

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 359

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO DRIVING BUSINESSES; AMENDING SECTION 54-5403, IDAHO CODE, TO RE-  
2 VISE PROVISIONS RELATING TO THE DRIVING BUSINESS LICENSURE BOARD AND TO  
3 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-5406, IDAHO CODE, TO  
4 REMOVE AN EFFECTIVE DATE AND TO PROVIDE THAT AN APPRENTICESHIP REQUIRE-  
5 MENT MAY BE WAIVED UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMER-  
6 GENCY.  
7

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

9 SECTION 1. That Section 54-5403, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 54-5403. BOARD -- TERMS OF MEMBERS -- QUALIFICATIONS -- POWERS AND  
12 DUTIES -- MEETINGS -- COMPENSATION. (1) A driving businesses licensure board  
13 is hereby established in the department of self-governing agencies whose  
14 duty it shall be to administer the provisions of this chapter.

15 (2) The board shall consist of five (5) members appointed by the gover-  
16 nor. The governor may consider recommendations for appointment to the board  
17 from the Idaho association of professional driving businesses, any associ-  
18 ation of driving businesses or from any individual residing in this state.  
19 The board shall consist of four (4) members who ~~have been in the driving busi-~~  
20 ~~ness for at least five (5) years are licensed under this chapter~~ and one (1)  
21 member of the public who has been a customer of private driver education. At  
22 least one (1) member shall be a driving business owner.

23 (3) ~~Members shall begin their terms on July 1, 2009, and serve at the~~  
24 ~~pleasure of the governor. Terms shall initially be staggered as follows:~~  
25 ~~one (1) member whose term expires July 1, 2010; two (2) members whose terms~~  
26 ~~expire July 1, 2011; and two (2) members whose terms expire July 1, 2012.~~  
27 ~~Thereafter, each Board members of the board shall serve be appointed for a~~  
28 term of three (3) years terms. No member of the board may be appointed to more  
29 than two (2) consecutive terms. Members of the board shall hold office until  
30 the expiration of the term for which they were appointed and until their suc-  
31 cessors have been appointed and qualified. In the event of a vacancy other  
32 than expiration of a term, the governor shall appoint a replacement to fill  
33 the vacancy for the remainder of the unexpired term.

34 (4) ~~Members of the board who are driving business owners shall be cit-~~  
35 ~~izens of the United States and residents of this state, and they shall have~~  
36 ~~been licensed driving business owners with a minimum of five (5) years of~~  
37 ~~continuous licensing prior to being nominated, and shall never have been the~~  
38 ~~subject of a disciplinary action under the provisions of section 54-5409,~~  
39 ~~Idaho Code.~~

40 (5) The board shall:

41 (a) Enforce the minimum standards and requirements as provided in this  
42 chapter and by rule adopted by the board. The board may promulgate such

1 rules, in compliance with chapter 52, title 67, Idaho Code, as may be  
 2 necessary to carry out the provisions of this chapter in order to effec-  
 3 tuate the purposes herein and for the orderly and efficient administra-  
 4 tion thereof, except as may be limited or prohibited by law and the pro-  
 5 visions of this chapter;

6 (b) Accept or reject applications for licensing, business and instruc-  
 7 tion, and establish the fees to be charged for original application and  
 8 renewal, subject to the provisions of this chapter;

9 (c) Hold and attend public meetings, and furnish copies of information  
 10 to those engaged in the business and to the public upon request;

11 (d) Review and approve instructor training curriculum and programs;

12 (e) Contract with the bureau of occupational licenses to provide admin-  
 13 istrative services;

14 (f) Include a link on the bureau of occupational licenses' website  
 15 to current curriculum components offered by private driver education  
 16 businesses; and

17 (g) Adopt rules providing for continuing education.

18 (6) The board shall have the authority to conduct inspections and au-  
 19 dits of any licensed driving business or any licensed instructor to ensure  
 20 compliance with the laws and rules of the board. Failure to cooperate with an  
 21 inspection or audit may constitute grounds for disciplinary action.

22 (7) The board shall meet ~~within thirty (30) days after the appointment~~  
 23 ~~of its members and thereafter~~ at such times as may be expedient and necessary  
 24 for the proper performance of its duties, but it shall not meet less than once  
 25 per year.

26 (8) ~~At the board's first meeting, t~~The members shall elect annually one  
 27 (1) of their number to be chairman and ~~then shall elect a chairman annually~~  
 28 ~~thereafter~~. The chairman may serve in such capacity for a one (1) year term  
 29 and may not serve in such capacity for more than two (2) consecutive terms.

30 (9) A majority of the board shall constitute a quorum for the transac-  
 31 tion of business.

32 (10) Each member of the board shall be compensated as provided by sec-  
 33 tion 59-509(k), Idaho Code.

34 SECTION 2. That Section 54-5406, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 54-5406. DRIVING INSTRUCTORS -- REQUIREMENTS. (1) Each person apply-  
 37 ing for a driving instructor license must complete an application provided  
 38 by the bureau of occupational licenses that requires the applicant to be at  
 39 least twenty-one (21) years of age, have written evidence of graduation from  
 40 a high school, an accredited college or university or a GED, a valid driver's  
 41 license and a satisfactory driving record from the jurisdiction from which  
 42 the license was issued, a satisfactory fingerprint-based criminal history  
 43 check of the Idaho central criminal database and the federal bureau of inves-  
 44 tigation criminal history database, a medical certificate and any required  
 45 completed coursework. Licensees shall certify that they hold a current med-  
 46 ical certificate at the time of license renewal.

47 (2) ~~On and after July 1, 2010, e~~Every new applicant for a license pur-  
 48 suant to this chapter shall have completed a board approved apprenticeship  
 49 training program of not less than sixty (60) hours of classroom instruction

1 and one hundred eight (108) hours of behind-the-wheel training. The board  
2 may waive, as a whole or either part, the apprenticeship for an applicant  
3 who holds a current, active and unrestricted equivalent instructor license  
4 from another state or who has the requisite training and experience as demon-  
5 strated in a manner established by board rule. Such applicant shall submit  
6 supporting documentation with the completed application and shall meet all  
7 other requirements in this chapter and in board rule.

8 (3) If the board granted any instructor a license without the satisfac-  
9 tory fingerprint-based criminal history check as provided in subsection (1)  
10 of this section, such licensee shall obtain and submit the required finger-  
11 print-based criminal history check to the board on or before the date of the  
12 licensee's first renewal ~~occurring after the effective date of this act.~~

13 SECTION 3. An emergency existing therefor, which emergency is hereby  
14 declared to exist, this act shall be in full force and effect on and after its  
15 passage and approval.