

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 564

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DRIVING BUSINESSES; AMENDING SECTION 54-5403, IDAHO CODE,  
2 TO REQUIRE THAT THE BOARD ADOPT RULES PROVIDING FOR CONTINUING  
3 EDUCATION; AMENDING SECTION 54-5405, IDAHO CODE, TO REQUIRE APPLICANTS  
4 FOR A PRIVATE DRIVER TRAINING BUSINESS LICENSE TO SUBMIT TO A  
5 FINGERPRINT-BASED CRIMINAL HISTORY CHECK AND TO PROVIDE CORRECT  
6 TERMINOLOGY; AMENDING SECTION 54-5406, IDAHO CODE, TO REVISE  
7 REQUIREMENTS FOR OBTAINING AND RENEWING A DRIVING INSTRUCTOR LICENSE;  
8 AMENDING SECTION 54-5408, IDAHO CODE, TO REVISE PROVISIONS RELATING  
9 TO THE DISCIPLINE OF LICENSEES AND TO MAKE TECHNICAL CORRECTIONS; AND  
10 DECLARING AN EMERGENCY.  
11

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

13 SECTION 1. That Section 54-5403, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 54-5403. BOARD -- TERMS OF MEMBERS -- QUALIFICATIONS -- POWERS AND  
16 DUTIES -- MEETINGS -- COMPENSATION. (1) A driving businesses licensure board  
17 is hereby established in the department of self-governing agencies whose  
18 duty it shall be to administer the provisions of this chapter.

19 (2) The board shall consist of five (5) members appointed by the  
20 governor. The governor may consider recommendations for appointment to  
21 the board from the Idaho association of professional driving businesses,  
22 any association of driving businesses or from any individual residing in  
23 this state. The board shall consist of four (4) members who have been in the  
24 driving business for at least five (5) years and one (1) member of the public  
25 who has been a customer of private driver education.

26 (3) Members shall begin their terms on July 1, 2009, and serve at the  
27 pleasure of the governor. Terms shall initially be staggered as follows:  
28 one (1) member whose term expires July 1, 2010; two (2) members whose terms  
29 expire July 1, 2011; and two (2) members whose terms expire July 1, 2012.  
30 Thereafter, each member of the board shall serve three (3) year terms. No  
31 member of the board may be appointed to more than two (2) consecutive terms.  
32 Members of the board shall hold office until the expiration of the term for  
33 which they were appointed and until their successors have been appointed and  
34 qualified. In the event of a vacancy other than expiration of a term, the  
35 governor shall appoint a replacement to fill the vacancy for the remainder of  
36 the unexpired term.

37 (4) Members of the board who are driving business owners shall be  
38 citizens of the United States and residents of this state, and they shall  
39 have been licensed driving business owners with a minimum of five (5) years  
40 of continuous licensing prior to being nominated, and shall never have  
41 been the subject of a disciplinary action under the provisions of section  
42 54-5409, Idaho Code.

1 (5) The board shall:

2 (a) Enforce the minimum standards and requirements as provided in this  
3 chapter and by rule adopted by the board. The board may promulgate  
4 such rules, in compliance with chapter 52, title 67, Idaho Code, as  
5 may be necessary to carry out the provisions of this chapter in order  
6 to effectuate the purposes herein and for the orderly and efficient  
7 administration thereof, except as may be limited or prohibited by law  
8 and the provisions of this chapter;

9 (b) Accept or reject applications for licensing, business and  
10 instruction, and establish the fees to be charged for original  
11 application and renewal, subject to the provisions of this chapter;

12 (c) Hold and attend public meetings, and furnish copies of information  
13 to those engaged in the business and to the public upon request;

14 (d) Review and approve instructor training curriculum and programs;

15 (e) Contract with the bureau of occupational licenses to provide  
16 administrative services; ~~and~~

17 (f) Include a link on the bureau of occupational licenses' website  
18 to current curriculum components offered by private driver education  
19 businesses; and

20 (g) Adopt rules providing for continuing education.

21 (6) The board shall have the authority to conduct inspections and  
22 audits of any licensed driving business or any licensed instructor to ensure  
23 compliance with the laws and rules of the board. Failure to cooperate with an  
24 inspection or audit may constitute grounds for disciplinary action.

25 (7) The board shall meet within thirty (30) days after the appointment  
26 of its members and thereafter at such times as may be expedient and necessary  
27 for the proper performance of its duties, but it shall not meet less than once  
28 per year.

29 (8) At the board's first meeting, the members shall elect one (1)  
30 of their number to be chairman and then shall elect a chairman annually  
31 thereafter. The chairman may serve in such capacity for a one (1) year term  
32 and may not serve in such capacity for more than two (2) consecutive terms.

33 (9) A majority of the board shall constitute a quorum for the  
34 transaction of business.

35 (10) Each member of the board shall be compensated as provided by  
36 section 59-509(k), Idaho Code.

37 SECTION 2. That Section 54-5405, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 54-5405. DRIVING BUSINESSES -- LICENSE REQUIREMENTS. (1) No private  
40 driver training business shall be established nor shall any existing  
41 business continue to operate unless the business applies for and obtains  
42 from the board a license which expires on the license issue date and must  
43 be renewed annually. The application for license shall include the name of  
44 the owner, a satisfactory fingerprint-based criminal history background  
45 check of the Idaho central criminal database and the federal bureau of  
46 investigation criminal history database, the location of the business, a  
47 certificate of occupancy, a certificate of automobile insurance, a list of  
48 ~~certified~~ licensed instructors, proof of an annual vehicle check, board

1 approved curriculum components and a course of instruction for students,  
2 which shall include the following:

- 3 (a) Not less than thirty (30) hours of classroom instruction;
- 4 (b) Not less than six (6) hours of behind-the-wheel practice driving;
- 5 and
- 6 (c) Not less than six (6) hours of observation.

7 (2) Any private driver training business or driving instructor  
8 licensed pursuant to this chapter shall be exempt from the provisions of  
9 title 33, Idaho Code, that regulate driver education as long as such license  
10 is current and valid and the private driver training business or driving  
11 instructor is acting pursuant to activities that the license permits.

12 (3) Any driving business licensed pursuant to this chapter may contract  
13 with a public school to provide driver education. Any driving business that  
14 contracts with a public school to provide driver education may be allowed  
15 to use the services of any or all of the driving instructors of that driving  
16 business. Once a person has been licensed as a driving instructor, that  
17 person is authorized to teach in any approved driver education program.

18 (4) If the board granted any business a license without the  
19 satisfactory fingerprint-based criminal history check as provided in  
20 subsection (1) of this section, such licensee shall obtain and submit the  
21 required fingerprint-based criminal history check to the board on or before  
22 the date of the licensee's first renewal occurring after the effective date  
23 of this act.

24 SECTION 3. That Section 54-5406, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 54-5406. DRIVING INSTRUCTORS -- REQUIREMENTS. (1) Each person  
27 applying for a driving instructor license must complete an application  
28 provided by the bureau of occupational licenses that requires the applicant  
29 to be at least twenty-one (21) years of age, have written evidence of  
30 graduation from a high school, an accredited college or university or a GED,  
31 a valid driver's license, a copy of and a satisfactory driving record from  
32 the Idaho transportation department, jurisdiction from which the license  
33 was issued, a satisfactory fingerprint-based criminal history background  
34 check of the Idaho central criminal database and the federal bureau of  
35 investigation criminal history database, a medical certificate and copies  
36 of any required completed coursework and the board approved apprenticeship  
37 training program. Licensees shall certify that they hold a current medical  
38 certificate at the time of license renewal.

39 (2) On and after July 1, 2010, every new applicant for a license  
40 pursuant to this chapter shall have completed a board approved  
41 apprenticeship training program of not less than sixty (60) hours of  
42 classroom instruction and one hundred eight (108) hours of behind-the-wheel  
43 training.

44 (3) If the board granted any instructor a license without the  
45 satisfactory fingerprint-based criminal history check as provided in  
46 subsection (1) of this section, such licensee shall obtain and submit the  
47 required fingerprint-based criminal history check to the board on or before  
48 the date of the licensee's first renewal occurring after the effective date  
49 of this act.

1 SECTION 4. That Section 54-5408, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have  
4 the power to deny any application for or renewal of a ~~driving instructor~~  
5 license or to revoke, suspend or otherwise sanction any such license issued  
6 pursuant to this chapter and to limit or restrict the practice of any driving  
7 instructor or driving business upon a determination by the board that the  
8 person or business:

9 (a) Was convicted, found guilty, received a withheld judgment  
10 or suspended sentence in this or any other state, of any action  
11 constituting a felony or of a crime involving moral turpitude; ~~or~~

12 (b) Violated the provisions of this chapter or rules, standards of  
13 conduct and practice, or any ethical codes as may be adopted by the  
14 board; ~~or~~

15 (c) Is or has been negligent or reckless in the practice of driver  
16 education; or

17 (d) Has had any license, certificate or registration to work as  
18 a driving instructor or operate as a driving business suspended  
19 or revoked in any jurisdiction. A certified copy of the order of  
20 suspension or revocation shall be prima facie evidence of such  
21 suspension or revocation.

22 (2) Every person or business subject to disciplinary proceedings shall  
23 be afforded an opportunity for hearing.

24 (a) All proceedings hereunder shall be in accordance with chapter 52,  
25 title 67, Idaho Code.

26 (b) Hearings shall be conducted by the board or by persons appointed by  
27 the board to conduct hearings and receive evidence.

28 (3) The board may, pursuant to an order of discipline, require the  
29 person or business to pay all or part of the costs and fees incurred by the  
30 board in proceedings upon which the order was entered.

31 (4) The board may, pursuant to an order of discipline, require the  
32 person or business to pay an administrative fine not to exceed one thousand  
33 dollars (\$1,000) for each violation identified in the order.

34 SECTION 5. An emergency existing therefor, which emergency is hereby  
35 declared to exist, this act shall be in full force and effect on and after its  
36 passage and approval.