

IN THE SENATE

SENATE BILL NO. 1048

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-1505, IDAHO CODE, TO RE-
2 VISE CONDITIONS WHEN THE IDAHO TRANSPORTATION DEPARTMENT MAY SUSPEND
3 A DRIVER'S LICENSE FOR NONPAYMENT OF A TRAFFIC INFRACTION PENALTY; AND
4 DECLARING AN EMERGENCY.
5

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

7 SECTION 1. That Section 49-1505, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 49-1505. SUSPENSION OF DRIVER'S LICENSE AND PRIVILEGES FOR FAILURE
10 TO PAY UNDERLYING TRAFFIC INFRACTION PENALTY -- APPEAL. (1) The department
11 shall immediately suspend the driver's license, permit and operating priv-
12 ileges of any driver upon receiving notice from any court of the state that
13 a person has failed to pay the penalty for a traffic infraction judgment,
14 which traffic infraction occurred in this state and for which the driver had
15 notice and hearing or opportunity for hearing before the court contesting
16 the traffic infraction judgment. The notice may be sent to the department by
17 any court, which shall certify that a judgment for an infraction committed
18 in this state and not involving a traffic infraction judgment that occurred
19 outside the state, and not involving a pedestrian or a bicycle violation has
20 been entered against the person and that he has failed to pay the penalty
21 after notice and hearing, or opportunity for hearing, as prescribed by rule
22 of the supreme court. No notice of nonpayment of an infraction penalty shall
23 be sent to the department if the court finds that the person failing to pay
24 the penalty has a complete and continuing financial inability to pay the
25 penalty or shall be sent to the department unless the driver had notice and
26 hearing or opportunity for hearing before the court contesting the traffic
27 infraction judgment. The department shall have no authority to suspend a
28 driver's license pursuant to this section for failing to pay a traffic in-
29 fraction penalty unless it has received by clear and convincing evidence
30 that the infraction was committed in this state, the driver had notice and
31 hearing or opportunity for hearing before the court contesting the traffic
32 infraction judgment, and the record from the court is clear that the driver
33 had notice and hearing or opportunity for hearing before the court regarding
34 the in-state traffic infraction.

35 (2) The suspension of operating privileges under this section shall
36 continue for a period of ninety (90) days or until the penalty has been paid,
37 whichever comes first, from notice of suspension by the department. The
38 suspension shall be processed by the department in the same manner as other
39 suspensions under section 49-326, Idaho Code, except that no hearing shall
40 be held by the department and the department shall not issue any temporary
41 restricted permit unless the department has violated the provisions of this
42 section or other provision of law regarding suspension. Upon receipt of

1 the notice of nonpayment of the penalty from the court and the information
2 required by subsection (1) of this section, the department shall perform
3 the ministerial duty of giving official notification of suspension of the
4 driver's license and operating privileges.

5 (3) Upon proper application and payment of any required fee, a driver's
6 license, privileges or permit suspended under this section shall be rein-
7 stated by the department after the period of ninety (90) days, or shall be
8 reinstated at an earlier date upon proof of payment of the penalty for the in-
9 fraction. Upon payment of the infraction penalty, the court shall issue a
10 receipt which may be filed with the department together with an application
11 for reinstatement of the driver's license, privileges or permit.

12 (4) After the expiration of a ninety (90) day suspension under this
13 section, the driver's license, permit and driving privileges of the driver
14 whose driver's license, permit and driving privileges were suspended shall
15 not be reinstated under the provisions of section 49-328, Idaho Code, nor re-
16 newed under the provisions of section 49-319, Idaho Code, until the penalty
17 for the infraction has been paid to the court in the county in which the cita-
18 tion was issued.

19 (5) Any person operating a motor vehicle after the expiration of a
20 ninety (90) day suspension under this section, whose driver's license, priv-
21 ileges or permit has not been reinstated under the provisions of section
22 49-328, Idaho Code, or renewed under the provisions of section 49-319, Idaho
23 Code, shall be in violation of the provisions of section 49-301, Idaho Code,
24 for operating a motor vehicle without a driver's license.

25 (6) Any person whose driver's license has been suspended under this
26 section may appeal to the district court in the county where the infraction
27 judgment was entered within the time and in the manner provided for criminal
28 appeals from the magistrates division to the district court. The appeal
29 shall be expedited as provided by rule of the supreme court. If the dis-
30 trict court finds that the notice of nonpayment of the infraction penalty
31 should not have been sent to the department for suspension of the driver's
32 license, privileges or permit, the district court shall order the privileges
33 be reinstated by the department and upon receipt of a copy of such order the
34 department shall reinstate the privileges without the payment of a fee.

35 SECTION 2. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after its
37 passage and approval.