application for any instruction permit, re-
6 stricted school attendance driving permit, driving privilege card or for a
7 driver's license shall be made upon a form furnished by the department and
8 shall be verified by the applicant before a person authorized to adminis-
9 ter oaths. Officers and employees of the department and sheriffs and their
10 deputies are authorized to administer the oaths without charge. Every ap-
11 plication for a permit, extension, driving privilege card or driver's li-
12 cense shall be accompanied by the following fee, none of which is refundable:

13	(a) Class A, B, C (4-year) license with endorsements --	
14	age 21 years and older	\$40.00
15	(b) Class A, B, C (3-year) license with endorsements --	
16	age 18 to 21 years	\$30.00
17	(c) Class A, B, C (1-year) license with endorsements --	
18	age 20 years	\$15.00
19	(d) Class D (3-year) license -- under age 18 years	\$25.00
20	(e) Class D (3-year) license -- age 18 to 21 years	\$25.00
21	(f) Class D (1-year) license -- age 17 years or age 20 years	\$15.00
22	(g) Four-year Class D license -- age 21 years and older	\$30.00
23	(h) Eight-year Class D license -- age 21 to 63 years	\$55.00
24	(i) Commercial learner's permit	\$29.00
25	(j) Class D instruction permit or supervised instruction permit	
26	\$15.00
27	(k) Duplicate driver's license or permit 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	\$70.00
34	(p) Class D <u>or driving privilege card</u> skills test	\$24.00
35	(q) Motorcycle endorsement skills test	\$10.00
36	(r) Knowledge test	\$ 3.00
37	(s) Seasonal driver's license	\$39.00
38	(t) One time motorcycle "M" endorsement	\$15.00
39	(u) Motorcycle endorsement instruction permit	\$15.00
40	(v) Restricted driving permit or restricted school attendance	
41	driving permit	\$60.00
42	(w) <u>Driving privilege card issued under</u>	
43	<u>section 49-307B, Idaho Code</u>	\$15.00

44 (2) Every application shall state the true and full name, date of birth,
45 sex, declaration of Idaho residency, Idaho residence address and mailing ad-
46 dress, if different, of the applicant, height, weight, hair color, and eye
47 color, and the applicant's social security number as verified by the social
48 security administration. If an applicant has submitted an application pur-
49 suant to the provisions of chapter 58, title 19, Idaho Code, then the appli-

1 cant may state, in his or her application pursuant to this section, the ap-
 2 plicant's alternative Idaho mailing address in place of his or her Idaho res-
 3 idence address and mailing address. Notwithstanding the provisions of sec-
 4 tion 49-303(13), Idaho Code, an applicant for a nondomiciled class A, B or
 5 C driver's license or nondomiciled commercial learner's permit having res-
 6 idency in a state that is prohibited from issuing class A, B or C driver's
 7 licenses or commercial learner's permits, as provided in 49 CFR 384, is ex-
 8 cepted from providing proof of Idaho residency and an Idaho mailing address.

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

12 (b) An applicant who has not been assigned a social security number
 13 shall:

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

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

20 (iii) Submit such proof as the department may require that the ap-
 21 plicant is lawfully present in the United States; or

22 (iv) May apply for a driving privilege card in accordance with
 23 section 49-307B, Idaho Code.

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

29 (c) Every application for a class A, B or C license shall state where the
 30 applicant has been licensed for the preceding ten (10) years and under
 31 which of the following driving categories the applicant will operate:

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

35 (ii) Excepted Interstate. The applicant operates or expects to
 36 operate in interstate commerce, but engages exclusively in trans-
 37 portation or operations excepted by the federal motor carrier
 38 safety administration from all or parts of the qualification re-
 39 quirements of federal motor carrier safety regulation 49, part
 40 391, and is therefore not required to provide a medical examiner's
 41 certificate;

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

47 (iv) Excepted Intrastate. The applicant operates in intrastate
 48 commerce, but engages exclusively in exempted transportation or
 49 operations as listed in section 67-2901B(2), Idaho Code, and the
 50 applicable parts of federal motor carrier safety regulation 49,

1 part 391, and is therefore not required to provide a medical exam-
2 iner's certificate.

3 All applications shall also state whether the applicant has previ-
4 ously been licensed as a driver, and if so, when and by what state or
5 country, and whether a driver's license or privileges have ever been
6 suspended, revoked, denied, disqualified, canceled or whether an ap-
7 plication has ever been refused, and if so, the date of and reason for
8 the suspension, revocation, denial, disqualification, cancellation
9 or refusal and the applicant's oath that all information is correct as
10 signified by the applicant's signature.

11 (d) The applicant must submit proof of identity acceptable to the exam-
12 iner or the department and date of birth as set forth in a certified copy
13 of his birth certificate. When a certified copy of his birth certifi-
14 cate or a delayed birth certificate is impossible to obtain from a vital
15 statistics agency, another government issued document may be submitted
16 that provides satisfactory evidence of a person's full legal name and
17 date of birth acceptable to the examiner or the department.

18 (e) Every applicant for a class A, B or C driver's license or commer-
19 cial learner's permit shall provide proof of United States citizenship
20 or lawful permanent residency in the United States upon application for
21 issuance, transfer, upgrade or renewal, unless the applicant's driving
22 record already contains documentation confirming United States citi-
23 zenship or lawful permanent residency. Every applicant for a nondomi-
24 ciled class A, B or C driver's license or commercial learner's permit
25 domiciled in a foreign country must provide an unexpired employment au-
26 thorization document issued by the department of homeland security or
27 an unexpired foreign passport accompanied by an approved I-94 form doc-
28 umenting the applicant's most recent admittance into the United States.

29 (f) Individuals required to register in compliance with section 3 of
30 the federal military selective service act, 50 U.S.C. App. 451 et seq.,
31 as amended, shall be provided an opportunity to fulfill such registra-
32 tion requirements in conjunction with an application for a driver's li-
33 cense, commercial learner's permit or instruction permit. Any regis-
34 tration information so supplied shall be transmitted by the department
35 to the selective service system.

36 (3) Whenever an application is received from a person previously li-
37 censed in another jurisdiction, the department shall request a copy of the
38 driver's record from the other jurisdiction and shall contact the national
39 driver register. When received, the driver's record from the previous ju-
40 risdiction shall become a part of the driver's record in this state with the
41 same force and effect as though entered on the driver's record in this state
42 in the original instance.

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

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

1 (6) When the fees required under this section are collected by a county
2 officer, they shall be paid over to the county treasurer not less often than
3 monthly, who shall immediately:

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

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

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

15 (d) Deposit an amount equal to ten dollars (\$10.00) from each fee for
16 a motorcycle endorsement skills test in the current expense fund; pro-
17 vided however, if a contractor administers the skills test he shall be
18 entitled to the ten dollar (\$10.00) fee; and

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

20 (f) Deposit seventeen dollars and fifty cents (\$17.50) from each fee
21 for a class D skills test into the county current expense fund, unless
22 the test is administered by a department-approved contractor, in which
23 case the contractor shall be entitled to seventeen dollars and fifty
24 cents (\$17.50) of each fee.

25 (7) When the fees required under this section are collected by a state
26 officer or agency, they shall be paid over to the state treasurer.

27 (8) The state treasurer shall distribute the moneys received from fees
28 imposed by the provisions of this section, whether collected by a county of-
29 ficer or by a state officer or agency as follows:

30 (a) Two dollars (\$2.00) of each fee for a four-year driver's license
31 or seasonal driver's license, and four dollars (\$4.00) of each fee for
32 an eight-year class D driver's license, and one dollar and fifty cents
33 (\$1.50) of each fee charged for driver's licenses pursuant to subsec-
34 tions (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each
35 fee charged for driver's licenses pursuant to subsections (1) (c) and
36 (f) of this section, shall be deposited in the emergency medical ser-
37 vices fund II created in section 56-1018A, Idaho Code, and four dollars
38 (\$4.00) of each fee charged pursuant to subsections (1) (a), (g) and (s)
39 of this section and eight dollars (\$8.00) of each fee charged pursuant
40 to subsection (1) (h) of this section and three dollars (\$3.00) of each
41 fee for driver's licenses pursuant to subsections (1) (b), (d) and (e)
42 of this section, and one dollar (\$1.00) of each fee charged for driver's
43 licenses pursuant to subsections (1) (c) and (f) of this section shall be
44 deposited in the emergency medical services fund III created in section
45 56-1018B, Idaho Code; and

46 (b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A,
47 B or C driver's license, and nineteen dollars and fifty cents (\$19.50)
48 of each fee charged for a license pursuant to subsection (1) (b) of this
49 section, and eight dollars and sixteen cents (\$8.16) of each fee charged

1 for a license pursuant to subsection (1) (c) of this section shall be de-
2 posited in the state highway account; and

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

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

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

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

16 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year
17 class D driver's license, and ten dollars and sixty cents (\$10.60) of
18 each fee for an eight-year class D driver's license, and four dollars
19 (\$4.00) of each fee charged for a license pursuant to subsections (1) (d)
20 and (e) of this section, and one dollar and thirty-three cents (\$1.33)
21 of each fee charged for a license pursuant to subsection (1) (f) of this
22 section shall be deposited in the driver training fund; and

23 (h) Twelve dollars and seventy cents (\$12.70) of each fee for a
24 four-year class D driver's license, and twenty dollars and forty cents
25 (\$20.40) of each fee for an eight-year class D driver's license, and ten
26 dollars and fifty cents (\$10.50) of each fee charged for a license pur-
27 suant to subsections (1) (d) and (e) of this section, and six dollars and
28 eighty-three cents (\$6.83) of each fee charged for a license pursuant
29 to subsection (1) (f) of this section shall be deposited in the highway
30 distribution fund; and

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

34 (j) Seven dollars and forty cents (\$7.40) of each fee for a class D
35 instruction permit, duplicate class D license or permit, and class D
36 license extension shall be deposited in the highway distribution fund;
37 and

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

40 (l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D
41 driver's license, and two dollars (\$2.00) of each fee for an eight-year
42 class D driver's license, and one dollar (\$1.00) of each fee charged for
43 a license pursuant to subsections (1) (b), (d) and (e) of this section,
44 and thirty-four cents (34¢) of each fee charged for a license pursuant
45 to subsections (1) (c) and (f) of this section shall be deposited in the
46 motorcycle safety program fund established in section 33-4904, Idaho
47 Code; and

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

1 (9) The contractor administering a class A, B or C skills test shall be
2 entitled to not more than sixty dollars (\$60.00) of the skills test fee. A
3 contractor administering a class A, B or C skills test may collect an addi-
4 tional fee for the use of the contractor's vehicle for the skills test.

5 (10) Sixty dollars (\$60.00) of each restricted driving permit and each
6 restricted school attendance driving permit shall be deposited in the state
7 highway account.

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

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

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

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

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

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

21 (12) The department may issue seasonal class B or C driver's licenses to
22 drivers who:

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

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

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

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

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

33 SECTION 4. That Section 49-306, Idaho Code, as amended by Section 6,
34 Chapter 54, Laws of 2015, be, and the same is hereby amended to read as fol-
35 lows:

36 49-306. APPLICATION FOR DRIVER'S LICENSE, DRIVING PRIVILEGE CARD, IN-
37 STRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTEN-
38 DANCE DRIVING PERMIT. (1) Every application for any instruction permit, re-
39 stricted school attendance driving permit, driving privilege card or for a
40 driver's license shall be made upon a form furnished by the department and
41 shall be verified by the applicant before a person authorized to adminis-
42 ter oaths. Officers and employees of the department and sheriffs and their
43 deputies are authorized to administer the oaths without charge. Every ap-
44 plication for a permit, extension, driving privilege card or driver's li-
45 cense shall be accompanied by the following fee, none of which is refundable:

46 (a) Class A, B, C (4-year) license with endorsements --
47 age 21 years and older\$40.00

48 (b) Class A, B, C (3-year) license with endorsements --

1	age 18 to 21 years	\$30.00
2	(c) Class A, B, C (1-year) license with endorsements --	
3	age 20 years	\$15.00
4	(d) Class D (3-year) license -- under age 18 years	\$25.00
5	(e) Class D (3-year) license -- age 18 to 21 years	\$25.00
6	(f) Class D (1-year) license -- age 17 years or age 20 years	\$15.00
7	(g) Four-year Class D license -- age 21 years and older	\$30.00
8	(h) Eight-year Class D license -- age 21 to 63 years	\$55.00
9	(i) Commercial learner's permit	\$29.00
10	(j) Class D instruction permit or supervised instruction permit	
11	\$15.00
12	(k) Duplicate driver's license or permit issued under	
13	section 49-318, Idaho Code	\$15.00
14	(l) Driver's license extension issued under section	
15	49-319, Idaho Code	\$10.00
16	(m) License classification change (upgrade)	\$25.00
17	(n) Endorsement addition	\$15.00
18	(o) Class A, B, C skills tests not more than	\$70.00
19	(p) Class D <u>or driving privilege card</u> skills test	\$24.00
20	(q) Motorcycle endorsement skills test	\$10.00
21	(r) Knowledge test	\$ 3.00
22	(s) Seasonal driver's license	\$39.00
23	(t) One time motorcycle "M" endorsement	\$15.00
24	(u) Motorcycle endorsement instruction permit	\$15.00
25	(v) Restricted driving permit or restricted school attendance	
26	driving permit	\$60.00
27	(w) <u>Driving privilege card issued under</u>	
28	<u>section 49-307B, Idaho Code</u>	\$15.00

29 (2) A person who applies for a driver's license or a driver's license
30 renewal may designate a voluntary contribution of two dollars (\$2.00) for
31 the purpose of promoting and supporting organ donation. Such a contribution
32 shall be treated as a voluntary contribution to the organ donation contribu-
33 tion fund created in section 49-2447, Idaho Code, and not as a driver's li-
34 cense fee.

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

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

4 (b) An applicant who has not been assigned a social security number
5 shall:

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

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

12 (iii) Submit such proof as the department may require that the ap-
13 plicant is lawfully present in the United States; or

14 (iv) May apply for a driving privilege card in accordance with
15 section 49-307B, Idaho Code.

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

21 (c) Every application for a class A, B or C license shall state where the
22 applicant has been licensed for the preceding ten (10) years and under
23 which of the following driving categories the applicant will operate:

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

27 (ii) Excepted interstate. The applicant operates or expects to
28 operate in interstate commerce, but engages exclusively in trans-
29 portation or operations excepted by the federal motor carrier
30 safety administration from all or parts of the qualification re-
31 quirements of federal motor carrier safety regulation 49, part
32 391, and is therefore not required to provide a medical examiner's
33 certificate;

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

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

45 All applications shall also state whether the applicant has previ-
46 ously been licensed as a driver, and if so, when and by what state or
47 country, and whether a driver's license or privileges have ever been
48 suspended, revoked, denied, disqualified, canceled or whether an ap-
49 plication has ever been refused, and if so, the date of and reason for
50 the suspension, revocation, denial, disqualification, cancellation

1 or refusal and the applicant's oath that all information is correct as
2 signified by the applicant's signature.

3 (d) The applicant must submit proof of identity acceptable to the exam-
4 iner or the department and date of birth as set forth in a certified copy
5 of his birth certificate. When a certified copy of his birth certifi-
6 cate or a delayed birth certificate is impossible to obtain from a vital
7 statistics agency, another government issued document may be submitted
8 that provides satisfactory evidence of a person's full legal name and
9 date of birth acceptable to the examiner or the department.

10 (e) Every applicant for a class A, B or C driver's license or commer-
11 cial learner's permit shall provide proof of United States citizenship
12 or lawful permanent residency in the United States upon application for
13 issuance, transfer, upgrade or renewal, unless the applicant's driving
14 record already contains documentation confirming United States citi-
15 zenship or lawful permanent residency. Every applicant for a nondomi-
16 ciled class A, B or C driver's license or commercial learner's permit
17 domiciled in a foreign country must provide an unexpired employment au-
18 thorization document issued by the department of homeland security or
19 an unexpired foreign passport accompanied by an approved I-94 form doc-
20 umenting the applicant's most recent admittance into the United States.

21 (f) Individuals required to register in compliance with section 3 of
22 the federal military selective service act, 50 U.S.C. App. 451 et seq.,
23 as amended, shall be provided an opportunity to fulfill such registra-
24 tion requirements in conjunction with an application for a driver's li-
25 cense, commercial learner's permit or instruction permit. Any regis-
26 tration information so supplied shall be transmitted by the department
27 to the selective service system.

28 (4) Whenever an application is received from a person previously li-
29 censed in another jurisdiction, the department shall request a copy of the
30 driver's record from the other jurisdiction and shall contact the national
31 driver register. When received, the driver's record from the previous ju-
32 risdiction shall become a part of the driver's record in this state with the
33 same force and effect as though entered on the driver's record in this state
34 in the original instance.

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

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

42 (7) When the fees required under this section are collected by a county
43 officer, they shall be paid over to the county treasurer not less often than
44 monthly, who shall immediately:

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

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

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

6 (d) Deposit an amount equal to ten dollars (\$10.00) from each fee for
7 a motorcycle endorsement skills test in the current expense fund; pro-
8 vided however, if a contractor administers the skills test he shall be
9 entitled to the ten dollar (\$10.00) fee;

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

11 (f) Deposit seventeen dollars and fifty cents (\$17.50) from each fee
12 for a class D skills test into the county current expense fund, unless
13 the test is administered by a department-approved contractor, in which
14 case the contractor shall be entitled to seventeen dollars and fifty
15 cents (\$17.50) of each fee.

16 (8) When the fees required under this section are collected by a state
17 officer or agency, they shall be paid over to the state treasurer.

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

21 (a) Two dollars (\$2.00) of each fee for a four-year driver's license
22 or seasonal driver's license, and four dollars (\$4.00) of each fee for
23 an eight-year class D driver's license, and one dollar and fifty cents
24 (\$1.50) of each fee charged for driver's licenses pursuant to subsec-
25 tion (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each
26 fee charged for driver's licenses pursuant to subsection (1) (c) and
27 (f) of this section, shall be deposited in the emergency medical ser-
28 vices fund II created in section 56-1018A, Idaho Code, and four dollars
29 (\$4.00) of each fee charged pursuant to subsection (1) (a), (g) and (s)
30 of this section and eight dollars (\$8.00) of each fee charged pursuant
31 to subsection (1) (h) of this section and three dollars (\$3.00) of each
32 fee for driver's licenses pursuant to subsection (1) (b), (d) and (e) of
33 this section, and one dollar (\$1.00) of each fee charged for driver's
34 licenses pursuant to subsection (1) (c) and (f) of this section shall be
35 deposited in the emergency medical services fund III created in section
36 56-1018B, Idaho Code;

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

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

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

49 (e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class
50 A, B or C driver's license, class A, B or C driver's license extension,

1 or additional endorsement shall be deposited in the state highway ac-
2 count;

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

6 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year
7 class D driver's license, and ten dollars and sixty cents (\$10.60) of
8 each fee for an eight-year class D driver's license, and four dollars
9 (\$4.00) of each fee charged for a license pursuant to subsection (1) (d)
10 and (e) of this section, and one dollar and thirty-three cents (\$1.33)
11 of each fee charged for a license pursuant to subsection (1) (f) of this
12 section shall be deposited in the driver training fund;

13 (h) Twelve dollars and seventy cents (\$12.70) of each fee for a
14 four-year class D driver's license, and twenty dollars and forty cents
15 (\$20.40) of each fee for an eight-year class D driver's license, and ten
16 dollars and fifty cents (\$10.50) of each fee charged for a license pur-
17 suant to subsection (1) (d) and (e) of this section, and six dollars and
18 eighty-three cents (\$6.83) of each fee charged for a license pursuant
19 to subsection (1) (f) of this section shall be deposited in the highway
20 distribution fund;

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

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

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

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

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

39 (n) Each voluntary contribution of two dollars (\$2.00) as described in
40 subsection (2) of this section, less actual administrative costs asso-
41 ciated with collecting and transferring such contributions, shall be
42 deposited into the organ donation contribution fund created in section
43 49-2447, Idaho Code.

44 (10) The contractor administering a class A, B or C skills test shall be
45 entitled to not more than sixty dollars (\$60.00) of the skills test fee. A
46 contractor administering a class A, B or C skills test may collect an addi-
47 tional fee for the use of the contractor's vehicle for the skills test.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 SECTION 5. That Chapter 3, Title 49, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 49-307B, Idaho Code, and to read as follows:

29 49-307B. DRIVING PRIVILEGE CARDS -- ELIGIBILITY, REQUIREMENTS AND
30 LIMITATIONS. (1) As used in this section:

31 (a) "Driving privilege card" means the evidence of the privilege
32 granted and issued under the provisions of this chapter to operate a
33 noncommercial motor vehicle in the same way as a class D driver's li-
34 cense or class D instruction permit;

35 (b) "Governmental entity" means the state of Idaho and its political
36 subdivisions including, but not limited to, any county, city, town,
37 municipality, school district, office, department, agency, authority,
38 commission, board, institution, hospital, college, university or other
39 instrumentality of the state.

40 (2) The department shall issue a driving privilege card to a person who
41 does not have a social security number but meets the requirements estab-
42 lished in sections 49-306 and 49-313, Idaho Code, and who submits proof of a
43 state income tax filing in accordance with chapter 30, title 63, Idaho Code,
44 from the previous year.

45 (3) A driving privilege card shall expire on the birth date of the ap-
46 plicant each year.

47 (4) The department shall distinguish a driving privilege card from a
48 driver's license or instruction permit by:

49 (a) Use of a format, color, font or other means; and

1 (b) Clearly displaying on the front of the driving privilege card a
2 phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT
3 VALID FOR IDENTIFICATION."

4 (5) A governmental entity may not accept a driving privilege card as
5 proof of personal identification.

6 (6) Except as provided in this section, the provisions, requirements,
7 classes, endorsements, fees, restrictions and sanctions provided in this
8 chapter apply to a driving privilege card in the same way as a class D
9 driver's license or class D instruction permit issued under this chapter.

10 (7) The department may promulgate rules to implement the provisions of
11 this section.

12 SECTION 6. That Section 49-313, Idaho Code, be, and the same is hereby
13 amended to read as follows:

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

33 (2) The knowledge and skills examinations for applicants for driver's
34 licenses in class A, B or C shall be conducted in compliance with 49 CFR part
35 383.

36 (3) The skills test for a class A, B, C or D driver's license, a driving
37 privilege card or for any endorsement shall be given by the department or its
38 authorized agents. The skills examiner for a motorcycle endorsement shall
39 be certified by the division of professional-technical education.

40 (4) The department shall not issue the following endorsements except as
41 provided:

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

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

48 (c) A school bus endorsement unless the applicant, in addition to all
49 other applicable qualifications, has passed appropriate knowledge and

1 skills tests. Until September 30, 2005, the department may waive the
2 school bus endorsement skills test requirement if the applicant meets
3 the conditions set forth in accordance with 49 CFR part 383.123.

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

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

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

13 (a) On and after September 1, 1998, if the applicant presents satisfac-
14 tory evidence of successful completion of a recognized motorcycle rider
15 training course approved by the division of professional-technical ed-
16 ucation;

17 (b) On and after September 1, 1998, if the applicant presents evi-
18 dence of a motorcycle endorsement on his current license by a state or
19 province which requires a motorcycle skills test equivalent to that re-
20 quired by Idaho law as determined by the division of professional-tech-
21 nical education;

22 (c) Until September 1, 1998.

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

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

33 (10) The department or its authorized agents may deny issuance or re-
34 newal of a driver's license, a driving privilege card or endorsement to
35 any applicant who does not meet the licensing requirements for the class of
36 driver's license, driving privilege card or endorsement being renewed or
37 issued.

38 (11) Skills examinations for seasonal driver's licenses shall be
39 waived.

40 SECTION 7. The provisions of Section 4 of this act shall be in full force
41 and effect when the Director of the Idaho Department of Transportation sub-
42 mits to the Secretary of State in writing that the Idaho Transportation De-
43 partment's information technology system has been updated to support the Or-
44 gan Donation Contribution Fund.