

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 133

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-307, IDAHO CODE, TO PROVIDE FOR DRIVER'S TRAINING BY A QUALIFYING PARENT OR LEGAL GUARDIAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-302, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00), except that a pupil who participates in parent-student driver's training pursuant to subsection (7) of this section shall pay a nonrefundable fee of ten dollars (\$10.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the state highway account, and five dollars (\$5.00) shall be deposited in the county current expense fund, and. The additional five dollars (\$5.00) for every class D driver's training course enrollee shall be:

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

(b) Paid to the division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund if the person is taking driver's training from a private driver's training program. The amount to be remitted to the division of occupational and professional licenses shall be annually calculated and paid. To calculate such amount, the total number of public driver's training students as submitted to the state department of education shall be subtracted from the total number of permits sold as reported by the Idaho transportation department, and the resulting number shall be multiplied by five dollars (\$5.00).

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a class D driver's training instruction permit

1 or a class D instruction permit upon receipt of identification acceptable
 2 to the department. The certified copy of an applicant's birth certificate
 3 shall be required before a class D driver's license will be issued.

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

13 (5) The class D driver's training instruction permit shall be issued to
 14 the instructor of the course or to the qualifying parent or legal guardian as
 15 described in subsection (7) of this section.

16 (6) Class D supervised instruction permit.

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

26 (b) In the event the permittee reaches the age of seventeen (17) years
 27 while operating a class D vehicle with a class D supervised instruction
 28 permit, the supervised instruction permit shall become a class D in-
 29 struction permit.

30 (7) (a) Notwithstanding any other provisions of law, pupils eligible
 31 for driver's training pursuant to section 33-1703, Idaho Code, may
 32 receive driver's training instruction from a qualifying parent or le-
 33 gal guardian. The driver's training provided for in this subsection
 34 shall be known as "parent-student driver's training." A parent or legal
 35 guardian qualifies to provide parent-student driver's training under
 36 this subsection as long as:

37 (i) The parent or legal guardian possesses a valid Idaho driver's
 38 license that permits unaccompanied driving; and

39 (ii) The parent or legal guardian has not had a license suspended,
 40 revoked, or canceled and has not been disqualified from holding an
 41 Idaho driver's license for the previous two (2) years. A parent
 42 or legal guardian will no longer be qualified if a license becomes
 43 suspended, revoked, or canceled or if a parent or legal guardian
 44 becomes disqualified from holding an Idaho driver's license dur-
 45 ing the student's education.

46 (b) Parent-student driver's training shall include ninety-two (92)
 47 total hours, over a period of no less than six (6) months, of driver's
 48 training provided to the student, including:

49 (i) No less than fifty (50) hours of street or highway driving;
 50 and

(ii) No less than ten (10) hours of driving after sunset or before sunrise.

(c) A qualifying parent or legal guardian who provides parent-student driver's training under this section shall maintain and submit a log to the county driver's license office at the completion of the student's training. The log shall include the dates the lessons were conducted and details regarding what was included in the lesson.

(d) A student may receive parent-student driver's training from more than one (1) qualifying parent or legal guardian.

(e) A student must meet the requirements of subsection (8) of this section before applying for a class D driver's license.

(8) No permittee may apply for a class D driver's license sooner than fifteen (15) years of age and no sooner than six (6) months after completing a class D driver's training course, during which time the permittee shall satisfy all requirements for operation of a class D vehicle with a class D supervised instruction permit as follows:

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

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

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

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

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

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

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section 18-1502, 18-8004 or 23-949, Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17) years of age, the permittee may reapply for and be issued a new class D supervised instruction permit upon payment of the appropriate fee, and

shall again be required to operate with the class D supervised instruction permit for at least six (6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time, and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection.

(89) Upon completion of the requirements in subsection (78) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(910) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

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

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

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

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

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

SECTION 2. That Section 49-302, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(a) Controlled and operated by a farmer, including operation by employees or family members; and

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

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

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

1 (3) Any person is exempt from obtaining a class A, B or C driver's li-
2 cense for the operation of commercial motor vehicles which are necessary to
3 the preservation of life or property or the execution of emergency govern-
4 mental functions, are equipped with audible and visual signals, and are not
5 subject to normal traffic regulations.

6 (4) Any person is exempt from obtaining a class A, B or C license to op-
7 erate a commercial vehicle which is exclusively used to transport personal
8 possessions or family members for nonbusiness or recreational purposes.

9 (5) A nonresident who is at least fifteen (15) years of age and who has
10 in his immediate possession a valid driver's license issued to him in his
11 home state or country may operate a motor vehicle in Idaho only as a class
12 D operator with driving privileges restricted to daylight hours only except
13 as provided in section 49-307(910), Idaho Code, and with full privileges at
14 sixteen (16) years of age, and only if Idaho residency is not established.

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

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

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

28 (9) Any active duty military personnel, active duty U.S. coast guard
29 personnel, and members of the reserves and national guard on active duty in-
30 cluding personnel on full-time national guard duty, personnel on part-time
31 training and national guard military technicians who as civilians are re-
32 quired to wear military uniforms and are subject to the code of military
33 justice, are exempt from obtaining a commercial driver's license to operate
34 military vehicles. This exemption does not apply to U.S. reserve techni-
35 cians.

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

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

46 (a) Any unlicensed operators under the age of sixteen (16) years, on
47 national forest roads must have completed a motorbike or ATV safety
48 course approved by the Idaho department of parks and recreation, and a
49 certificate or other proof of completion of such safety course shall be
50 in the possession of the unlicensed operator of any ATV, UTV, specialty

off-highway vehicle or motorbike, or shall be present in the vehicle at all times when the vehicle is operated on national forest roads. The certificate or proof of completion shall be provided for inspection to any peace officer upon request. No person shall be convicted of violating the provisions of this subsection if that person produces, at any time prior to conviction, the certificate or proof of completion of the approved safety course where the certificate shows completion of the course prior to the violation. In the event of a violation of the provisions of this subsection, the supervising adult may be charged with an infraction.

(b) For purposes of this subsection, "supervised" means that the supervising adult must be in a position, on another ATV, UTV, specialty off-highway vehicle or motorbike, or if on the ground, within three hundred (300) feet of the unlicensed operator, to provide close support, assistance or direction to the unlicensed operator.

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

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

(1) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years, except that the department may issue a driver's license to any person who has successfully completed an approved driver's training course, who has completed the requirements of a class D supervised instruction permit, and who is at least fifteen (15) years of age, with driving privileges restricted to daylight hours only except as provided in section 49-307(910), Idaho Code, and with full privileges at sixteen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. If a person who is at least fifteen (15) years but is under seventeen (17) years of age has successfully completed an approved driver's training course and has been issued a driver's license in another state, he may be issued a class D driver's license in this state. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

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

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

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

(5) As a driver, has had his license, class D instruction permit, restricted school attendance driving permit, privileges or right to drive

1 suspended for the duration of the suspension, nor to any person who has had
2 his class D driver's training instruction permit or class D supervised in-
3 struction permit canceled for the duration of the cancellation, nor to any
4 person whose license has been revoked, suspended, canceled or disqualified
5 by this state or any other jurisdiction; provided however, where a driver's
6 license has been revoked, suspended, canceled or disqualified in any other
7 jurisdiction, and the driver has completed the period of revocation, suspen-
8 sion, cancellation or disqualification as specified by the jurisdiction,
9 that person may be granted a class D driver's license in this state if five
10 (5) years have elapsed from the time of eligibility for reinstatement in
11 the other jurisdiction, even though the driver has not fulfilled the re-
12 quirements for reinstatement in the other jurisdiction. Notwithstanding
13 the provisions of this section, a person who has had his noncommercial Idaho
14 driver's license suspended may renew his driver's license as provided in
15 section 49-319, Idaho Code, which renewal shall be subject to the suspen-
16 sion.

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

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

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

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

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

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

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

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

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

39 SECTION 4. An emergency existing therefor, which emergency is hereby
40 declared to exist, this act shall be in full force and effect on and after
41 January 1, 2024.