

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 155

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-307, IDAHO CODE, TO PROHIBIT CELL PHONE AND OTHER WIRELESS DEVICE USE BY CERTAIN PERMITTEES AND TO MAKE A TECHNICAL CORRECTION.

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 AND TEMPORARY PERMITS -- 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). Five dollars (\$5.00) of each fee so imposed shall be deposited in the driver training account, five dollars (\$5.00) shall be deposited in the state highway account, and five dollars (\$5.00) shall be deposited in the county current expense fund.

(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 temporary driver's training instruction permit or a temporary class D instruction permit upon receipt of both a photo identification and a letter from the school verifying the applicant's enrollment in a driver's training course. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

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

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

(6) Class D supervised instruction permit.

1 (a) Upon successful completion of the class D driver's training course,
2 the driver's training instructor shall submit the student log to the
3 county driver's license office and give the class D driver's training
4 instruction permit to the parent or legal guardian of the permittee, and
5 the parent or legal guardian shall assume responsibility for ensuring
6 that the permittee complies with the requirements of operating a vehi-
7 cle with a class D supervised instruction permit. The class D driver's
8 training instruction permit shall then serve as a class D supervised
9 instruction permit.

10 (b) In the event the permittee reaches the age of seventeen (17) years
11 while operating a class D vehicle with a class D supervised instruction
12 permit, the supervised instruction permit shall become a class D in-
13 struction permit.

14 (7) No permittee may apply for a class D driver's license sooner than
15 fifteen (15) years of age and no sooner than six (6) months after completing a
16 class D driver's training course, during which time the permittee shall sat-
17 isfy all requirements for operation of a class D vehicle with a class D super-
18 vised instruction permit as follows:

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

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

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

29 (d) The permittee shall not use a cell phone or other wireless device
30 for the purpose of calling, texting or communicating during the opera-
31 tion of a motor vehicle.

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

35 (ef) The permittee is subject to the provisions of sections 18-1502 and
36 18-8004, Idaho Code, relating to violation of age restrictions on con-
37 sumption of beer, wine, and alcohol and driving under the influence of
38 alcohol, drugs or any other intoxicating substances, respectively.

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

47 (gh) If the permittee is under seventeen (17) years of age and is con-
48 victed of a violation of any traffic law, or section 18-1502, Idaho
49 Code, or section 18-8004, Idaho Code, or section 23-949, Idaho Code,
50 or is found to be in violation of any of the restrictions on the class D

1 supervised instruction permit, the department shall cancel the class D
2 supervised instruction permit, and the cancellation shall not be used
3 to establish rates of motor vehicle insurance charged by a casualty
4 insurer. If the permittee is under seventeen (17) years of age, the
5 permittee may reapply for and be issued a new class D supervised in-
6 struction permit upon payment of the appropriate fee, and shall again
7 be required to operate with the class D supervised instruction permit
8 for at least six (6) months from the date of reissue without a conviction
9 or suspension, accumulate the required hours of driving time and adhere
10 to the requirements as specified in paragraphs (a) through (~~g~~) of this
11 subsection ~~(7)~~.

12 (8) Upon completion of the requirements in subsection (7) of this sec-
13 tion, the permittee shall take the knowledge test and skills test adminis-
14 tered by a person certified by the Idaho transportation department to admin-
15 ister knowledge and skills tests.

16 (9) Upon passage of the knowledge and skills tests, the permittee may
17 apply for a class D driver's license with driving privileges restricted to
18 daylight hours for persons under sixteen (16) years of age, and with full
19 privileges at sixteen (16) years of age or older. Provided however, the re-
20 striction on daylight hours only driving privileges for persons under six-
21 teen (16) years of age shall not apply if:

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

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

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

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

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