

IN THE SENATE

SENATE BILL NO. 1230, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-335, IDAHO  
2 CODE, TO PROVIDE FOR REINSTATEMENT OF COMMERCIAL DRIVER'S LICENSES UN-  
3 DER CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION.  
4

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

6 SECTION 1. That Section 49-335, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 49-335. DISQUALIFICATIONS AND PENALTIES -- COMMERCIAL DRIVER'S LI-  
9 CENSE. (1) Any person who operates a commercial motor vehicle or who holds a  
10 class A, B or C driver's license is disqualified from operating a commercial  
11 motor vehicle for a period of not less than one (1) year if convicted in the  
12 form of a judgment or withheld judgment of a first violation under any state  
13 or federal law of:

14 (a) Operating a motor vehicle while under the influence of alcohol or a  
15 controlled substance;

16 (b) Operating a commercial motor vehicle while the alcohol concentra-  
17 tion of the person's blood, breath or bodily substance is 0.04 or more;

18 (c) Leaving the scene of an accident involving a motor vehicle driven by  
19 the person;

20 (d) Using a motor vehicle in the commission of any felony;

21 (e) Operating a commercial motor vehicle when the person's class A, B  
22 or C commercial driver's license driving privileges were revoked, sus-  
23 pended or canceled, or during a time when such person was disqualified  
24 from operating a commercial motor vehicle, if the reason for such revo-  
25 cation, suspension, cancellation or disqualification was the result of  
26 a violation that occurred while the person was operating a commercial  
27 motor vehicle;

28 (f) Causing a fatality through negligent operation of a commercial mo-  
29 tor vehicle, including, but not limited to, the crimes of motor vehicle  
30 manslaughter, homicide by motor vehicle and negligent homicide.

31 (2) Any person who operates a commercial motor vehicle or who holds a  
32 class A, B or C driver's license is disqualified from operating a commercial  
33 motor vehicle for a period of not less than one (1) year if the person refuses  
34 to submit to or submits to and fails a test to determine the driver's alcohol,  
35 drug or other intoxicating substances concentration while operating a motor  
36 vehicle.

37 (3) If any of the offenses specified in subsection (1) or (2) of this  
38 section occurred while transporting a hazardous material required to be  
39 placarded, the person is disqualified for a period of not less than three (3)  
40 years.

41 (4) A person is disqualified for the period of time specified in 49 CFR  
42 part 383 if found to have committed two (2) or more of any of the offenses

1 specified in subsection (1) or (2) of this section, or any combination of  
2 those offenses, arising from two (2) or more separate incidents.

3 (5) A person is disqualified for the period of time specified in 49 CFR  
4 part 383 from operating a commercial motor vehicle who uses a motor vehicle  
5 in the commission of any felony involving the manufacture, distribution,  
6 or dispensing of a controlled substance, or possession of a controlled  
7 substance with the intent to manufacture, distribute or dispense such con-  
8 trolled substance.

9 (6) A person is disqualified from operating a commercial motor vehicle  
10 for a period of not less than sixty (60) days if convicted of two (2) serious  
11 traffic violations, or one hundred twenty (120) days if convicted of three  
12 (3) or more serious traffic violations, committed in a commercial motor ve-  
13 hicle arising from separate incidents occurring within a three (3) year pe-  
14 riod. A conviction for reckless driving shall be considered a serious traf-  
15 fic violation if committed while operating a commercial motor vehicle or a  
16 noncommercial motor vehicle, as specified in 49 CFR part 383.

17 (7) A person who drives, operates, or is in physical control of a com-  
18 mercial motor vehicle within this state while having any detectable amount  
19 of alcohol in his system or who refuses to submit to an alcohol test must be  
20 placed out of service for twenty-four (24) hours and be subject to the provi-  
21 sions of section 18-8002, Idaho Code.

22 (8) It is unlawful to violate an out-of-service order. A person who is  
23 convicted in the form of a judgment or withheld judgment of a violation of an  
24 out-of-service order while driving a commercial motor vehicle is disquali-  
25 fied for not less than:

26 (a) One hundred eighty (180) days nor more than one (1) year for a first  
27 conviction;

28 (b) Two (2) years nor more than five (5) years for a second conviction  
29 arising from separate incidents during any ten (10) year period;

30 (c) Three (3) years nor more than five (5) years for three (3) or more  
31 convictions arising from separate incidents during any ten (10) year  
32 period.

33 (9) A person who is convicted in the form of a judgment or withheld judg-  
34 ment of a violation of an out-of-service order while driving a commercial mo-  
35 tor vehicle and while transporting hazardous materials required to be plac-  
36 arded under the hazardous materials transportation act, or while operating  
37 motor vehicles designed to transport sixteen (16) or more people including  
38 the driver, is disqualified for not less than:

39 (a) One hundred eighty (180) days nor more than two (2) years for a first  
40 conviction;

41 (b) Three (3) years nor more than five (5) years for subsequent convic-  
42 tions arising from separate incidents in any ten (10) year period.

43 (10) A person is disqualified from operating a commercial motor vehicle  
44 if convicted of a railroad grade crossing violation as specified in 49 CFR  
45 part 383 or applicable state laws while operating a commercial motor vehi-  
46 cle. The disqualification shall be for a period of:

47 (a) Sixty (60) days for a first conviction;

48 (b) One hundred twenty (120) days for a second conviction during any  
49 three (3) year period;

1 (c) One (1) year for a third or subsequent conviction during any three  
2 (3) year period.

3 (11) A person is disqualified from operating a commercial motor vehicle  
4 if the federal motor carrier safety administration has determined the per-  
5 son's driving constitutes an imminent hazard, as defined in 49 CFR 383.5.

6 (a) An imminent hazard disqualification may not exceed one (1) year in  
7 duration. The driver, or a representative on his or her behalf, may file  
8 an appeal of the disqualification with the assistant administrator, ad-  
9 judications counsel, federal motor carrier safety administration.

10 (b) Any imminent hazard disqualification transmitted by the federal  
11 motor carrier safety administration shall become a part of the driver's  
12 record.

13 (c) The imminent hazard disqualification shall run concurrent to any  
14 other existing disqualification.

15 (12) In addition to the disqualification periods in subsections (8) and  
16 (9) of this section, a driver who is convicted of violating an out-of-ser-  
17 vice order shall be subject to a civil penalty of not less than two thousand  
18 five hundred dollars (\$2,500) for the first conviction and not less than five  
19 thousand dollars (\$5,000) for any subsequent conviction.

20 (13) A person who is disqualified from holding a commercial driver's  
21 license pursuant to 49 CFR 383.51 and subsection (4) of this section may make  
22 application to the department for reinstatement after a minimum ten (10)  
23 year period of disqualification.

24 (a) To be eligible for reinstatement following a lifetime disqualifi-  
25 cation under 49 CFR 383.51 and pursuant to subsection (4) of this sec-  
26 tion, a person shall:

27 (i) Have a valid class D driver's license from Idaho or any other  
28 jurisdiction for a minimum of three (3) consecutive years prior to  
29 the date of application, provided that during such three (3) year  
30 period the applicant has not been incarcerated;

31 (ii) Meet all statutory requirements for issuance of a commercial  
32 driver's license or commercial learner's permit as a new commer-  
33 cial driver applicant;

34 (iii) Voluntarily and successfully complete the national safety  
35 council four (4) hour defensive driving course and the profes-  
36 sional truck driver four (4) hour course and provide proof of  
37 completion of both courses to the department;

38 (iv) Submit a valid medical examiner's certificate, if applica-  
39 ble;

40 (v) Submit a criminal background check showing that the applicant  
41 has not been convicted of any alcohol or drug-related offenses for  
42 the ten (10) years prior to the date of application; and

43 (vi) If the lifetime disqualification was based on an alcohol or  
44 controlled substance conviction, submit proof of the applicant's  
45 successful completion of an appropriate rehabilitation program.

46 (b) A person who has been reinstated and issued a commercial driver's  
47 license under this subsection who subsequently is convicted of a dis-  
48 qualifying major offense under 49 CFR 383.51 shall not be eligible for  
49 future reinstatement of a commercial driver's license.

1       (c) The driving records for a person applying for reinstatement un-  
2       der this subsection shall be reviewed by the department. Such driving  
3       records shall include records regarding Idaho as well as any other  
4       jurisdiction. To be eligible for reinstatement as set forth in this  
5       subsection, such records for the ten (10) years preceding the date of  
6       application for reinstatement must be free of any convictions occurring  
7       in a commercial vehicle, any convictions or withdrawals related to al-  
8       cohol or drugs, and any felony convictions involving a motor vehicle.  
9       Within the three (3) years preceding the date of application for rein-  
10       statement, the person's driving record must be free of any convictions  
11       requiring a mandatory withdrawal of driving privileges, whether in this  
12       state or any other jurisdiction.

13       (d) If a person has moved from another jurisdiction that issued the  
14       lifetime disqualification, that jurisdiction must be willing to rein-  
15       state the disqualification or the person will remain ineligible for a  
16       commercial driver's license in Idaho.