

IN THE SENATE

SENATE BILL NO. 1208

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO COMMERCIAL DRIVER'S LICENSES; AMENDING SECTION 49-104, IDAHO  
2 CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
3 SECTION 49-105, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION  
4 49-110, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-115,  
5 IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-123, IDAHO CODE,  
6 TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SEC-  
7 TION 49-305, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO COMMERCIAL  
8 LEARNER'S PERMITS; AMENDING SECTION 49-306, IDAHO CODE, TO ESTABLISH  
9 PROVISIONS RELATING TO APPLICATION FOR A COMMERCIAL LEARNER'S PERMIT;  
10 AMENDING SECTION 49-306, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER  
11 354, LAWS OF 2013, TO ESTABLISH PROVISIONS RELATING TO APPLICATION FOR  
12 A COMMERCIAL LEARNER'S PERMIT; AMENDING SECTION 49-313, IDAHO CODE, TO  
13 ESTABLISH PROVISIONS RELATING TO A CERTAIN EXAMINATION; AND PROVIDING  
14 AN EFFECTIVE DATE.  
15

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

17 SECTION 1. That Section 49-104, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 49-104. DEFINITIONS -- C. (1) "Cancellation of driver's license"  
20 means the annulment or termination by formal action of the department of a  
21 person's driver's license because of some error or defect in the driver's  
22 license or because the licensee is no longer entitled to the driver's li-  
23 cense. The cancellation of a driver's license is without prejudice and after  
24 compliance with requirements, the individual may apply for a new driver's  
25 license at any time after cancellation.

26 (2) "Caravaning" means the transportation of any motor vehicle into,  
27 out of, or within the state operating on its own wheels or in tow for the pur-  
28 pose of sale or offer of sale by any agent, dealer, manufacturer's represen-  
29 tative, purchaser, or prospective purchaser, regardless of residence unless  
30 the motor vehicle is licensed by the state of Idaho, or is owned by an auto-  
31 mobile dealer, duly licensed as a dealer by this state. It shall also be con-  
32 sidered as the transportation of property for hire by a motor vehicle upon  
33 the highways of this state.

34 (3) "Certificate of liability insurance" means a certificate of lia-  
35 bility insurance issued by an insurance company authorized to do business  
36 in this state or a certificate of liability insurance issued by the depart-  
37 ment of insurance which demonstrates current insurance against loss result-  
38 ing from liability imposed by law for bodily injury or death or damage to  
39 property suffered by any person caused by accident and arising out of the op-  
40 eration, maintenance or use of a motor vehicle described in the certificate  
41 in an amount not less than that required by section 49-117(18), Idaho Code,  
42 and also demonstrates the current existence of any other coverage required

1 by title 41, Idaho Code, or a certificate of self-insurance issued pursuant  
2 to law for each motor vehicle to be registered. A certificate of liability  
3 insurance shall contain the information required by the department of insur-  
4 ance, including the name and address of the owner of the motor vehicle and a  
5 description of the motor vehicle including identification number if there is  
6 one, or a statement that all vehicles owned by a person or entity are covered  
7 by insurance, the inception date of coverage, and the name of the insurer.  
8 "Certificate of liability insurance" may also include the original contract  
9 of liability insurance or a true copy, demonstrating the current existence  
10 of the liability insurance described in this subsection.

11 (4) "Certification of safety compliance" means that a motor carrier  
12 certifies as part of its registration process that it has knowledge of the  
13 federal regulations and rules promulgated by the Idaho transportation de-  
14 partment and the Idaho state police applicable to motor carriers.

15 (5) "Chains" means metal traction devices required pursuant to section  
16 49-948, Idaho Code, which consist of two (2) circular metal loops, one (1)  
17 on each side of the tire, connected by not less than nine (9) ~~evenly-spaced~~  
18 evenly spaced chains across the tire tread.

19 (6) "Coerce" means to compel or attempt to compel by threat or use of  
20 force.

21 (7) "Commercial coach." (See section 39-4301, Idaho Code)

22 (8) "Commercial driver's license" means any class A, class B or class C  
23 driver's license as defined in section 49-105, Idaho Code.

24 (9) "Commercial driver license information system (CDLIS)" is the in-  
25 formation system established to serve as a clearinghouse for locating infor-  
26 mation related to the licensing and identification of motor vehicle drivers.

27 (10) "Commercial driver training school" means a business enterprise  
28 conducted by an individual, association, partnership, or corporation, for  
29 the education and training of persons, either practically or theoretically,  
30 or both, to operate or drive motor vehicles, and charging a consideration or  
31 tuition for such services.

32 (11) "Commercial learner's permit" means a permit issued to an in-  
33 dividual by a state or other jurisdiction of domicile, in accordance with  
34 the standards contained in 49 CFR 383.5, which, when carried with a valid  
35 driver's license issued by the same state or jurisdiction, authorizes the  
36 individual to operate a commercial vehicle when accompanied by a holder of  
37 a valid commercial driver's license (CDL) for purposes of behind-the-wheel  
38 training.

39 (12) "Commercial vehicle" or "commercial motor vehicle." (See "Vehi-  
40 cle," section 49-123, Idaho Code)

41 (123) "Compliance review" means an on-site examination of motor car-  
42 rier operations, which may be at the carrier's place of business, including  
43 driver's hours of service, vehicle maintenance and inspection, driver  
44 qualifications, commercial driver's license requirements, financial re-  
45 sponsibility, accidents, hazardous materials, and such other related safety  
46 and transportation records to determine safety fitness.

47 (134) "Controlled substance" means any substance so classified under  
48 section 102(6) of the controlled substances act, 21 U.S.C. 802(6), and in-  
49 cludes all substances listed on schedules I through V, of 21~~7~~ CFR part 1308,  
50 as they may be revised from time to time.

1 (145) "Conviction" means:

2 (a) The person has pled guilty or has been found guilty, notwithstand-  
3 ing the form of the judgment or withheld judgment. A conviction for pur-  
4 poses of this title shall also include an infraction judgment.

5 (b) For purposes of disqualification or withdrawal of commercial vehi-  
6 cle driving privileges only, "conviction" means an unvacated adjudica-  
7 tion of guilt, or determination that a person has violated or failed to  
8 comply with the law in a court of original jurisdiction or by an autho-  
9 rized administrative tribunal, an unvacated forfeiture of bail or col-  
10 lateral deposited to secure the person's appearance in court, a plea of  
11 guilty or nolo contendere accepted by the court, the payment of a fine or  
12 court cost, or violation of a condition of release without bail, regard-  
13 less of whether or not the penalty is rebated, suspended or probated.

14 (156) "Crosswalk" means:

15 (a) That part of a highway at an intersection included within the con-  
16 nections of the lateral lines of the sidewalks on opposite sides of the  
17 highway measured from the curbs or in the absence of curbs, from the  
18 edges of the traversable highway; and in the absence of a sidewalk on one  
19 side of the highway, that part of a highway included within the exten-  
20 sion of the lateral lines of the existing sidewalk at right angles to the  
21 centerline.

22 (b) Any portion of a highway at an intersection or elsewhere distinctly  
23 indicated for pedestrian crossing by lines or other markings on the sur-  
24 face.

25 SECTION 2. That Section 49-105, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the busi-  
28 ness of buying, selling or exchanging five (5) or more new or used vehicles,  
29 new or used neighborhood electric vehicles, new or used motorcycles, motor-  
30 driven cycles, snow machines or motorbikes, travel trailers, truck campers,  
31 all-terrain vehicles, utility type vehicles or motor homes in any calendar  
32 year, either outright or on conditional sale, bailment, lease, chattel mort-  
33 gage, or otherwise, or who has an established place of business for the sale,  
34 lease, trade, or display of these vehicles. No insurance company, bank, fi-  
35 nance company, public utilities company, or other person coming into posses-  
36 sion of any vehicle, as an incident to its regular business, who shall sell  
37 that vehicle under any contractual rights it may have, shall be considered a  
38 dealer. See also "salvage pool," section 49-120, Idaho Code.

39 (2) "Dealer's selling agreement." (See "Franchise," section 49-107,  
40 Idaho Code)

41 (3) "Department" means the Idaho transportation department acting di-  
42 rectly or through its duly authorized officers and agents, except in chap-  
43 ters 6 and 9, title 49, Idaho Code, where the term means the Idaho state po-  
44 lice, except as otherwise specifically provided.

45 (4) "Designated family member" means the spouse, child, grandchild,  
46 parent, brother or sister of the owner of a vehicle dealership who, in the  
47 event of the owner's death, is entitled to inherit the ownership interest in  
48 the dealership under the same terms of the owner's will, or who has been nom-  
49 inated in any other written instrument, or who, in the case of an incapaci-

1 tated owner of a dealership, has been appointed by a court as the legal repre-  
2 sentative of the dealer's property.

3 (5) "Director" means the director of the Idaho transportation depart-  
4 ment, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term  
5 means the director of the Idaho state police.

6 (6) "Disclose" means to engage in any practice or conduct to make avail-  
7 able and make known personal information contained in records of the depart-  
8 ment about a person to any other person, organization or entity, by any means  
9 of communication.

10 (7) "Disqualification" as defined in 49 CFR part 383, means withdrawal  
11 by the department of commercial vehicle driving privileges.

12 (8) "Distributor" means any person, firm, association, corporation or  
13 trust, resident or nonresident, who has a franchise from a manufacturer of  
14 vehicles to distribute vehicles in this state, and who in whole or in part  
15 sells or distributes new vehicles to dealers or who maintains distributor  
16 representatives.

17 (9) "Distributor branch" means a branch office similarly maintained by  
18 a distributor for the same purposes a factory branch is maintained.

19 (10) "Distributor representative" means any person, firm, association,  
20 corporation or trust, and each officer and employee thereof engaged as a rep-  
21 resentative of a distributor or distributor branch of vehicles for the pur-  
22 pose of making or promoting the sale of vehicles, or for supervising or con-  
23 tacting dealers or prospective dealers.

24 (11) "District" means:

25 (a) Business district. The territory contiguous to and including a  
26 highway when within any six hundred (600) feet along the highway there  
27 are buildings in use for business or industrial purposes, including ho-  
28 tels, banks or office buildings, railroad stations and public buildings  
29 which occupy at least three hundred (300) feet of frontage on one side or  
30 three hundred (300) feet collectively on both sides of the highway.

31 (b) Residential district. The territory contiguous to and including  
32 a highway not comprising a business district when the property on the  
33 highway for a distance of three hundred (300) feet or more is in the main  
34 improved with residences, or residences and buildings in use for busi-  
35 ness.

36 (c) Urban district. The territory contiguous to and including any  
37 highway which is built up with structures devoted to business, indus-  
38 try or dwelling houses. For purposes of establishing speed limits in  
39 accordance with the provisions of section 49-654, Idaho Code, no state  
40 highway or any portion thereof lying within the boundaries of an urban  
41 district is subject to the limitations which otherwise apply to non-  
42 state highways within an urban district.

43 (12) "Documented vessel" means a vessel having a valid marine document  
44 as a vessel of the United States.

45 (13) "Downgrade" as it pertains to commercial drivers licensing shall  
46 mean either:

47 (a) The driver has changed his or her medical requirement self-certifi-  
48 cation to interstate but operates exclusively in transportation or op-  
49 erations excepted from part 391 of the federal motor carrier safety reg-  
50 ulations; or

1 (b) The driver has changed his or her medical requirement self-certifi-  
2 cation to intrastate and operates exclusively in transportation or op-  
3 erations as listed in section 67-2901B(2), Idaho Code; or

4 (c) The driver no longer has commercial motor vehicle driving privi-  
5 leges, but has retained privileges to drive noncommercial motor vehi-  
6 cles.

7 (14) "Drag race" means the operation of two (2) or more vehicles from a  
8 point side by side at accelerating speeds in a competitive attempt to out-  
9 distance each other, or the operation of one (1) or more vehicles over a com-  
10 mon selected course, from the same point to the same point, for the purpose  
11 of comparing the relative speeds or power of acceleration of the vehicles  
12 within a certain distance or time limit.

13 (15) "Driver" means every person who drives or is in actual physical  
14 control of a vehicle.

15 (16) "Driver's license" means a license or permit issued by the depart-  
16 ment or by any other jurisdiction to an individual which authorizes the indi-  
17 vidual to operate a motor vehicle or commercial motor vehicle on the highways  
18 in accordance with the requirements of title 49, Idaho Code.

19 (17) "Driver's license -- Classes of" are issued for the operation of a  
20 vehicle based on the size of the vehicle or the type of load and mean:

21 (a) Class A. This license shall be issued and valid for the operation  
22 of any combination of motor vehicles with a manufacturer's gross combi-  
23 nation weight rating (GCWR) in excess of twenty-six thousand (26,000)  
24 pounds, provided the manufacturer's gross vehicle weight rating (GVWR)  
25 of the vehicle(s) being towed is in excess of ten thousand (10,000)  
26 pounds. Persons holding a valid class A license may also operate vehi-  
27 cles requiring a class B, C or D license.

28 (b) Class B. This license shall be issued and valid for the operation  
29 of any single vehicle with a manufacturer's gross vehicle weight rat-  
30 ing (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such  
31 vehicle towing a vehicle not in excess of ten thousand (10,000) pounds  
32 manufacturer's gross vehicle weight rating (GVWR). Persons holding a  
33 valid class B license may also operate vehicles requiring a class C li-  
34 cense or a class D license.

35 (c) Class C. This license shall be issued and valid for the operation  
36 of any single vehicle or combination of vehicles that does not meet the  
37 definition of class A or class B, as defined in this section, but that  
38 either is designed to transport sixteen (16) or more people including  
39 the driver, or is of any size which does not meet the definition of class  
40 A or class B and is used in the transportation of materials found to be  
41 hazardous according to the hazardous material transportation act and  
42 which requires the motor vehicle to be placarded under the federal haz-  
43 ardous materials regulations 49 CFR part 172, subpart F. Persons hold-  
44 ing a valid class C license may also operate vehicles requiring a class D  
45 license.

46 (d) Class D. This license shall be issued and valid for the operation of  
47 a motor vehicle that is not a commercial vehicle as defined in section  
48 49-123, Idaho Code.

49 (e) "Seasonal driver's license" means a special restricted class B or  
50 C driver's license to operate certain commercial vehicles in farm-re-

1 lated industries under restrictions imposed by the department. As used  
2 in this definition, "farm-related industry" shall mean custom har-  
3 vesters, farm retail outlets and suppliers, agri-chemical businesses  
4 and livestock feeders. Seasonal driver's licenses are not valid for  
5 driving vehicles carrying any quantities of hazardous material requir-  
6 ing placarding, except for diesel fuel in quantities of one thousand  
7 (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients,  
8 in vehicles or implements of husbandry with total capacities of three  
9 thousand (3,000) gallons or less, and solid fertilizers, i.e., solid  
10 plant nutrients, that are not mixed with any organic substance.

11 (18) "Driver record" means any record that pertains to an individual's  
12 driver's license, driving permit, driving privileges, driving history,  
13 identification documents or other similar credentials issued by the depart-  
14 ment.

15 (19) "Driver's license endorsements" means special authorizations that  
16 are required to be displayed on a driver's license which permit the driver to  
17 operate certain types of commercial vehicles or commercial vehicles hauling  
18 certain types of cargo, or to operate a motorcycle or a school bus.

19 (a) "Endorsement T -- Double/Triple trailer" means this endorsement is  
20 required on a class A, B or C license to permit the licensee to operate a  
21 vehicle authorized to tow more than one (1) trailer.

22 (b) "Endorsement H -- Hazardous material" means this endorsement is re-  
23 quired on a class A, B or C license if the driver is operating a vehicle  
24 used in the transportation of materials found to be hazardous according  
25 to the hazardous material transportation act and which requires the mo-  
26 tor vehicle to be placarded under the federal hazardous materials regu-  
27 lations 49 CFR part 172, subpart F.

28 (c) "Endorsement P -- Passenger" means this endorsement is required on  
29 a class A, B or C license to permit the licensee to operate a vehicle de-  
30 signed to transport sixteen (16) or more people including the driver.

31 (d) "Endorsement N -- Tank vehicle" means this endorsement is required  
32 on a class A, B or C license to permit the licensee to operate a tank  
33 vehicle which is designed to transport any liquid or gaseous materials  
34 within a tank that is either permanently or temporarily attached to the  
35 vehicle. Such vehicles include, but are not limited to, cargo tanks  
36 and portable tanks, as defined in federal regulations 49 CFR part 171.  
37 This definition does not include portable tanks having a rated capacity  
38 under one thousand (1,000) gallons as defined in section 49-123, Idaho  
39 Code.

40 (e) "Endorsement M -- Motorcycle" means this endorsement is required on  
41 a driver's license to permit the driver to operate a motorcycle or mo-  
42 tor-driven cycle.

43 (f) "Endorsement S -- School bus" means this endorsement is required on  
44 a class A, B or C license to permit the licensee to operate a school bus  
45 in accordance with 49 CFR part 383, to transport preprimary, primary or  
46 secondary school students from home to school, from school to home, or  
47 to and from school-sponsored events. School bus does not include a bus  
48 used as a common carrier.

49 (20) "Driveway" means a private road giving access from a public way to a  
50 building on abutting grounds.

1 (21) "Dromedary tractor" means every motor vehicle designed and used  
 2 primarily for drawing a semitrailer and so constructed as to carry mani-  
 3 fested cargo in addition to a part of the weight of the semitrailer.

4 SECTION 3. That Section 49-110, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 49-110. DEFINITIONS -- I. (1) "Identifying number" means:

7 (a) Motor number. That identifying number stamped on the engine of a  
 8 vehicle.

9 (b) Vehicle identification number. The numbers and letters, if any,  
 10 placed on a vehicle by the manufacturer for the purpose of identifying  
 11 the vehicle.

12 (2) "Implements of husbandry" means every vehicle including self-pro-  
 13 pelled units, designed or adapted and used exclusively in agricultural,  
 14 horticultural, dairy and livestock growing and feeding operations when be-  
 15 ing incidentally operated. Such implements include, but are not limited  
 16 to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, har-  
 17 rows, hay balers, harvesting and stacking equipment, pesticide applicators,  
 18 plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor  
 19 when attached to or drawing any implement of husbandry shall be construed  
 20 to be an implement of husbandry. "Implements of husbandry" do not include  
 21 semitrailers, nor do they include motor vehicles or trailers, unless their  
 22 design limits their use to agricultural, horticultural, dairy or livestock  
 23 growing and feeding operations.

24 (3) "Incidentally operated" means the transport of the implement of  
 25 husbandry from one (1) farm operation to another.

26 (4) "Individual record" means a record containing personal information  
 27 about a designated person who is the subject of the record as identified in a  
 28 request for information.

29 (5) "Infraction" means a civil public offense, not constituting a  
 30 crime, which is not punishable by incarceration and for which there is no  
 31 right to a trial by jury or right to court-appointed counsel, and which is  
 32 punishable by only a penalty not exceeding one hundred dollars (\$100) and no  
 33 imprisonment.

34 (6) "Instruction permits":

35 (a) ~~"Class A, B or C instruction permit." means a temporary privilege to~~  
 36 ~~operate a motor vehicle for which a commercial driver's license is re-~~  
 37 ~~quired; is available only to a person who is eighteen (18) years of age~~  
 38 ~~or older; is issued pursuant to the provisions of section 49-305, Idaho~~  
 39 ~~Code; and the permittee is subject to the conditions specified therein.~~  
 40 (See "Commercial learner's permit," section 49-104, Idaho Code)

41 (b) "Class D driver's training instruction permit" means a temporary  
 42 privilege to operate a class D motor vehicle while attending classes  
 43 as an enrollee of a public or private driver's training course only; is  
 44 available to a person aged fourteen and one-half (14 1/2) and older; is  
 45 issued to the instructor of the driver's training course; is issued and  
 46 expires pursuant to the provisions of section 49-307, Idaho Code; and  
 47 the permittee is subject to the conditions specified in section 49-307,  
 48 Idaho Code.

1 (c) "Class D instruction permit" means a temporary privilege to op-  
2 erate a class D motor vehicle which is available to a person under the  
3 age of seventeen (17) years who has successfully completed an approved  
4 driver's training course and has satisfied the requirements of a class D  
5 supervised instruction permit, or to any person seventeen (17) years of  
6 age or older; is valid for a period of one hundred eighty (180) days or as  
7 provided in section 49-305, Idaho Code, if applicable; privileges are  
8 limited to driving with a person who is at least eighteen (18) years of  
9 age who holds a valid class D driver's license and is actually occupying  
10 a seat beside the permittee; is issued pursuant to the provisions of  
11 section 49-305, Idaho Code; and the permittee is subject to the condi-  
12 tions specified in section 49-305, Idaho Code.

13 (d) "Class D supervised instruction permit" means a temporary privi-  
14 lege to operate a class D motor vehicle which is available to a person  
15 who is at least fourteen and one-half (14 1/2) years of age who has suc-  
16 cessfully completed an approved driver's training course. No person  
17 may apply for a class D driver's license until he has attained the age of  
18 at least fifteen (15) years and has successfully satisfied the require-  
19 ments of this permit, as specified and issued pursuant to the provisions  
20 of section 49-307, Idaho Code.

21 (7) "Instructor" means any person, whether acting for himself as oper-  
22 ator of a commercial driver training school or for such a school for compen-  
23 sation, who teaches, conducts classes of, gives demonstrations to, or super-  
24 vises practice of, persons learning to operate or drive motor vehicles.

25 (8) "Insurer" means any insurer, public or private, which shall in-  
26 clude, but not be limited to, insurance companies domiciled in the state of  
27 Idaho, agents, adjuster or any other person acting on behalf of any insurance  
28 not domiciled in the state of Idaho and any self-insured entity operating  
29 under Idaho insurance laws or rules.

30 (9) "International registration plan" means a registration reci-  
31 procity agreement among the states of the United States and provinces  
32 of Canada providing for payment of registration and licensing fees on a  
33 proportional basis determined by the fleet miles operated in the various  
34 jurisdictions.

35 (10) "Intersection" means:

36 (a) The area embraced within the prolongation or connection of the  
37 lateral curb lines, or, if none, then the lateral boundary lines of the  
38 roadways of two (2) highways which join one another at, or approximately  
39 at, right angles, or the area within which vehicles traveling upon dif-  
40 ferent highways joining at any other angle may come in conflict.

41 (b) Where a highway includes two (2) roadways thirty (30) feet or more  
42 apart, then every crossing of each roadway of the divided highway by an  
43 intersecting highway shall be regarded as a separate intersection. In  
44 the event an intersecting highway also includes two (2) roadways thirty  
45 (30) feet or more apart, then every crossing of two (2) roadways of the  
46 highways shall be regarded as a separate intersection.

47 (c) The junction of an alley with a street or highway shall not consti-  
48 tute an intersection.

49 SECTION 4. That Section 49-115, Idaho Code, be, and the same is hereby  
50 amended to read as follows:



1 49-115. DEFINITIONS -- N. (1) "National network" means highways  
 2 available to vehicles authorized by the provisions of the federal surface  
 3 transportation assistance act of 1982 as amended, and listed in 23 CFR part  
 4 658, appendix A.

5 (2) "Neighborhood electric vehicle." (See "Vehicle," section 49-123,  
 6 Idaho Code)

7 (3) "Noncommercial vehicle." (See "Vehicle," section 49-123, Idaho  
 8 Code)

9 (4) "Nondomiciled commercial learner's permit or nondomiciled commer-  
 10 cial driver's license" means a commercial learner's permit or a commercial  
 11 driver's license, respectively, issued by a state or other jurisdiction un-  
 12 der either of the following conditions:

13 (a) To an individual domiciled in a foreign country meeting the re-  
 14 quirements of 49 CFR 383.23(b) (1); or

15 (b) To an individual domiciled in another state meeting the require-  
 16 ments of 49 CFR 383.23(b) (2).

17 (5) "Nonresident" means every person who is not a resident of this  
 18 state.

19 (56) "Nonresident's operating privilege" means the privilege con-  
 20 ferred upon a nonresident by the laws of this state pertaining to the  
 21 operation by that person of a motor vehicle, or the use of a vehicle owned by  
 22 that person, in this state.

23 SECTION 5. That Section 49-123, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an  
 26 axle or axles designed to support a part of the vehicle and load and which  
 27 can be regulated to vary the amount of load supported by such an axle or axles  
 28 and which can be deployed or lifted by the operator of the vehicle. (See also  
 29 section 49-117, Idaho Code-)

30 (a) "Fully raised" means that the variable load suspension axle is in  
 31 an elevated position preventing the tires on such axle from having any  
 32 contact with the roadway.

33 (b) "Fully deployed" means that the variable load suspension axle is  
 34 supporting a portion of the weight of the loaded vehicle as controlled  
 35 by the preset pressure regulator valve.

36 (2) "Vehicle" means:

37 (a) General. Every device in, upon, or by which any person or property  
 38 is or may be transported or drawn upon a highway, excepting devices used  
 39 exclusively upon stationary rails or tracks.

40 (b) Authorized emergency vehicle. Vehicles operated by any fire  
 41 department or law enforcement agency of the state of Idaho or any po-  
 42 litical subdivision of the state, ambulances, vehicles belonging to  
 43 personnel of voluntary fire departments while in performance of offi-  
 44 cial duties only, vehicles belonging to, or operated by EMS personnel  
 45 certified or otherwise recognized by the EMS bureau of the Idaho depart-  
 46 ment of health and welfare while in the performance of emergency medical  
 47 services, sheriff's search and rescue vehicles which are under the im-  
 48 mediate supervision of the county sheriff, wreckers which are engaged  
 49 in motor vehicle recovery operations and are blocking part or all of one

1 (1) or more lanes of traffic, other emergency vehicles designated by the  
2 director of the Idaho state police or vehicles authorized by the Idaho  
3 transportation board and used in the enforcement of laws specified  
4 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand  
5 (10,000) pounds or greater.

6 (c) Commercial vehicle or commercial motor vehicle. For the purposes  
7 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-  
8 ment, a motor vehicle or combination of motor vehicles designed or used  
9 to transport passengers or property if the motor vehicle:

10 (i) Has a manufacturer's gross combination weight rating (GCWR)  
11 in excess of twenty-six thousand (26,000) pounds inclusive of  
12 a towed unit with a manufacturer's gross vehicle weight rating  
13 (GVWR) of more than ten thousand (10,000) pounds; or

14 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in  
15 excess of twenty-six thousand (26,000) pounds; or

16 (iii) Is designed to transport sixteen (16) or more people, in-  
17 cluding the driver; or

18 (iv) Is of any size and is used in the transportation of materials  
19 found to be hazardous for the purposes of the hazardous material  
20 transportation act and which require the motor vehicle to be plac-  
21 arded under the hazardous materials regulations (49 CFR part 172,  
22 subpart F).

23 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle  
24 registration, a vehicle or combination of vehicles of a type used or  
25 maintained for the transportation of persons for hire, compensation or  
26 profit, or the transportation of property for the owner of the vehicle,  
27 or for hire, compensation, or profit, and shall include fixed load spe-  
28 cially constructed vehicles exceeding the limits imposed by chapter  
29 10, title 49, Idaho Code, and including drilling rigs, construction,  
30 drilling and wrecker cranes, log jammers, log loaders, and similar  
31 vehicles which are normally operated in an overweight or oversize  
32 condition or both, but shall not include those vehicles registered pur-  
33 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section  
34 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement  
35 that has a seating capacity for not more than fifteen (15) persons,  
36 including the driver, shall not be a "commercial vehicle" under the pro-  
37 visions of this title relating to equipment requirements, rules of the  
38 road, or registration.

39 (d) Farm vehicle. A vehicle or combination of vehicles owned by a  
40 farmer or rancher, which are operated over public highways, and used  
41 exclusively to transport unprocessed agricultural, dairy or livestock  
42 products raised, owned and grown by the owner of the vehicle to market or  
43 place of storage; and shall include the transportation by the farmer or  
44 rancher of any equipment, supplies or products purchased by that farmer  
45 or rancher for his own use, and used in the farming or ranching opera-  
46 tion or used by a farmer partly in transporting agricultural products  
47 or livestock from the farm of another farmer that were originally grown  
48 or raised on the farm, or when used partly in transporting agricultural  
49 supplies, equipment, materials or livestock to the farm of another  
50 farmer for use or consumption on the farm but not transported for hire,

1 and shall not include vehicles of husbandry or vehicles registered pur-  
2 suant to sections 49-402 and 49-402A, Idaho Code.

3 (e) Foreign vehicle. Every vehicle of a type required to be registered  
4 under the provisions of this title brought into this state from another  
5 state, territory or country other than in the ordinary course of busi-  
6 ness by or through a manufacturer or dealer and not registered in this  
7 state.

8 (f) Glider kit vehicle. Every large truck manufactured from a kit man-  
9 ufactured by a manufacturer of large trucks which consists of a frame,  
10 cab complete with wiring, instruments, fenders and hood and front axles  
11 and wheels. The "glider kit" is made into a complete assembly by the ad-  
12 dition of the engine, transmission, rear axles, wheels and tires.

13 (g) Motor vehicle. Every vehicle which is self-propelled, and for the  
14 purpose of titling and registration meets federal motor vehicle safety  
15 standards as defined in section 49-107, Idaho Code. Motor vehicle does  
16 not include vehicles moved solely by human power, electric personal as-  
17 sistance mobility devices and motorized wheelchairs or other such vehi-  
18 cles that are specifically exempt from titling or registration require-  
19 ments under title 49, Idaho Code.

20 (h) Multipurpose passenger vehicle (MPV). For the purposes of section  
21 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer  
22 persons which is constructed either on a truck chassis or with special  
23 features for occasional off-road operation.

24 (i) Neighborhood electric vehicle (NEV). A self-propelled, electri-  
25 cally-powered, four-wheeled motor vehicle which is emission free and  
26 conforms to the definition and requirements for low-speed vehicles as  
27 adopted in the federal motor vehicle safety standards for low-speed ve-  
28 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-  
29 tled, registered and insured according to law as provided respectively  
30 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated  
31 by a licensed driver. Operation of an NEV on a highway shall be allowed  
32 as provided in section 49-663, Idaho Code.

33 (j) Noncommercial vehicle. For the purposes of chapter 4, title 49,  
34 Idaho Code, motor vehicle registration, a noncommercial vehicle shall  
35 not include those vehicles required to be registered under sections  
36 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-  
37 nations of vehicles which are not commercial vehicles or farm vehicles,  
38 but shall include motor homes. A noncommercial vehicle shall include  
39 those vehicles having a combined gross weight not in excess of sixty  
40 thousand (60,000) pounds and not held out for hire, used for purposes  
41 related to private use and not used in the furtherance of a business or  
42 occupation for compensation or profit or for transporting goods for  
43 other than the owner.

44 (k) Passenger car. For the purposes of section 49-966, Idaho Code, a  
45 motor vehicle, except a multipurpose passenger vehicle, motorcycle or  
46 trailer, designed to carry ten (10) or fewer persons.

47 (l) Rebuilt salvage vehicle. Every vehicle that has been rebuilt or re-  
48 paired using like make and model parts and visually appears as a vehicle  
49 that was originally constructed under a distinctive manufacturer. This

1 includes a salvage vehicle which is damaged to the extent that a "re-  
2 built salvage" brand is required to be added to the title.

3 (m) Reconstructed vehicles. Vehicles which have been reconstructed  
4 by the use of a kit designed to be used to construct an exact replica of  
5 a vehicle which was previously constructed under a distinctive name,  
6 make, model or type by a generally recognized manufacturer of vehicles.  
7 A glider kit vehicle is not a reconstructed vehicle.

8 (n) Replica vehicle. A vehicle made to replicate any passenger car or  
9 truck previously manufactured, using metal, fiberglass or other com-  
10 posite materials. Replica vehicles must look like the original vehi-  
11 cle being replicated but may use a more modern drive train. At a mini-  
12 mum, replica vehicles shall meet the same federal motor vehicle safety  
13 and emission standards in effect for the year and type of vehicle being  
14 replicated.

15 (o) Salvage vehicle. Any vehicle for which a salvage certificate,  
16 salvage bill of sale or other documentation showing evidence that the  
17 vehicle has been declared salvage or which has been damaged to the ex-  
18 tent that the owner, or an insurer, or other person acting on behalf of  
19 the owner, determines that the cost of parts and labor minus the salvage  
20 value makes it uneconomical to repair or rebuild. When an insurance  
21 company has paid money or has made other monetary settlement as compen-  
22 sation for a total loss of any vehicle, such vehicle shall be considered  
23 to be a salvage vehicle.

24 (p) Specially constructed vehicle. Every vehicle of a type required  
25 to be registered not originally constructed under a distinctive name,  
26 make, model or type by a generally recognized manufacturer of vehicles  
27 and not materially altered from its original construction and cannot be  
28 visually identified as a vehicle produced by a particular manufacturer.  
29 This includes:

30 (i) A vehicle that has been structurally modified so that it does  
31 not have the same appearance as a similar vehicle from the same  
32 manufacturer; or

33 (ii) A vehicle that has been constructed entirely from homemade  
34 parts and materials not obtained from other vehicles; or

35 (iii) A vehicle that has been constructed by using major compo-  
36 nent parts from one (1) or more manufactured vehicles and cannot be  
37 identified as a specific make or model; or

38 (iv) A vehicle constructed by the use of a custom kit that cannot  
39 be visually identified as a specific make or model. All specially  
40 constructed vehicles of a type required to be registered shall be  
41 certified by the owner to meet all applicable federal motor ve-  
42 hicle safety standards in effect at the time construction is com-  
43 pleted, and all requirements of chapter 9, title 49, Idaho Code.

44 (q) Specialty off-highway vehicle. A specialty off-highway vehicle as  
45 defined in section 67-7101, Idaho Code.

46 (r) Tank vehicle.

47 (i) Any commercial motor vehicle transporting, or designed to  
48 transport, any liquid or gaseous materials within:

1           1. A tank that is either permanently or temporarily attached  
 2 or secured to the vehicle or chassis and has a rated capacity  
 3 of one thousand (1,000) gallons or more; or

4           2. Multiple tanks either permanently or temporarily at-  
 5 tached or secured, when the aggregate rated capacity of  
 6 those tanks is one thousand (1,000) gallons or more, as de-  
 7 termined by adding the capacity of each individual tank with  
 8 a capacity of more than one hundred nineteen (119) gallons.

9           (ii) If a commercial motor vehicle transports one (1) or more  
 10 tanks that are manifested either as empty or as residue and that  
 11 are actually empty or contain only residue, those tanks shall not  
 12 be considered in determining whether the vehicle is a tank vehi-  
 13 cle.

14           (qs) Total loss vehicle. Every vehicle that is deemed to be uneconomi-  
 15 cal to repair. A total loss shall occur when an insurance company or any  
 16 other person pays or makes other monetary settlement to the owner when  
 17 it is deemed to be uneconomical to repair the damaged vehicle. The com-  
 18 pensation for total loss as defined herein shall not include payments  
 19 by an insurer or other person for medical care, bodily injury, vehicle  
 20 rental or for anything other than the amount paid for the actual damage  
 21 to the vehicle.

22           (3) "Vehicle identification number." (See "Identifying number," sec-  
 23 tion 49-110, Idaho Code)

24           (4) "Vehicle salesman" means any person who, for a salary, commission  
 25 or compensation of any kind, is employed either directly or indirectly, or  
 26 regularly or occasionally by any dealer to sell, purchase or exchange, or to  
 27 negotiate for the sale, purchase or exchange of vehicles. (See also "~~F~~Full-  
 28 time salesman," section 49-107, Idaho Code, and "~~p~~Part-time salesman," sec-  
 29 tion 49-117, Idaho Code)

30           (5) "Vessel." (See section 67-7003, Idaho Code)

31           (6) "Veteran." (See section 65-502, Idaho Code)

32           (7) "Violation" means a conviction of a misdemeanor charge involving a  
 33 moving traffic violation, or an admission or judicial determination of the  
 34 commission of an infraction involving a moving traffic infraction, except  
 35 bicycle infractions.

36           SECTION 6. That Section 49-305, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38           49-305. INSTRUCTION PERMITS -- COMMERCIAL LEARNER'S PERMIT --  
 39 TEMPORARY LICENSES -- MOTORCYCLE ENDORSEMENT INSTRUCTION PERMIT. (1) Upon  
 40 passage of the required knowledge tests appropriate for the vehicle being  
 41 operated, the department may issue a class A, B or C instruction commercial  
 42 learner's permit for the type of vehicle(s) the person will be operating,  
 43 or a class D instruction permit for a class D motor vehicle, entitling the  
 44 applicant, while having the permit in his immediate possession, to drive  
 45 a motor vehicle upon the highways for a period of up to one hundred eighty  
 46 (180) days or as provided in paragraph (b) of this subsection (1) for certain  
 47 class D instruction permits. That person must be accompanied by an adult  
 48 driver eighteen (18) years of age or older who holds a valid driver's license  
 49 appropriate for the vehicle being operated and who is actually occupying a

1 seat beside the driver. A commercial learner's permit or class D instruction  
2 permit must be valid for no more than one hundred eighty (180) days and may  
3 be renewed one (1) time without requiring the permit holder to retake and  
4 pass the required knowledge tests for that class of permit, provided the  
5 knowledge tests are less than one (1) year old. The commercial learner's  
6 permit holder is not eligible to take the commercial driver's license skills  
7 test in the first fourteen (14) days after initial issuance of the commercial  
8 learner's permit.

9 (a) Any person under the age of seventeen (17) years who has success-  
10 fully completed an approved driver's training course and has satisfied  
11 the requirements of a class D supervised instruction permit, or any per-  
12 son who has reached the age of seventeen (17) years may apply for a class  
13 D instruction permit. Any person applying for any class D instruction  
14 permit or driving privileges who is under the age of eighteen (18) years  
15 shall be in compliance with school attendance requirements of section  
16 49-303A, Idaho Code.

17 (b) If a person reaches the age of seventeen (17) years while operat-  
18 ing a class D vehicle with a class D supervised instruction permit, and  
19 such class D supervised instruction permit becomes a class D instruc-  
20 tion permit as provided in section 49-307, Idaho Code, then such class  
21 D instruction permit shall expire five (5) days after the permittee's  
22 eighteenth birthday.

23 (c) Any person who has reached the age of eighteen (18) years, holds  
24 a valid Idaho class D driver's license and has at least one (1) year  
25 of driving experience, may apply for a ~~class A, B or C instruction~~  
26 commercial learner's permit.

27 (d) The department shall not issue a hazardous material endorsement on  
28 any ~~instruction commercial learner's~~ permit.

29 (2) The department may, at its discretion, issue a temporary class D  
30 driver's license to an applicant for a class D driver's license permitting  
31 him to operate a motor vehicle while the department is completing its inves-  
32 tigation and determination of all facts relative to the applicant's right  
33 to receive a driver's license. The temporary license may be canceled at the  
34 department's discretion at any time after issuance. The temporary license  
35 must be in the applicant's immediate possession while operating a motor ve-  
36 hicle, and it shall be invalid when the applicant's driver's license has been  
37 issued or for good cause has been refused.

38 (3) A certified copy of an applicant's birth certificate shall be re-  
39 quired before a class D driver's license or class D instruction permit will  
40 be issued.

41 (4) The department may issue a motorcycle endorsement instruction per-  
42 mit to an applicant who has a valid driver's license and who has success-  
43 fully completed the motorcycle rider's knowledge test and paid the appropri-  
44 ate fees. The permit entitles the applicant, while having the permit in his  
45 immediate possession, to operate a motorcycle upon the highways for a period  
46 not to exceed one hundred eighty (180) days. The motorcycle endorsement in-  
47 struction permit may be renewed one (1) time without the requirement to re-  
48 take and pass the motorcycle rider's knowledge test if the test is less than  
49 one (1) year old. If the permittee passes the skills test for a motorcycle  
50 endorsement within one hundred eighty (180) days of issuance of the motorcy-

1 cle endorsement instruction permit, he shall not be required to pay the mo-  
2 torcycle endorsement fee. A person holding a motorcycle instruction permit  
3 shall not carry any passenger while operating a motorcycle, shall not oper-  
4 ate a motorcycle except during the hours of daylight only and shall not oper-  
5 ate a motorcycle upon any interstate highway system.

6 A violation of the conditions of a motorcycle endorsement instruction  
7 permit is an infraction. The department shall cancel the permit whether or  
8 not such violation results in conviction of the infraction.

9 SECTION 7. That Section 49-306, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT,  
12 COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PER-  
13 MIT. (1) Every application for any instruction permit, restricted school  
14 attendance driving permit, or for a driver's license shall be made upon a  
15 form furnished by the department and shall be verified by the applicant be-  
16 fore a person authorized to administer oaths. Officers and employees of the  
17 department and sheriffs and their deputies are authorized to administer the  
18 oaths without charge. Every application for a permit, extension or driver's  
19 license shall be accompanied by the following fee, none of which is refund-  
20 able:

- 21 (a) Class A, B, C (4-year) license with endorsements --
- 22 age 21 years and older ..... \$40.00
- 23 (b) Class A, B, C (3-year) license with endorsements --
- 24 age 18 to 21 years ..... \$30.00
- 25 (c) Class A, B, C (1-year) license with endorsements --
- 26 age 20 years ..... \$15.00
- 27 (d) Class D (3-year) license -- under age 18 years ..... \$25.00
- 28 (e) Class D (3-year) license -- age 18 to 21 years ..... \$25.00
- 29 (f) Class D (1-year) license -- age 17 years or age 20 years ..... \$15.00
- 30 (g) Four-year Class D license -- age 21 years and older ..... \$30.00
- 31 (h) Eight-year Class D license -- age 21 to 63 years ..... \$55.00
- 32 (i) ~~Class A, B, C instruction~~ Commercial learner's permit ..... \$29.00
- 33 (j) Class D instruction permit or supervised instruction permit
- 34 ..... \$15.00
- 35 (k) Duplicate driver's license or permit issued under
- 36 section 49-318, Idaho Code ..... \$15.00
- 37 (l) Driver's license extension issued under section
- 38 49-319, Idaho Code ..... \$10.00
- 39 (m) License classification change (upgrade) ..... \$25.00
- 40 (n) Endorsement addition ..... \$15.00
- 41 (o) Class A, B, C skills tests not more than ..... \$70.00
- 42 (p) Class D skills test ..... \$24.00
- 43 (q) Motorcycle endorsement skills test ..... \$10.00
- 44 (r) Knowledge test ..... \$ 3.00
- 45 (s) Seasonal driver's license ..... \$39.00
- 46 (t) One time motorcycle "M" endorsement ..... \$15.00
- 47 (u) Motorcycle endorsement instruction permit ..... \$15.00
- 48 (v) Restricted driving permit or restricted school attendance
- 49 driving permit ..... \$60.00

1 (2) 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. An applicant for a nondomiciled class A,  
 10 B or C driver's license or nondomiciled commercial learner's permit having  
 11 residency in a state that is prohibited from issuing class A, B or C driver's  
 12 licenses or commercial learner's permits, as provided in 49 CFR 384, is ex-  
 13 cepted from providing proof of Idaho residency and an Idaho mailing address.

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

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

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

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

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

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

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

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

38 (ii) Excepted Interstate. The applicant operates or expects to  
 39 operate in interstate commerce, but engages exclusively in trans-  
 40 portation or operations excepted by the federal motor carrier  
 41 safety administration from all or parts of the qualification re-  
 42 quirements of federal motor carrier safety regulation 49, part  
 43 391, and is therefore not required to provide a medical examiner's  
 44 certificate;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (a) Two dollars (\$2.00) of each fee for a four-year driver's license  
35 or seasonal driver's license, and four dollars (\$4.00) of each fee for  
36 an eight-year class D driver's license, and one dollar and fifty cents  
37 (\$1.50) of each fee charged for driver's licenses pursuant to subsec-  
38 tions (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each  
39 fee charged for driver's licenses pursuant to subsections (1) (c) and  
40 (f) of this section, shall be deposited in the emergency medical ser-  
41 vices fund II created in section 56-1018A, Idaho Code, and four dollars  
42 (\$4.00) of each fee charged pursuant to subsections (1) (a), (g) and (s)  
43 of this section and eight dollars (\$8.00) of each fee charged pursuant  
44 to subsection (1) (h) of this section and three dollars (\$3.00) of each  
45 fee for driver's licenses pursuant to subsections (1) (b), (d) and (e)  
46 of this section, and one dollar (\$1.00) of each fee charged for driver's  
47 licenses pursuant to subsections (1) (c) and (f) of this section shall be  
48 deposited in the emergency medical services fund III created in section  
49 56-1018B, Idaho Code; and

- 1 (b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A,  
2 B or C driver's license, and nineteen dollars and fifty cents (\$19.50)  
3 of each fee charged for a license pursuant to subsection (1) (b) of this  
4 section, and eight dollars and sixteen cents (\$8.16) of each fee charged  
5 for a license pursuant to subsection (1) (c) of this section shall be de-  
6 posited in the state highway account; and
- 7 (c) ~~Twenty dollars (\$20.00) of each fee for a class A, B or C instruction~~  
8 ~~commercial learner's permit or driver's license classification change~~  
9 ~~shall be deposited in the state highway account; and~~
- 10 (d) Four dollars (\$4.00) of each fee for a ~~class A, B or C instruction~~  
11 ~~commercial learner's permit~~ shall be deposited in the emergency medical  
12 services fund III created in section 56-1018B, Idaho Code; and
- 13 (e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class  
14 A, B or C driver's license, class A, B or C driver's license extension,  
15 or additional endorsement shall be deposited in the state highway ac-  
16 count; and
- 17 (f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle  
18 endorsement and motorcycle endorsement instruction permit shall be de-  
19 posited in the state highway account; and
- 20 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year  
21 class D driver's license, and ten dollars and sixty cents (\$10.60) of  
22 each fee for an eight-year class D driver's license, and four dollars  
23 (\$4.00) of each fee charged for a license pursuant to subsections (1) (d)  
24 and (e) of this section, and one dollar and thirty-three cents (\$1.33)  
25 of each fee charged for a license pursuant to subsection (1) (f) of this  
26 section shall be deposited in the driver training fund; and
- 27 (h) Twelve dollars and seventy cents (\$12.70) of each fee for a  
28 four-year class D driver's license, and twenty dollars and forty cents  
29 (\$20.40) of each fee for an eight-year class D driver's license, and ten  
30 dollars and fifty cents (\$10.50) of each fee charged for a license pur-  
31 suant to subsections (1) (d) and (e) of this section, and six dollars and  
32 eighty-three cents (\$6.83) of each fee charged for a license pursuant  
33 to subsection (1) (f) of this section shall be deposited in the highway  
34 distribution fund; and
- 35 (i) Two dollars and sixty cents (\$2.60) of each fee for a class D in-  
36 struction permit, duplicate class D license or permit, and class D li-  
37 cense extension shall be deposited in the driver training fund; and
- 38 (j) Seven dollars and forty cents (\$7.40) of each fee for a class D  
39 instruction permit, duplicate class D license or permit, and class D  
40 license extension shall be deposited in the highway distribution fund;  
41 and
- 42 (k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test  
43 shall be deposited in the state highway account; and
- 44 (l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D  
45 driver's license, and two dollars (\$2.00) of each fee for an eight-year  
46 class D driver's license, and one dollar (\$1.00) of each fee charged for  
47 a license pursuant to subsections (1) (b), (d) and (e) of this section,  
48 and thirty-four cents (34¢) of each fee charged for a license pursuant  
49 to subsections (1) (c) and (f) of this section shall be deposited in the

1 motorcycle safety program fund established in section 33-4904, Idaho  
2 Code; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 SECTION 8. That Section 49-306, Idaho Code, as amended by Section 2,  
38 Chapter 354, Laws of 2013, be, and the same is hereby amended to read as fol-  
39 lows:

40 49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT,  
41 COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PER-  
42 MIT. (1) Every application for any instruction permit, restricted school  
43 attendance driving permit, or for a driver's license shall be made upon a  
44 form furnished by the department and shall be verified by the applicant be-  
45 fore a person authorized to administer oaths. Officers and employees of the  
46 department and sheriffs and their deputies are authorized to administer the  
47 oaths without charge. Every application for a permit, extension or driver's  
48 license shall be accompanied by the following fee, none of which is refund-  
49 able:

1	(a) Class A, B, C (4-year) license with endorsements --	
2	age 21 years and older .....	\$40.00
3	(b) Class A, B, C (3-year) license with endorsements --	
4	age 18 to 21 years .....	\$30.00
5	(c) Class A, B, C (1-year) license with endorsements --	
6	age 20 years .....	\$15.00
7	(d) Class D (3-year) license -- under age 18 years .....	\$25.00
8	(e) Class D (3-year) license -- age 18 to 21 years .....	\$25.00
9	(f) Class D (1-year) license -- age 17 years or age 20 years .....	\$15.00
10	(g) Four-year Class D license -- age 21 years and older .....	\$30.00
11	(h) Eight-year Class D license -- age 21 to 63 years .....	\$55.00
12	(i) <del>Class A, B, C instruction</del> Commercial learner's permit .....	\$29.00
13	(j) Class D instruction permit or supervised instruction	
14	permit .....	\$15.00
15	(k) Duplicate driver's license or permit issued under	
16	section 49-318, Idaho Code .....	\$15.00
17	(l) Driver's license extension issued under section	
18	49-319, Idaho Code .....	\$10.00
19	(m) License classification change (upgrade) .....	\$25.00
20	(n) Endorsement addition .....	\$15.00
21	(o) Class A, B, C skills tests not more than .....	\$70.00
22	(p) Class D skills test .....	\$24.00
23	(q) Motorcycle endorsement skills test .....	\$10.00
24	(r) Knowledge test .....	\$ 3.00
25	(s) Seasonal driver's license .....	\$39.00
26	(t) One time motorcycle "M" endorsement .....	\$15.00
27	(u) Motorcycle endorsement instruction permit .....	\$15.00
28	(v) Restricted driving permit or restricted school attendance	
29	driving permit .....	\$60.00
30	(2) A person who applies for a driver's license or a driver's license	
31	renewal may designate a voluntary contribution of two dollars (\$2.00) for	
32	the purpose of promoting and supporting organ donation. Such a contribution	
33	shall be treated as a voluntary contribution to the organ donation contribu-	
34	tion fund created in section 49-2447, Idaho Code, and not as a driver's li-	
35	cence fee.	
36	(3) Every application shall state the true and full name, date of birth,	
37	sex, declaration of Idaho residency, Idaho residence address and mailing ad-	
38	dress, if different, of the applicant, height, weight, hair color, and eye	
39	color, and the applicant's social security number as verified by the social	
40	security administration. If an applicant has submitted an application pur-	
41	suant to the provisions of chapter 58, title 19, Idaho Code, then the appli-	
42	cant may state, in his or her application pursuant to this section, the ap-	
43	plicant's alternative Idaho mailing address in place of his or her Idaho res-	
44	idence address and mailing address. <u>An applicant for a nondomiciled class A,</u>	
45	<u>B or C driver's license or nondomiciled commercial learner's permit having</u>	
46	<u>residency in a state that is prohibited from issuing class A, B or C driver's</u>	
47	<u>licenses or commercial learner's permits, as provided in 49 CFR 384, is ex-</u>	
48	<u>cepted from providing proof of Idaho residency and an Idaho mailing address.</u>	

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43       (a) Deposit an amount equal to five dollars (\$5.00) from each driver's  
44       license except an eight-year class D license, or any class D instruction  
45       permit application fees, application for a duplicate driver's license  
46       or permit, classification change, seasonal driver's license and addi-  
47       tional endorsement, and ten dollars (\$10.00) from each eight-year class  
48       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 ~~class A, B or C instruction~~  
44 commercial learner's permit or driver's license classification change  
45 shall be deposited in the state highway account;

46 (d) Four dollars (\$4.00) of each fee for a ~~class A, B or C instruction~~  
47 commercial learner's permit shall be deposited in the emergency medical  
48 services fund III created in 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 9. That Section 49-313, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or  
29 authorized agents of the department shall examine every applicant for an  
30 instruction permit, commercial learner's permit, restricted school at-  
31 tendance driving permit, seasonal driver's license, driver's license or a  
32 motorcycle endorsement, except as otherwise provided by law. The examina-  
33 tion shall include a vision screening and a test of the applicant's ability  
34 to read and understand highway signs regulating, warning, and directing  
35 traffic. A skills test shall be required for an applicant who has not been  
36 previously licensed for the class of license requested, or who holds a li-  
37 cense issued by another country unless a reciprocal agreement is in force.  
38 However, a skills test may be required for any and all other applicants at  
39 the discretion of the examiner or department for a class A, B, C or D driver's  
40 license or a motorcycle endorsement. In addition, the applicant's knowledge  
41 of traffic laws of this state and when a motorcycle endorsement is applied  
42 for, the applicant's knowledge of safe motorcycle operating practices and  
43 traffic laws specifically relating to motorcycle operation shall be tested  
44 by a written examination, except as provided in section 49-319, Idaho Code.  
45 At the discretion of the examiner, the prescribed written examination may be  
46 conducted orally.

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

1 (3) The skills test for a class A, B, C or D driver's license or for any  
2 endorsement shall be given by the department or its authorized agents. The  
3 skills examiner for a motorcycle endorsement shall be certified by the divi-  
4 sion of professional-technical education.

5 (4) The department shall not issue the following endorsements except as  
6 provided:

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

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

13 (c) A school bus endorsement unless the applicant, in addition to all  
14 other applicable qualifications, has passed appropriate knowledge and  
15 skills tests. Until September 30, 2005, the department may waive the  
16 school bus endorsement skills test requirement if the applicant meets  
17 the conditions set forth in accordance with 49 CFR part 383.123.

18 (5) Any person failing to pass a knowledge or skills test for a class  
19 A, B, C or D driver's license, or a knowledge test for a seasonal driver's  
20 license, or any endorsement may not retake the test within three (3) business  
21 days of the failure.

22 (6) Any person retaking a knowledge or skills test for a driver's li-  
23 cense shall pay the appropriate testing fee as specified in section 49-306,  
24 Idaho Code.

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

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

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

36 (c) Until September 1, 1998.

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

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

47 (10) The department or its authorized agents may deny issuance or re-  
48 newal of a driver's license or endorsement to any applicant who does not meet  
49 the licensing requirements for the class of driver's license or endorsement  
50 being renewed or issued.

1           (11) Skills examinations for seasonal driver's licenses shall be  
2 waived.

3           SECTION 10. This act shall be in full force and effect on and after July  
4 8, 2014.