

Dear Senators HAMMOND, Brackett, Werk, and  
Representatives PALMER, Ellsworth, Ringo:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Idaho Transportation Department:

IDAPA 39.02.76 - Rules Pertaining To The Rules Governing Driver's License Renewal-By-Mail  
Process (Docket No. 39-0276-1101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/11/2011. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/09/2011.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX  
number indicated on the memorandum enclosed.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

**FROM:** Principal Legislative Research Analyst - Eric Milstead

**DATE:** September 21, 2011

**SUBJECT:** Idaho Transportation Department

IDAPA 39.02.76 - Rules Pertaining To The Rules Governing Driver's License Renewal-By-Mail Process  
(Docket No. 39-0276-1101)

The Idaho Department of Transportation submits notice of proposed rulemaking at IDAPA 39.02.76 - Rules Governing Driver's License Renewal - By - Mail Process. The revisions reflected in the proposed rule include: updates to provide current contact information, language providing for compliance with Idaho's public records act, the deletion of language relating to a driver's license sticker, and updates language relating to eligibility and language relating to renewals to provide for electronic renewal.

The proposed rule appears to be authorized pursuant to sections 49-201 and 49-319, Idaho Code.

cc: Idaho Transportation Department  
Linda L. Emry, Rules Coordinator

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.02.76 - RULES GOVERNING DRIVER'S LICENSE RENEWAL-BY-MAIL PROCESS

DOCKET NO. 39-0276-1101

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rule-making procedures. The action is authorized pursuant to Section 49-319(10), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rule-making:

This rulemaking incorporates changes in Sections 001 through 006 as required by the Office of Administrative Rules, documents procedural changes to match current practice (renewal stickers no longer used), sets limitations on electronic or mail renewals for those who may or may not have a lawful presence in the US, and adds provisions for "electronic renewal" that is planned for the future as part of the DMV modernization that is now in process.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars ((\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because the revisions delete references to out-dated procedures and make provisions for future electronic renewal procedures as part of the DMV modernization, currently in process.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Lynn Rhodes, Driver's License Program Supervisor, 334-8727.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 31st day of August, 2011.

Linda L. Emry, Administrative Rules Coordinator  
Office of Governmental Affairs  
Idaho Transportation Department

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THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 39-0276-1101

39.02.76 - RULES GOVERNING DRIVER'S LICENSE RENEWAL-BY-MAIL  
**AND ELECTRONIC RENEWAL PROCESS**

**000. LEGAL AUTHORITY.**

In accordance with Section 49-319(~~§10~~), Idaho Code, the Idaho Transportation Board adopts the following rule to establish a process that may allow~~ing~~ Idaho residents to renew their Class D drivers' licenses by mail or electronically. (7-1-96)(    )

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be cited as IDAPA 39.02.76, "Rules Governing Driver's License Renewal-by-Mail and Electronic Renewal Process". (    )

**02. Scope.** The purpose of this rule is to establish standards by which Class D drivers' licenses ~~can~~ may be renewed by mail or electronically for those individuals who are licensed Idaho residents and whose licenses are about to expire. The driver's license renewal-by-mail and electronic systems ~~is~~ are designed to reduce the length of driver's license renewal waiting lines at county driver's license offices. (7-1-96)(    )

**002. WRITTEN INTERPRETATIONS.**

~~None~~ There are no written interpretations for this chapter. This rule merely implements the provisions of Section 49-319(~~§10~~), Idaho Code, which states: "The department may use a mail renewal process for Class D licenses based on criteria established by rule and regulation." (7-1-96)(    )

**003. ADMINISTRATIVE APPEALS.**

~~This chapter does not provide for appeal of the administrative requirements contained herein.~~ Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (7-1-96)(    )

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (    )

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. (    )

**02. Office Hours.** Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (    )

**03. Telephone and FAX Numbers.** The central office may be contacted during office hours by phone at 208-334-8000 or by fax at 208-334-3858. (    )

**006. PUBLIC RECORDS ACT COMPLIANCE**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (    )

~~007.~~ -- 009. (RESERVED)

**010. DEFINITIONS.**

**01. CDL.** Commercial Driver's License. (7-1-96)

**02. Class D Driver's License.** A license issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in Section 49-123, Idaho Code. (7-1-96)

~~**03. Driver's License Sticker.** A sticker issued by the Idaho Transportation Department that, when affixed to the back of the appropriate driver's license, extends the expiration date by a period of four (4) years from the expiration date printed on the face of the license. (7-1-96)~~

- 043.**     **Expiration Date.** The date a driver's license expires. (7-1-96)
- 054.**     **Photo License.** A valid Idaho driver's license displaying a color photograph of the license holder. (7-1-96)

**011.     ELIGIBILITY.**

**01.     Eligibility.** The renewal by mail or electronic renewal may be granted on the expiration date of a person's Idaho Class D driver's license, in lieu of requiring the person to ~~obtain a new photo license~~ renew a driver's license in person. Licenses renewed by mail or electronically shall only be renewed once in an eight (8) year period, and shall ~~expire four (4) years from the expiration date printed on the face of the license~~ have a four-year validity period. (7-1-96)(    )

**02.     License Renewal.** Drivers' licenses shall not be renewed by mail or electronically for persons who: (7-1-96)(    )

**a.**     Hold a driver's license with a "J" restriction (e.g. limited to a five (5) mile driving radius of residence, driving privileges limited to one (1) or two (2) counties, cannot drive without parent for a specified time period, etc.); (7-1-96)

**b.**     Have changes in the information shown on their licenses, other than address changes; (7-1-96)

**c.**     Have any changes in physical, mental, and/or emotional condition, including vision, which may impair the ability to safely operate a motor vehicle; (7-1-96)

**d.**     Have drivers' licenses or driving privileges which are suspended, revoked, cancelled, denied, refused, or disqualified; (7-1-96)

**e.**     Are operating on department or court restricted driving permits; (7-1-96)

**f.**     ~~Have lost, or no longer have, the photo license in their possession~~ Are required to provide documentation proving lawful presence in the United States; (7-1-96)(    )

**g.**     ~~Want their Social Security Numbers removed from their driver's licenses~~ Are not lawfully present in the United States; (7-1-96)(    )

**h.**     Have a driving record which has been marked for special handling (e.g., verification of identity or date of birth, possible fraud, etc.); (7-1-96)

**i.**     Already have an existing extension; (7-1-96)

**j.**     Wish to add a motorcycle endorsement; (7-1-96)

**k.**     Are under twenty-one (21) years of age; or (7-1-96)

**l.**     Are seventy (70) years of age or older. (7-1-96)

**012.     RENEWAL BY MAIL PROCEDURES.**

**01.     Use of Fax or Phone Prohibited.** Driver's license renewal-by-mail or electronic renewal applications shall not be processed by fax or telephone. Eligible persons must mail or electronically submit their driver's license renewal application to the driver's license office in their county of residence, or deliver their application in person together with the renewal fee for the same class of license, pursuant to Section 49-306, Idaho Code. (7-1-96)(    )

**02.     Updating Driving Records.** The county driver's license office shall update driving records to reflect the new expiration year, followed by the notation "RM," and issue ~~and-mail~~ a driver's license ~~sticker~~ to

eligible licensees within three (3) business days after receipt of the completed application form. ~~Driver's license renewal stickers shall be affixed to the back of the driver's license.~~ (7-1-96)( )

**03. If ~~Renewal Sticker~~ the Driver's License Card Is Lost, Mutilated or Destroyed After Receipt.** If a driver's license ~~renewal sticker~~ is lost, mutilated, or destroyed after the applicant receives it, the applicant must apply in person at the county office for a duplicate driver's license. (7-1-96)( )

**04. If Lost or Destroyed in Mail.** If a drivers' license ~~renewal sticker~~ is lost or destroyed in the mail, a written statement detailing the loss or destruction must be mailed or hand-delivered to the applicant's county of residence. Upon receipt of the letter, the county can issue a no-charge replacement ~~sticker~~ driver's license to the applicant. (7-1-96)( )

**05. Temporarily Residing Out-of-State.** Individuals temporarily residing out-of-state may apply for a renewal by mail, electronic renewal, or an extension, but not both, in an eight (8) year period. (7-1-96)( )