

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 17

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REQUIREMENTS FOR  
2 COMMERCIAL DRIVERS; AMENDING SECTION 49-105, IDAHO CODE, TO ADD A DEF-  
3 INITION FOR A COMMERCIAL DRIVER'S LICENSE DOWNGRADE AS IT PERTAINS TO  
4 A DRIVER'S MEDICAL STATUS; AMENDING SECTION 49-301, IDAHO CODE, TO RE-  
5 QUIRE COMMERCIAL DRIVERS TO HAVE A CURRENT AND VALID MEDICAL EXAMINER'S  
6 CERTIFICATE ON FILE WHILE OPERATING IN A "NON-EXCEPTED" STATUS AND TO  
7 HAVE, WHEN REQUIRED, A CURRENT VALID MEDICAL EXEMPTION LETTER OR SKILLS  
8 PERFORMANCE EVALUATION CERTIFICATE IN THE COMMERCIAL DRIVER'S PHYSICAL  
9 POSSESSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-306,  
10 IDAHO CODE, TO REQUIRE COMMERCIAL DRIVERS TO CERTIFY THE CATEGORY OF  
11 COMMERCE IN WHICH THEY WILL BE OPERATING; AMENDING SECTION 49-317,  
12 IDAHO CODE, TO ALLOW DRIVER'S LICENSES TO BE RESTRICTED BASED ON NON-AU-  
13 THORIZED SPECIAL MECHANICAL CONTROL DEVICES OR FOR MEDICAL VARIANCES;  
14 AMENDING SECTION 49-321, IDAHO CODE, TO REQUIRE THE DEPARTMENT TO MAIN-  
15 TAIN ON FILE FOR THREE YEARS AFTER ISSUANCE OF ALL MEDICAL EXAMINER'S  
16 CERTIFICATES MEDICAL EXEMPTION LETTERS AND SKILL PERFORMANCE EVALU-  
17 ATION CERTIFICATES PROVIDED BY COMMERCIAL DRIVERS OR APPLICANTS FOR  
18 DRIVER INSTRUCTION PERMITS AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
19 SECTION 49-322, IDAHO CODE, TO REQUIRE THE DEPARTMENT TO DOWNGRADE THE  
20 COMMERCIAL DRIVING PRIVILEGES OF DRIVERS WHO FAIL TO MAINTAIN THE RE-  
21 QUIRED MEDICAL EXAMINER'S CERTIFICATES, MEDICAL EXEMPTION LETTERS OR  
22 SKILL PERFORMANCE EVALUATION CERTIFICATES AND TO MAKE TECHNICAL COR-  
23 RECTIONS; AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE A CORRECT  
24 CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EF-  
25 FECTIVE DATE.  
26

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

28 SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

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

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

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

7 (4) "Designated family member" means the spouse, child, grandchild,  
8 parent, brother or sister of the owner of a vehicle dealership who, in the  
9 event of the owner's death, is entitled to inherit the ownership interest in  
10 the dealership under the same terms of the owner's will, or who has been nom-  
11 inated in any other written instrument, or who, in the case of an incapaci-  
12 tated owner of a dealership, has been appointed by a court as the legal repre-  
13 sentative of the dealer's property.

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

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

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

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

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

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

35 (11) "District" means:

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

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

47 (c) Urban district. The territory contiguous to and including any  
48 highway which is built up with structures devoted to business, industry  
49 or dwelling houses. For purposes of establishing speed limits in accor-  
50 dance with the provisions of section 49-654, Idaho Code, no state high-

1 way or any portion thereof lying within the boundaries of an urban dis-  
 2 trict is subject to the limitations which otherwise apply to nonstate  
 3 highways within an urban district. Provided, this subsection shall not  
 4 limit the authority of the duly elected officials of an incorporated  
 5 city acting as a local authority to decrease speed limits on state high-  
 6 ways passing through any district within the incorporated city.

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

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

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

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

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

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

27 (145) "Driver" means every person who drives or is in actual physical  
 28 control of a vehicle.

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

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

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

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

49 (c) Class C. This license shall be issued and valid for the operation  
 50 of any single vehicle or combination of vehicles that does not meet the

1 definition of class A or class B, as defined in this section, but that  
2 either is designed to transport sixteen (16) or more people including  
3 the driver, or is of any size which does not meet the definition of class  
4 A or class B and is used in the transportation of materials found to be  
5 hazardous according to the hazardous material transportation act and  
6 which requires the motor vehicle to be placarded under the federal haz-  
7 ardous materials regulations 49 CFR part 172, subpart F. Persons hold-  
8 ing a valid class C license may also operate vehicles requiring a class D  
9 license.

10 (d) Class D. This license shall be issued and valid for the operation of  
11 a motor vehicle that is not a commercial vehicle as defined in section  
12 49-123, Idaho Code.

13 (e) "Seasonal driver's license" means a special restricted class B or  
14 C driver's license to operate certain commercial vehicles in farm-re-  
15 lated industries under restrictions imposed by the department. As used  
16 in this definition, "farm-related industry" shall mean custom har-  
17 vesters, farm retail outlets and suppliers, agri-chemical businesses  
18 and livestock feeders. Seasonal driver's licenses are not valid for  
19 driving vehicles carrying any quantities of hazardous material requir-  
20 ing placarding, except for diesel fuel in quantities of one thousand  
21 (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients,  
22 in vehicles or implements of husbandry with total capacities of three  
23 thousand (3,000) gallons or less, and solid fertilizers, i.e., solid  
24 plant nutrients, that are not mixed with any organic substance.

25 (178) "Driver record" means any record that pertains to an individual's  
26 driver's license, driving permit, driving privileges, driving history,  
27 identification documents or other similar credentials issued by the depart-  
28 ment.

29 (189) "Driver's license endorsements" means special authorizations  
30 that are required to be displayed on a driver's license which permit the  
31 driver to operate certain types of commercial vehicles or commercial vehi-  
32 cles hauling certain types of cargo, or to operate a motorcycle or a school  
33 bus.

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

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

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

46 (d) "Endorsement N -- Tank vehicle" means this endorsement is required  
47 on a class A, B or C license to permit the licensee to operate a vehicle  
48 which is designed to transport any liquid or gaseous materials within a  
49 tank that is either permanently or temporarily attached to the vehicle.  
50 Such vehicles include, but are not limited to, cargo tanks and portable

1 tanks, as defined in federal regulations 49 CFR part 171. This defini-  
 2 tion does not include portable tanks having a rated capacity under one  
 3 thousand (1,000) gallons.

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

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

13 ~~(1920)~~ "Driveway" means a private road giving access from a public way  
 14 to a building on abutting grounds.

15 ~~(201)~~ "Dromedary tractor" means every motor vehicle designed and used  
 16 primarily for drawing a semitrailer and so constructed as to carry mani-  
 17 fested cargo in addition to a part of the weight of the semitrailer.

18 SECTION 2. That Section 49-301, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly  
 21 exempted by the provisions of this chapter, shall drive any motor vehicle  
 22 upon a highway unless the person has a current and valid Idaho driver's li-  
 23 cense. Provided however, that those persons holding a restricted school at-  
 24 tendance driving permit may drive upon a highway pursuant to the restric-  
 25 tions set forth in section 49-307A, Idaho Code.

26 (2) No person shall operate a motorcycle upon a highway unless he has a  
 27 motorcycle endorsement on his valid driver's license.

28 (3) No person shall operate a motor vehicle in violation of any valid  
 29 restriction identified on, or attached to, his valid driver's license.

30 (4) No person shall receive a class D driver's license unless and un-  
 31 til he surrenders to the department all driver's licenses in his possession  
 32 issued to him by Idaho or any other jurisdiction for use within the United  
 33 States, or any identification cards issued by any other jurisdiction within  
 34 the United States, or until he executes an affidavit that he does not possess  
 35 a driver's license or any identification cards.

36 (5) No person shall be permitted to have more than one (1) driver's li-  
 37 cense issued for use within the United States at any time.

38 (6) No person shall operate a commercial motor vehicle as defined in  
 39 section 49-123, Idaho Code, upon a highway:

40 (a) Without obtaining a commercial driver's license.

41 (b) Without having the appropriate class A, B or C commercial driver's  
 42 license in the operator's possession.

43 (c) Without the proper license class of commercial driver's license or  
 44 endorsements for the specific vehicle group being operated or for the  
 45 passengers or type of cargo being transported.

46 (d) Unless the operator has a seasonal or class A, B or C driver's li-  
 47 cense with required endorsements in his possession.

48 (e) Without having a current and valid medical examiner's certificate  
 49 on file with the department while operating in a "non-excepted" status

1 as required by the federal motor carrier safety administration. Med-  
2 ical examiner's certificates submitted for filing must be legible and  
3 shall be submitted in a manner acceptable to the department. If the  
4 federal motor carrier safety administration has issued a medical ex-  
5 emption letter or skill performance evaluation certificate, the driver  
6 must have the current and valid documentation in physical possession  
7 and available upon request to a duly authorized federal, state or local  
8 enforcement official.

9 (7) Any holder of a class A, B or C commercial driver's license issued  
10 by a jurisdiction other than Idaho shall apply for an Idaho-issued commer-  
11 cial driver's license within thirty (30) days of establishing a domicile in  
12 Idaho. In accordance with the federal motor carrier safety regulations, no  
13 person shall receive a class A, B or C driver's license unless and until he  
14 surrenders to the department all driver's licenses in his possession issued  
15 to him by Idaho or any other jurisdiction.

16 (8) Except as provided in section 49-304, Idaho Code, a violation of  
17 this section is a misdemeanor.

18 SECTION 3. That Section 49-306, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR RE-  
21 STRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any  
22 instruction permit, restricted school attendance driving permit, or for a  
23 driver's license shall be made upon a form furnished by the department and  
24 shall be verified by the applicant before a person authorized to adminis-  
25 ter oaths. Officers and employees of the department and sheriffs and their  
26 deputies are authorized to administer the oaths without charge. Every ap-  
27 plication for a permit, extension or driver's license shall be accompanied  
28 by the following fee, none of which is refundable:

- 29 (a) Class A, B, C (4-year) license with endorsements --
- 30 age 21 years and older ..... \$40.00
- 31 (b) Class A, B, C (3-year) license with endorsements --
- 32 age 18 to 21 years ..... \$30.00
- 33 (c) Class A, B, C (1-year) license with endorsements --
- 34 age 20 years ..... \$15.00
- 35 (d) Class D (3-year) license -- under age 18 years ..... \$25.00
- 36 (e) Class D (3-year) license -- age 18 to 21 years ..... \$25.00
- 37 (f) Class D (1-year) license -- age 17 years or age 20 years .... \$15.00
- 38 (g) Four-year Class D license -- age 21 years and older ..... \$30.00
- 39 (h) Eight-year Class D license -- age 21 to 63 years ..... \$55.00
- 40 (i) Class A, B, C instruction permit ..... \$29.00
- 41 (j) Class D instruction permit or supervised instruction permit
- 42 ..... \$15.00
- 43 (k) Duplicate driver's license or permit issued under
- 44 section 49-318, Idaho Code ..... \$15.00
- 45 (l) Driver's license extension issued under section
- 46 49-319, Idaho Code ..... \$10.00
- 47 (m) License classification change (upgrade) ..... \$25.00
- 48 (n) Endorsement addition ..... \$15.00
- 49 (o) Class A, B, C skills tests not more than ..... \$70.00

- 1 (p) Class D skills test ..... \$24.00
- 2 (q) Motorcycle endorsement skills test ..... \$10.00
- 3 (r) Knowledge test ..... \$ 3.00
- 4 (s) Seasonal driver's license ..... \$39.00
- 5 (t) One time motorcycle "M" endorsement ..... \$15.00
- 6 (u) Motorcycle endorsement instruction permit ..... \$15.00
- 7 (v) Restricted driving permit or restricted school attendance
- 8 driving permit ..... \$60.00

9 (2) Every application shall state the true and full name, date of birth,  
 10 sex, declaration of Idaho residency, Idaho residence address and mailing ad-  
 11 dress, if different, of the applicant, height, weight, hair color, and eye  
 12 color, and the applicant's social security number as verified by the social  
 13 security administration. If an applicant has submitted an application pur-  
 14 suant to the provisions of chapter 58, title 19, Idaho Code, then the appli-  
 15 cant may state, in his or her application pursuant to this section, the ap-  
 16 plicant's alternative Idaho mailing address in place of his or her Idaho res-  
 17 idence address and mailing address.

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

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

- 23 (i) Present written verification from the social security admin-  
 24 istration that the applicant has not been assigned a social secu-  
 25 rity number; and
- 26 (ii) Submit a birth certificate, passport or other documentary  
 27 evidence issued by an entity other than a state or the United  
 28 States; and
- 29 (iii) Submit such proof as the department may require that the ap-  
 30 plicant is lawfully present in the United States.

31 A driver's license or any instruction permit issued on and after January  
 32 1, 1993, shall not contain an applicant's social security number. Ap-  
 33 plications on file shall be exempt from disclosure except as provided in  
 34 sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

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

- 38 (i) Non-excepted Interstate. The applicant operates or expects  
 39 to operate in interstate commerce, and is required to provide a  
 40 medical examiner's certificate;
- 41 (ii) Excepted Interstate. The applicant operates or expects to  
 42 operate in interstate commerce, but engages exclusively in trans-  
 43 portation or operations excepted by the federal motor carrier  
 44 safety administration from all or parts of the qualification re-  
 45 quirements of federal motor carrier safety regulation 49, part  
 46 391, and is therefore not required to provide a medical examiner's  
 47 certificate;
- 48 (iii) Non-excepted Intrastate. The applicant operates only in  
 49 intrastate commerce and is subject to and meets all Idaho driver  
 50 qualification requirements and the applicable parts of federal

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

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

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

24          (ed) Individuals required to register in compliance with section 3 of  
25          the federal military selective service act, 50 U.S.C. App. 451 et seq.,  
26          as amended, shall be provided an opportunity to fulfill such registra-  
27          tion requirements in conjunction with an application for a driver's li-  
28          cense or instruction permit. Any registration information so supplied  
29          shall be transmitted by the department to the selective service system.

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

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

40          (5) The department shall contact and notify the commercial driver li-  
41          cense information system of the proposed application for a class A, B or C  
42          driver's license to ensure identification of the person and to obtain clear-  
43          ance to issue the license.

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

47          (a) Deposit an amount equal to five dollars (\$5.00) from each driver's  
48          license except an eight-year class D license, or any class D instruction  
49          permit application fees, application for a duplicate driver's license  
50          or permit, classification change, seasonal driver's license and addi-



1 tional endorsement, and ten dollars (\$10.00) from each eight-year class  
2 D driver's license, in the current expense fund; and

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

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

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

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

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

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

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

23 (a) Two dollars (\$2.00) of each fee for a four-year driver's license  
24 or seasonal driver's license, and four dollars (\$4.00) of each fee for  
25 an eight-year class D driver's license, and one dollar and fifty cents  
26 (\$1.50) of each fee charged for driver's licenses pursuant to subsec-  
27 tions (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each  
28 fee charged for driver's licenses pursuant to subsections (1) (c) and  
29 (f) of this section, shall be deposited in the emergency medical ser-  
30 vices fund II created in section 56-1018A, Idaho Code, and four dollars  
31 (\$4.00) of each fee charged pursuant to subsections (1) (a), (g) and (s)  
32 of this section and eight dollars (\$8.00) of each fee charged pursuant  
33 to subsection (1) (h) of this section and three dollars (\$3.00) of each  
34 fee for driver's licenses pursuant to subsections (1) (b), (d) and (e)  
35 of this section, and one dollar (\$1.00) of each fee charged for driver's  
36 licenses pursuant to subsections (1) (c) and (f) of this section shall be  
37 deposited in the emergency medical services fund III created in section  
38 56-1018B, Idaho Code; and

39 (b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A,  
40 B or C driver's license, and nineteen dollars and fifty cents (\$19.50)  
41 of each fee charged for a license pursuant to subsection (1) (b) of this  
42 section, and eight dollars and sixteen cents (\$8.16) of each fee charged  
43 for a license pursuant to subsection (1) (c) of this section shall be de-  
44 posited in the state highway account; and

45 (c) Twenty dollars (\$20.00) of each fee for a class A, B or C instruction  
46 permit or driver's license classification change shall be deposited in  
47 the state highway account; and

48 (d) Four dollars (\$4.00) of each fee for a class A, B or C instruction  
49 permit shall be deposited in the emergency medical services fund III  
50 created in section 56-1018B, Idaho Code; and

1 (e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class  
2 A, B or C driver's license, class A, B or C driver's license extension,  
3 or additional endorsement shall be deposited in the state highway ac-  
4 count; and

5 (f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle  
6 endorsement and motorcycle endorsement instruction permit shall be de-  
7 posited in the state highway account; and

8 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year  
9 class D driver's license, and ten dollars and sixty cents (\$10.60) of  
10 each fee for an eight-year class D driver's license, and four dollars  
11 (\$4.00) of each fee charged for a license pursuant to subsections (1) (d)  
12 and (e) of this section, and one dollar and thirty-three cents (\$1.33)  
13 of each fee charged for a license pursuant to subsection (1) (f) of this  
14 section shall be deposited in the driver training fund; and

15 (h) Twelve dollars and seventy cents (\$12.70) of each fee for a  
16 four-year class D driver's license, and twenty dollars and forty cents  
17 (\$20.40) of each fee for an eight-year class D driver's license, and ten  
18 dollars and fifty cents (\$10.50) of each fee charged for a license pur-  
19 suant to subsections (1) (d) and (e) of this section, and six dollars and  
20 eighty-three cents (\$6.83) of each fee charged for a license pursuant  
21 to subsection (1) (f) of this section shall be deposited in the highway  
22 distribution fund; and

23 (i) Two dollars and sixty cents (\$2.60) of each fee for a class D in-  
24 struction permit, duplicate class D license or permit, and class D li-  
25 cense extension shall be deposited in the driver training fund; and

26 (j) Seven dollars and forty cents (\$7.40) of each fee for a class D  
27 instruction permit, duplicate class D license or permit, and class D  
28 license extension shall be deposited in the highway distribution fund;  
29 and

30 (k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test  
31 shall be deposited in the state highway account; and

32 (l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D  
33 driver's license, and two dollars (\$2.00) of each fee for an eight-year  
34 class D driver's license, and one dollar (\$1.00) of each fee charged for  
35 a license pursuant to subsections (1) (b), (d) and (e) of this section,  
36 and thirty-four cents (34¢) of each fee charged for a license pursuant  
37 to subsections (1) (c) and (f) of this section shall be deposited in the  
38 motorcycle safety program fund established in section 33-4904, Idaho  
39 Code; and

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

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

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

1 (11) 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 (12) 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 4. That Section 49-317, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 49-317. RESTRICTED DRIVER'S LICENSES. (1) The department, upon issu-  
 29 ing a driver's license, shall have authority whenever good cause appears to  
 30 impose restrictions suitable to the licensee's driving ability with respect  
 31 to:

32 (a) The type of or special mechanical control devices required or not  
 33 permitted on a motor vehicle which the licensee may operate;

34 (b) Medical variances as determined by the federal motor carrier safety  
 35 administration; or

36 (c) Other restrictions applicable to the licensee as the department  
 37 may determine to be appropriate to assure the safe operation of a motor  
 38 vehicle by the licensee.

39 (2) The department may either issue a special restricted driver's li-  
 40 cense or may set forth restrictions upon the usual driver's license form.

41 (3) The department shall, upon receiving satisfactory evidence of any  
 42 violation of the restrictions of a driver's license, suspend the driver's  
 43 license or privileges for a period of thirty (30) days but the licensee shall  
 44 be entitled to a hearing as provided in section 49-326, Idaho Code.

45 SECTION 5. That Section 49-321, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

1 49-321. RECORDS TO BE KEPT BY THE DEPARTMENT. (1) The department shall  
2 file every application for a driver's license received by it and shall main-  
3 tain suitable indices containing:

4 (a) All applications denied and on each note the reason for denial;

5 (b) All applications granted;

6 (c) The name of every licensee whose driver's license has been sus-  
7 pended, revoked, canceled, denied or disqualified by the department and  
8 after each name note the reasons for the action;

9 (d) The driver's license number for the applicant; and

10 (e) The social security number of the applicant.

11 (2) The department shall file the original or copy of the medical exam-  
12 iner's certificates, medical exemption letters and skill performance evalu-  
13 ation certificates of all commercial driver's license or instruction permit  
14 holders required to provide documentation of their physical qualification.  
15 The department shall maintain the document (s) for a period of three (3) years  
16 beyond the date the certificate or document was issued.

17 (3) The department shall also file all accident reports and abstracts  
18 of court records of convictions received by it under the law from any juris-  
19 diction, and is authorized to forward records of convictions, suspensions  
20 or disqualifications to any jurisdiction. Records may be in either paper or  
21 electronic form. The department shall maintain convenient records or make  
22 suitable notations in order that an individual record of each licensee show-  
23 ing the convictions and the traffic accidents in which the licensee has been  
24 involved shall be readily ascertainable and available for consideration of  
25 the department upon any application for renewal of a driver's license and at  
26 other suitable times.

27 (34) The department of health and welfare, on or about the 25th day of  
28 each month shall, upon the request of the department, furnish the department  
29 a listing showing the name, age, county of residence, and residence address  
30 of each Idaho resident who has died during the preceding month. The listing  
31 shall be used only for purposes of updating the driver's license files of the  
32 department and shall be subject to disclosure according to chapter 3, title  
33 9, Idaho Code.

34 SECTION 6. That Section 49-322, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 49-322. AUTHORITY OF DEPARTMENT TO CANCEL DRIVER'S LICENSE OR IN-  
37 STRUCTION PERMIT. (1) The department shall cancel any driver's license,  
38 restricted school attendance driving permit, or instruction permit upon de-  
39 termining that the licensee or permittee was not entitled to the issuance of  
40 the driver's license or instruction permit, or that the licensee or permit-  
41 tee failed to give the required or correct information in his application, or  
42 committed fraud in making the application.

43 (2) Upon a cancellation, the licensee or permittee shall surrender the  
44 canceled driver's license or canceled instruction permit to the department.

45 (3) The department shall cancel a person's commercial driver's license  
46 upon determining that the class A, B, or C licensee has falsified informa-  
47 tion. Upon cancellation of a class A, B, or C driver's license, the licensee  
48 shall be disqualified from operating a commercial motor vehicle for a period  
49 of sixty (60) days.

1           (4) The department shall decertify the medical status and initiate a  
2 downgrade of any driver who is required by the federal motor carrier safety  
3 administration to maintain a medical examiner's certificate and/or medical  
4 exemption letter or skill performance evaluation certificate upon determin-  
5 ing the person's medical certification has expired or has been revoked or  
6 canceled. The department shall change the person's driving status in the  
7 driver record to "not-certified," within ten (10) days and shall mail a no-  
8 tification letter regarding the pending decertification and downgrade ac-  
9 tion to the driver's last known address. The downgrade action shall occur no  
10 more than sixty (60) days from the date the "not-certified" status is posted  
11 to the record. Drivers can remove the "not-certified" medical status from  
12 their driving record by presenting a current and valid medical examiner's  
13 certificate and/or medical exemption letter or skill performance evaluation  
14 certificate to the department or by submitting an application to the depart-  
15 ment requesting their medical status be changed to "Excepted."

16           (5) When a driver's license has been canceled for reasons of impair-  
17 ment, incompetence or inability of the licensed driver to operate a motor  
18 vehicle safely as provided in section 49-303 or 49-326, Idaho Code, and  
19 the licensee has voluntarily surrendered his driver's license, or when a  
20 licensed driver requests cancellation of his license for any of the same  
21 reasons stated in this subsection and he voluntarily surrenders his license,  
22 the licensee may be eligible for a no-fee identification card as provided in  
23 section 49-2444, Idaho Code.

24           SECTION 7. That Section 49-2444, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26           49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1)  
27 The department shall issue a distinguishing identification card ~~which that~~  
28 shall set forth the information contained in the application, in a form as  
29 prescribed by the department. All identification cards issued on or after  
30 January 1, 1993, shall not contain the applicant's social security number.  
31 An applicant's social security number shall be exempt from disclosure except  
32 for inquiries from agencies or institutions authorized to obtain such infor-  
33 mation by federal law or regulation, from peace officers or from jury com-  
34 missioners. Each card shall have printed on it the applicant's full name,  
35 date of birth, Idaho residence address, sex, weight, height, eye color, hair  
36 color, and shall be issued a distinguishing number assigned to the appli-  
37 cant. If an applicant has submitted an application pursuant to the provi-  
38 sions of chapter 58, title 19, Idaho Code, then the applicant's identifica-  
39 tion card shall contain his or her alternative Idaho mailing address in place  
40 of his or her Idaho residence address. Each card shall also have printed on  
41 it the name of this state, the date of issuance, and the date of expiration.  
42 An identification card shall not be valid until it has been signed on the sig-  
43 nature line by the applicant. Each card shall bear upon it a color photograph  
44 of the applicant which shall be taken by the examiner at the time of appli-  
45 cation. The photograph shall be taken without headgear or other clothing or  
46 device that disguises or otherwise conceals the face or head of the appli-  
47 cant. A waiver may be granted by the department allowing the applicant to  
48 wear headgear or other head covering for medical, religious or safety pur-  
49 poses so long as the face is not disguised or otherwise concealed. At the re-

1 quest of the applicant, an identification card may contain a statement or in-  
2 dication of the medical condition of the applicant.

3 No person shall receive an identification card unless and until he sur-  
4 renders to the department all identification cards in his possession issued  
5 to him by Idaho or any other jurisdiction, or any driver's license issued by  
6 any other jurisdiction within the United States, or until he executes an af-  
7 fidavit that he does not possess an identification card or any driver's li-  
8 cense.

9 Identification cards issued to persons under eighteen (18) years of age  
10 shall include a notation "under 18 until (month, day, year)," and identifi-  
11 cation cards issued to persons eighteen (18) years of age to twenty-one (21)  
12 years of age shall include a notation "under 21 until (month, day, year)."  
13 The nonrefundable fee for a four-year identification card issued to persons  
14 twenty-one (21) years of age or older shall be ten dollars (\$10.00) of which  
15 five dollars (\$5.00) shall be retained by the county and credited to the cur-  
16 rent expense fund, and five dollars (\$5.00) shall be deposited in the state  
17 treasury to the credit of the highway distribution account. The nonrefund-  
18 able fee for identification cards issued to persons under twenty-one (21)  
19 years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00)  
20 shall be retained by the county and credited to the current expense fund, and  
21 five dollars (\$5.00) shall be deposited in the state treasury to the credit  
22 of the highway distribution account. The nonrefundable fee for an eight-  
23 year identification card shall be twenty dollars (\$20.00) of which ten dol-  
24 lars (\$10.00) shall be retained by the county and credited to the current ex-  
25 pense fund, and ten dollars (\$10.00) shall be deposited in the state treasury  
26 to the credit of the highway distribution account. At the option of the ap-  
27 plicant, the identification card issued to a person twenty-one (21) years of  
28 age or older shall expire either on the cardholder's birthday in the fourth  
29 year or the eighth year following issuance of the card, except as otherwise  
30 provided in subsection (3) of this section. Every identification card is-  
31 sued to a person under eighteen (18) years of age shall expire five (5) days  
32 after the person's eighteenth birthday, except as otherwise provided in sub-  
33 section (3) of this section. Every identification card issued to a person  
34 eighteen (18) years of age but under twenty-one (21) years of age shall ex-  
35 pire five (5) days after the person's twenty-first birthday, except as oth-  
36 erwise provided in subsection (3) of this section.

37 Individuals required to register in compliance with section 3 of the  
38 federal military selective service act, 50 U.S.C. App. 451 et seq., as  
39 amended, shall be provided an opportunity to fulfill such registration re-  
40 quirements in conjunction with an application for an identification card.  
41 Any registration information so supplied shall be transmitted by the depart-  
42 ment to the selective service system.

43 (2) Every identification card, except those issued to persons under  
44 twenty-one (21) years of age, shall be renewable on or before its expiration,  
45 but not more than twelve (12) months before, and upon application and payment  
46 of the required fee.

47 (3) Every identification card issued to a person who is not a citizen or  
48 permanent legal resident of the United States shall have an expiration date  
49 that is the same date as the end of lawful stay in the United States as indi-  
50 cated on documents issued and verified by the department of homeland secu-

1 rity, provided however, that the expiration date shall not extend beyond the  
2 expiration date for the same category of identification card issued to citi-  
3 zens. Persons whose department of homeland security documents do not state  
4 an expiration date shall be issued an identification card with an expiration  
5 date of one (1) year from the date of issuance.

6 (4) When an identification card has been expired for less than twelve  
7 (12) months, the renewal of the identification card shall start from the  
8 original date of expiration regardless of the year in which the application  
9 for renewal is made. If the identification card is expired for more than  
10 twelve (12) months, the application shall expire, at the option of the ap-  
11 plicant, on the applicant's birthday in the fourth year or the eighth year  
12 following reissuance of the identification card, except as otherwise pro-  
13 vided in subsection (3) of this section.

14 (5) A person possessing an identification card who desires to donate  
15 any or all organs or tissue in the event of death, and who has completed a  
16 document of gift pursuant to the provisions for donation of anatomical gifts  
17 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the  
18 donor, indicate this desire on the identification card by the imprinting of  
19 the word "donor" on the identification card. The provisions of this subsec-  
20 tion shall apply to persons possessing an identification card who are six-  
21 teen (16) years of age or older but less than eighteen (18) years of age if  
22 the requirements provided in chapter 34, title 39, Idaho Code, have been com-  
23 plied with.

24 (6) A person possessing an identification card or an applicant for an  
25 identification card who is a person with a permanent disability may request  
26 that the notation "permanently disabled" be imprinted on the identification  
27 card, provided the person presents written certification from a licensed  
28 physician verifying that the person's stated impairment qualifies as a per-  
29 manent disability according to the provisions of section 49-117, Idaho Code.

30 (7) In the case of a name change, the applicant shall provide legal doc-  
31 umentation to verify the change in accordance with department rules.

32 (8) Whenever any person, after applying for or receiving an identifi-  
33 cation card, shall move from the address shown on the application or on the  
34 identification card issued, that person shall, within thirty (30) days, no-  
35 tify the transportation department in writing of the old and new addresses.

36 (9) The department shall cancel any identification card upon determin-  
37 ing that the person was not entitled to the issuance of the identification  
38 card, or that the person failed to give the required and correct information  
39 in his application or committed fraud in making the application. Upon can-  
40 cellation, the person shall surrender the canceled identification card to  
41 the department.

42 (10) If any person shall fail to return to the department the identifi-  
43 cation card as required, the department may direct any peace officer to se-  
44 cure its possession and return the identification card to the department.

45 (11) The department may issue a no-fee identification card to an indi-  
46 vidual whose driver's license has been canceled and voluntarily surrendered  
47 as provided in section 49-322(45), Idaho Code. The identification card may  
48 be renewed at no cost to the applicant as long as the driver's license remains  
49 canceled.

1           (12) It is an infraction for any person to fail to notify the department  
2 of a change of address as required by the provisions of subsection (8) of this  
3 section.

4           SECTION 8. This act shall be in full force and effect on and after Jan-  
5 uary 30, 2012.