

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 274

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE TRAFFIC SAFETY EDUCATION PROGRAM; AMENDING CHAPTER 3, TITLE
2 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-336, IDAHO CODE, TO
3 ESTABLISH PROVISIONS RELATING TO TRAFFIC SAFETY EDUCATION PROGRAMS AND
4 RELATED FEES; AND PROVIDING AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Chapter 3, Title 50, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 50-336, Idaho Code, and to read as follows:

10 50-336. TRAFFIC SAFETY EDUCATION PROGRAM -- FEES. (1) Cities may by
11 ordinance elect to offer a traffic safety education program to all drivers
12 issued an infraction citation by a city law enforcement officer for a mov-
13 ing violation not involving a collision. Citations allowing the traffic
14 safety education program alternative shall only be issued pursuant to sec-
15 tion 49-1501, Idaho Code, and as permitted by this section. Such traffic
16 safety education program shall be for the purpose of educating drivers in
17 traffic safety concepts. Drivers qualified under this section who desire
18 to pay the fixed penalty and court costs in lieu of appearing in court on the
19 citation may also elect to attend a traffic safety education program offered
20 by a city under this section as an alternative to receiving violation points
21 and insurance rating charges as provided in subsection (6) of this section.
22 At the time of issuance of the citation, drivers shall elect whether they
23 wish to attend the program and, if so, the citing officer shall record the
24 election in the uniform citation. The citing officer shall provide to the
25 driver a written notice of the available times, locations and the cost of the
26 program or a written notice identifying a telephone number or internet web-
27 site address where such information can be obtained. The driver shall have
28 forty-five (45) days from the date of issuance of the citation to complete
29 the traffic safety education program. A driver electing to attend the pro-
30 gram shall pay the fixed penalty and court costs for the citation to the clerk
31 of the court as provided in the citation and pay the program fee, if any, sep-
32 arately to the city at or before the time of attendance at the program. Any
33 person who fails to complete the offered traffic safety education program
34 within the forty-five (45) days after voluntarily electing to attend will
35 not receive the relief provided in subsection (6) of this section. Before
36 issuing a citation allowing the traffic safety education program alterna-
37 tive, the citing officer shall ensure that the driver is not disqualified
38 under subsection (2) of this section.

39 (2) The traffic safety education program option allowed under subsec-
40 tion (1) of this section is not available to:

41 (a) Any driver holding a commercial driver's license or any person
42 driving a commercial motor vehicle; or

1 (b) Any driver having received within the last three (3) years relief
2 from violation points under subsection (6) of this section or having re-
3 ceived a point reduction as provided in rules of the Idaho department
4 of transportation for completing any defensive driving or driver safety
5 course.

6 (3) If the city imposes a traffic safety education program fee, such fee
7 shall not exceed twenty-five dollars (\$25.00).

8 (4) If the city collects a program fee from a driver disqualified from
9 the traffic safety education program alternative, the city shall refund the
10 program fee to the driver no later than ten (10) days following the discov-
11 ery of the error. If the driver has already completed the program, the city
12 shall, no later than ten (10) days following the discovery of the error, so
13 notify the clerk of the court and the driver and shall advise the driver that
14 the relief provided in subsection (6) of this section is not available and
15 shall pay to the driver twenty-five dollars (\$25.00) as liquidated damages
16 for the error, in addition to refunding the program fee.

17 (5) The city clerk or other authorized city official for the city in
18 which the citation was issued shall within fifteen (15) days of the comple-
19 tion of the traffic safety education program by the cited driver transmit
20 verification of the completion to the clerk of the county in which the cita-
21 tion was issued.

22 (6) When a person has successfully completed a traffic safety education
23 program for an infraction citation, the infraction shall not result in vio-
24 lation point counts as prescribed in section 49-326, Idaho Code, nor shall
25 the infraction be deemed to be a moving violation for the purpose of estab-
26 lishing rates of motor vehicle insurance charged by a casualty insurer.

27 (7) The Idaho supreme court shall establish such rules as deemed neces-
28 sary to implement the provisions of this section.

29 SECTION 2. This act shall be in full force and effect on and after Jan-
30 uary 1, 2014.