

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 599

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO DRIVING WITHOUT PRIVILEGES; AMENDING SECTION 18-8001, IDAHO
2 CODE, TO REVISE THE OFFENSE OF DRIVING WITHOUT PRIVILEGES, TO REVISE
3 PENALTIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-301,
4 IDAHO CODE, TO REVISE A PENALTY AND TO PROVIDE PENALTIES FOR CERTAIN
5 VIOLATIONS; AMENDING SECTION 49-328, IDAHO CODE, TO PROVIDE THAT A
6 DRIVER'S LICENSE SHALL NOT BE SUSPENDED FOR FAILURE TO PAY AN INFRACTION
7 PENALTY, TO PROVIDE THAT A DRIVER'S LICENSE THAT HAS BEEN SUSPENDED
8 SHALL BE REINSTATED AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SEC-
9 TION 49-1505, IDAHO CODE, RELATING TO SUSPENSION OF DRIVER'S LICENSE
10 AND PRIVILEGES FOR FAILURE TO PAY UNDERLYING TRAFFIC INFRACTION PENALTY
11 AND APPEAL; AMENDING SECTION 31-3201, IDAHO CODE, TO PROVIDE FOR CER-
12 TAIN INFRACTIONS; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE FOR
13 CERTAIN INFRACTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
14 TION 31-3201H, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS; AMENDING
15 SECTION 31-3204, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS; AMEND-
16 ING SECTION 72-1025, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS AND
17 TO REMOVE SURPLUS VERBIAGE; AND AMENDING SECTION 72-1105, IDAHO CODE,
18 TO PROVIDE FOR CERTAIN INFRACTIONS.
19

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

21 SECTION 1. That Section 18-8001, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 18-8001. DRIVING WITHOUT PRIVILEGES.

24 (1) (a) Except as provided in paragraph (b) of this subsection, aAny
25 person who drives or is in actual physical control of any motor vehi-
26 cle upon the highways of this state with knowledge or who has received
27 legal notice pursuant to section 49-320, Idaho Code, that his driver's
28 license, driving privileges or permit to drive is revoked, disqualified
29 or suspended in this state or any other jurisdiction is guilty of a mis-
30 demeanor.

31 (b) Any person who drives or is in actual physical control of any mo-
32 tor vehicle upon the highways of this state with knowledge or who has
33 received legal notice pursuant to section 49-320, Idaho Code, that his
34 driver's license, driving privileges or permit to drive is revoked,
35 disqualified or suspended in this state or any other jurisdiction
36 and whose license was suspended for any reason outlined in sections
37 18-1502, 49-326(1) (g), 49-1204 and 49-1207, Idaho Code, is guilty of an
38 infraction punishable by a fine of one hundred fifty dollars (\$150).

39 (2) A person has knowledge that his license, driving privileges or per-
40 mit to drive is revoked, disqualified or suspended when:

41 (a) He has actual knowledge of the revocation, disqualification or sus-
42 pension of his license, driving privileges or permit to drive; or

1 (b) He has received oral or written notice from a verified, authorized
2 source, that his license, driving privileges or permit to drive was re-
3 voked, disqualified or suspended; or

4 (c) Notice of the suspension, disqualification or revocation of his li-
5 cense, driving privileges or permit to drive was mailed by first class
6 mail to his address pursuant to section 49-320, Idaho Code, as shown in
7 the transportation department records, and he failed to receive the no-
8 tice or learn of its contents as a result of his own unreasonable, in-
9 tentional or negligent conduct or his failure to keep the transporta-
10 tion department apprised of his mailing address as required by section
11 49-320, Idaho Code; or

12 (d) He has knowledge of, or a reasonable person in his situation exer-
13 cising reasonable diligence would have knowledge of, the existence of
14 facts or circumstances which, under Idaho law, might have caused the re-
15 vocation, disqualification or suspension of his license, driving privi-
16 leges or permit to drive.

17 (3) ~~Any person who pleads guilty to or is found guilty of a violation of~~
18 ~~subsection (1) for the first time:~~

19 ~~(a) Shall be sentenced to jail for a mandatory minimum period of not~~
20 ~~less than two (2) days, and may be sentenced to not more than six (6)~~
21 ~~months, provided however, that in the discretion of the sentencing~~
22 ~~judge, the judge may authorize the defendant to be assigned to a work~~
23 ~~release or work detail program within the custody of the county sheriff~~
24 ~~during the period of incarceration, or, if the underlying suspension~~
25 ~~that resulted in the violation of this section is not a suspension re-~~
26 ~~sulting from an offense identified in subsection (8) of this section,~~
27 ~~the judge may authorize an equivalent amount of community service in~~
28 ~~lieu of jail, or any equivalent combination of these options;~~

29 ~~(b) May be fined an amount not to exceed one thousand dollars (\$1,000);~~
30 ~~and~~

31 ~~(c) May have his driving privileges suspended by the court for a period~~
32 ~~not to exceed one hundred eighty (180) days following the end of any pe-~~
33 ~~riod of suspension, disqualification or revocation existing at the time~~
34 ~~of the violation; the defendant may request restricted driving privi-~~
35 ~~leges during the period of the suspension or disqualification, which~~
36 ~~the court may allow if the defendant shows by a preponderance of the ev-~~
37 ~~idence that driving privileges are necessary for his employment, educa-~~
38 ~~tion or for family health needs.~~

39 ~~(4) Any person who pleads guilty to or is found guilty of a violation of~~
40 ~~subsection (1) for a second time within five (5) years, irrespective of the~~
41 ~~form of the judgment(s) or withheld judgment(s):~~

42 ~~(a) Shall be sentenced to jail for a mandatory minimum period of not~~
43 ~~less than twenty (20) days, and may be sentenced to not more than one (1)~~
44 ~~year, provided however, that in the discretion of the sentencing judge,~~
45 ~~the judge may authorize the defendant to be assigned to a work release or~~
46 ~~work detail program within the custody of the county sheriff during the~~
47 ~~period of incarceration, or, if the underlying suspension that resulted~~
48 ~~in the violation of this section is not a suspension resulting from an~~
49 ~~offense identified in subsection (8) of this section, the judge may au-~~

1 ~~thorize an equivalent amount of community service in lieu of jail, or~~
 2 ~~any equivalent combination of these options;~~

3 ~~(b) May be fined an amount not to exceed one thousand dollars (\$1,000);~~
 4 ~~and~~

5 ~~(c) May have his driving privileges suspended by the court for a period~~
 6 ~~not to exceed one (1) year following the end of any period of suspension,~~
 7 ~~disqualification or revocation existing at the time of the second vio-~~
 8 ~~lation. The defendant may request restricted driving privileges during~~
 9 ~~the period of the suspension, which the court may allow if the defen-~~
 10 ~~dant shows by a preponderance of the evidence that driving privileges~~
 11 ~~are necessary for his employment, education or for family health needs.~~

12 ~~(5) Any person who has pled guilty to or been found guilty of more than~~
 13 ~~two (2) violations of the provisions of subsection (1) of this section within~~
 14 ~~five (5) years, notwithstanding the form of the judgment(s) or withheld~~
 15 ~~judgment(s), is guilty of a misdemeanor; and~~

16 ~~(a) Shall be sentenced to the county jail for a mandatory minimum pe-~~
 17 ~~riod of not less than thirty (30) days, and may be sentenced to not more~~
 18 ~~than one (1) year; provided, however, that in the discretion of the sen-~~
 19 ~~tencing judge, the judge may authorize the defendant to be assigned to~~
 20 ~~a work release or work detail program within the custody of the county~~
 21 ~~sheriff during the period of incarceration, or, if the underlying sus-~~
 22 ~~pension that resulted in the violation of this section is not a suspen-~~
 23 ~~sion resulting from an offense identified in subsection (8) of this sec-~~
 24 ~~tion, the judge may authorize an equivalent amount of community service~~
 25 ~~in lieu of jail, or any equivalent combination of these options;~~

26 ~~(b) May be fined an amount not to exceed three thousand dollars~~
 27 ~~(\$3,000); and~~

28 ~~(c) May have his driving privileges suspended by the court for a period~~
 29 ~~not to exceed two (2) years following the end of any period of suspen-~~
 30 ~~sion, disqualification or revocation existing at the time of the viola-~~
 31 ~~tion. The defendant may request restricted driving privileges during~~
 32 ~~the period of the suspension, which the court may allow if the defen-~~
 33 ~~dant shows by a preponderance of the evidence that driving privileges~~
 34 ~~are necessary for his employment, education or for family health needs.~~

35 ~~(6) A minor may be prosecuted for a violation of subsection (1) of this~~
 36 ~~section under chapter 5, title 20, Idaho Code.~~

37 ~~(74) If a person is convicted for a violation of section 18-8004,~~
 38 ~~18-8004C or 18-8006, Idaho Code, and at the time of arrest had no driving~~
 39 ~~privileges, the penalties imposed by this section shall be in addition to~~
 40 ~~any penalties imposed under the provisions of section 18-8005, 18-8004A,~~
 41 ~~18-8004C or 18-8006, Idaho Code, and not in lieu thereof.~~

42 ~~(8) For purposes of this section, the offenses referred to in subsec-~~
 43 ~~tions (3) (a), (4) (a) and (5) (a) of this section are:~~

44 ~~(a) Section 18-1501(3), Idaho Code, transporting a minor in a motor ve-~~
 45 ~~hicle while under the influence;~~

46 ~~(b) Section 18-4006(3), Idaho Code, vehicular manslaughter;~~

47 ~~(c) Section 18-8001, Idaho Code, driving without privileges;~~

48 ~~(d) Section 18-8004, Idaho Code, driving under the influence of alco-~~
 49 ~~hol, drugs or other intoxicating substances;~~

50 ~~(e) Section 18-8004C, Idaho Code, excessive alcohol concentration;~~

~~(f) Section 18-8006, Idaho Code, aggravated driving while under the influence of alcohol, drugs or any other intoxicating substances;~~
~~(g) Section 18-8007, Idaho Code, leaving the scene of an accident resulting in injury or death;~~
~~(h) Section 49-1229, Idaho Code, required motor vehicle insurance;~~
~~(i) Section 49-1232, Idaho Code, certificate or proof of liability insurance to be carried in motor vehicle;~~
~~(j) Section 49-1401, Idaho Code, reckless driving;~~
~~(k) Section 49-1404, Idaho Code, eluding a police officer;~~
~~(l) Section 49-1428, Idaho Code, operating a vehicle without liability insurance;~~

~~or any substantially conforming foreign criminal violation.~~

(95) In no event shall a person be granted restricted driving privileges unless the person shows proof of liability insurance or other proof of financial responsibility, as provided in chapter 12, title 49, Idaho Code.

~~(106)~~ In no event shall a person who is disqualified or whose driving privileges are suspended, revoked or canceled under the provisions of this chapter be granted restricted driving privileges to operate a commercial motor vehicle.

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

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

(2) No person shall operate a motorcycle upon a highway unless he has a motorcycle endorsement on his valid driver's license. The provisions of this subsection shall not apply to persons operating autocycles.

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

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

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

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

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

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

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

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

3 (e) Without having a current and valid medical examiner's certificate
4 on file with the department while operating in a "non-excepted" status
5 as required by the federal motor carrier safety administration. Med-
6 ical examiner's certificates submitted for filing must be legible and
7 shall be submitted in a manner acceptable to the department. If the
8 federal motor carrier safety administration has issued a medical ex-
9 emption letter or skill performance evaluation certificate, the driver
10 must have the current and valid documentation in physical possession
11 and available upon request to a duly authorized federal, state or local
12 enforcement official.

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

20 ~~(8) Except as provided in section 49-304, Idaho Code, a violation of~~
21 ~~this section A person operating a vehicle that requires a class A, B or C~~
22 ~~license without a current and valid license required to drive such vehicle~~
23 ~~is guilty of a misdemeanor. Except as provided in sections 18-8001(1) and~~
24 ~~49-304, Idaho Code, operating a vehicle without a current and valid class D~~
25 ~~driver's license in violation of this section is an infraction punishable by~~
26 ~~a fine of one hundred fifty dollars (\$150). A second conviction for operat-~~
27 ~~ing a vehicle without a current and valid class D driver's license within a~~
28 ~~period of five (5) years of the first conviction is an infraction punishable~~
29 ~~by a fine of three hundred dollars (\$300). A third and any subsequent con-~~
30 ~~vicition for operating a vehicle without a current and valid class D driver's~~
31 ~~license within a period of five (5) years of the first conviction shall~~
32 ~~be a misdemeanor, punishable by a fine not exceeding one thousand dollars~~
33 ~~(\$1,000), or by imprisonment in the county jail not exceeding six (6) months,~~
34 ~~or both.~~

35 SECTION 3. That Section 49-328, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S
38 LICENSE -- FEE -- WHEN REINSTATEMENT PROHIBITED. (1) When the period of re-
39 vocation, disqualification or suspension of a driver's license has expired,
40 or the reason for the revocation, disqualification or suspension no longer
41 exists, the department shall reinstate the driver's license or driving priv-
42 ileges on application of the driver.

43 (2) The application shall be in the form prescribed by the department
44 and accompanied by a reinstatement fee of twenty-five dollars (\$25.00) which
45 shall be deposited in the state highway account.

46 (3) A driver's license ~~which has been~~ shall not be suspended under sec-
47 ~~tion 49-1505, Idaho Code,~~ for failure to pay an infraction penalty ~~shall not~~
48 ~~be reinstated until the licensee provides proof that the infraction penalty~~
49 ~~has been paid to the court. All driver's licenses suspended prior to July 1,~~

1 2018, for failure to pay an infraction penalty shall be reinstated upon ap-
2 plication and without charge to the applicant.

3 (4) In addition to any other fees required in this section to be col-
4 lected, the department shall collect sixty dollars (\$60.00) for reinstating
5 a driver's license after conviction for driving under the influence, without
6 privileges, and after conviction or other violation of any other traffic_re-
7 lated misdemeanor or infraction, of which fees forty dollars (\$40.00) shall
8 be paid over to the county treasurer of the county in which the conviction
9 occurred for support of that county's justice fund, or the current expense
10 fund if no county justice fund has been established, and the twenty dollars
11 (\$20.00) shall be deposited in the state highway account.

12 (5) In addition to any other fees required in this section to be col-
13 lected, the department shall collect two hundred dollars (\$200) for rein-
14 stating a driver's license after a suspension imposed under the provisions
15 of section 18-8002 or section 18-8002A, Idaho Code, or after a revocation,
16 disqualification or suspension arising out of any alcohol or drug_related
17 offense, other than a suspension imposed upon a person under eighteen (18)
18 years of age pursuant to section 18-1502(d), Idaho Code. Funds collected
19 pursuant to this subsection shall be deposited in the state highway account.

20 (6) When there is more than one (1) reason why a driver's license was re-
21 voked or suspended or why a driver was disqualified, the department shall not
22 collect multiple fees for reinstatement, but shall only collect one (1) re-
23 instatement fee, which shall be the greater reinstatement fee, provided how-
24 ever, the department shall collect a reinstatement fee for each revocation,
25 disqualification or suspension under chapter 80, title 18, Idaho Code.

26 SECTION 4. That Section [49-1505](#), Idaho Code, be, and the same is hereby
27 repealed.

28 SECTION 5. That Section 31-3201, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district
31 court shall lawfully charge, demand and receive the following fees for ser-
32 vices rendered by him in discharging the duties imposed upon him by law:

- 33 For filing and docketing abstract or transcript of judgment from an-
34 other court\$2.00
- 35 For issuing execution upon an abstract or transcript of judgment and
36 filing same on return\$2.00
- 37 For recording execution issued upon abstract or transcript of judgment,
38 per page\$2.00
- 39 For taking affidavits, including jurat\$1.00
- 40 For taking acknowledgments, including seal\$1.00
- 41 For filing and indexing designation of agent of foreign corporation ...
42\$2.00
- 43 For filing and indexing notarial statement\$2.00
- 44 For making copy of any file or record, by the clerk, the clerk shall
45 charge and receive, per page\$1.00
- 46 For comparing and conforming a prepared copy of any file or record, the
47 clerk shall charge and receive, per page \$.50
- 48 For certifying the same an additional fee for certificate and seal

1\$1.00

2 For all services not herein enumerated, and of him lawfully required,
3 the clerk of the district court shall demand and receive such fees as are
4 herein allowed for similar services.

5 (2) All fees collected under the provisions of this section shall be
6 paid over to the county treasurer, at the same time and in the same manner as
7 other fees.

8 (3) In addition to all other fines, forfeitures and costs levied by the
9 court, the clerk of the district court shall collect ten dollars (\$10.00) as
10 an administrative surcharge fee on each criminal case, including an infrac-
11 tion under section 18-8001 or 49-301, Idaho Code, a first-time infrac-
12 tion under section 23-604 or 23-949, Idaho Code, and five dollars (\$5.00) on other
13 infractions to be paid over to the county treasurer at the same time and in
14 the same manner as other fees, for the support of the county justice fund,
15 or the current expense fund if no county justice fund has been established,
16 and shall collect ten dollars (\$10.00) as an administrative surcharge fee on
17 each civil case, including each appeal, to be paid over to the county trea-
18 surer for the support of the county court facilities fund, or to the district
19 court fund if no county court facilities fund has been established.

20 (4) Provided further, an additional handling fee of two dollars (\$2.00)
21 shall be imposed on each monthly installment of criminal or infraction
22 fines, forfeitures, and other costs paid on a monthly basis.

23 (5) Provided further, in addition to all other fines, forfeitures and
24 costs levied by the court, the clerk of the district court shall collect ten
25 dollars (\$10.00) as a court technology fee on each criminal and infraction
26 offense to be paid over to the county treasurer who shall, within five (5)
27 days after the end of the month, pay such fee to the state treasurer for de-
28 posit into the court technology fund.

29 SECTION 6. That Section 31-3201A, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 31-3201A. COURT FEES. The clerk of the district court in addition to
32 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-
33 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-
34 tle 73, Idaho Code, shall charge, demand and receive the following fees for
35 services rendered by him in discharging the duties imposed upon him by law:

36 (1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for
37 filing a civil case of any type in the district court, except for those cases
38 to be assigned to the magistrate's division of the district court for which
39 the fee shall be one hundred twenty dollars (\$120), with the following excep-
40 tions:

41 (a) The fee for small claims shall be as provided in section 1-2303,
42 Idaho Code;

43 (b) No filing fee shall be charged in the following types of cases:

44 (i) Cases brought under chapter 3, title 66, Idaho Code, for com-
45 mitment of mentally ill persons;

46 (ii) Cases brought under the juvenile corrections act;

47 (iii) Cases brought under the child protective act;

48 (iv) Demands for bond before a personal representative is ap-
49 pointed in probate;

- 1 (v) Petitions for sterilization;
2 (vi) Petitions for judicial consent to abortion;
3 (vii) Registration of trusts and renunciations;
4 (viii) Petitions for leave to compromise the disputed claim of a
5 minor;
6 (ix) Petitions for a civil protection order or to enforce a for-
7 eign civil protection order pursuant to chapter 63, title 39,
8 Idaho Code;
9 (x) Objections to the appointment of a guardian filed by a minor
10 or an incapacitated person;
11 (xi) Proceedings to suspend a license for nonpayment of child
12 support pursuant to section 7-1405, Idaho Code;
13 (xii) Proceedings under the uniform post-conviction procedure
14 act as provided in chapter 49, title 19, Idaho Code;
15 (xiii) Filings of a custody decree from another state;
16 (xiv) Filings of any answer after an initial appearance fee has
17 been paid.

18 The filing fee shall be distributed as follows: seventeen dollars (\$17.00)
19 of such filing fee shall be paid to the county treasurer for deposit in the
20 district court fund of the county; one hundred thirty-five dollars (\$135)
21 of such filing fee, or in a case assigned to the magistrate division of the
22 district court eighty dollars (\$80.00) of such filing fee, shall be paid to
23 the county treasurer who shall, within five (5) days after the end of the
24 month, pay such fees to the state treasurer for deposit into the court tech-
25 nology fund; seventeen dollars (\$17.00) of such filing fee shall be paid to
26 the county treasurer who shall pay such fees to the state treasurer for de-
27 posit in accordance with subsection (15) of this section; and six dollars
28 (\$6.00) of such filing fee shall be paid to the county treasurer who shall,
29 within five (5) days after the end of the month, pay such fees to the state
30 treasurer for deposit in the senior magistrate judges fund.

31 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty
32 cents (\$17.50) shall be paid, but not in advance, by each person found guilty
33 of any felony or misdemeanor, except when the court orders such fee waived
34 because the person is indigent and unable to pay such fee. If the magistrate
35 court facilities are provided by the county, five dollars (\$5.00) of such fee
36 shall be paid to the county treasurer for deposit in the district court fund
37 of the county; and twelve dollars and fifty cents (\$12.50) of such fee shall
38 be paid to the county treasurer who shall pay such fees to the state treasurer
39 for deposit in accordance with subsection (15) of this section. If the mag-
40 istrate court facilities are provided by a city, five dollars (\$5.00) of such
41 fee shall be paid to the city treasurer for deposit in the city general fund,
42 two dollars and fifty cents (\$2.50) of such fee shall be paid to the city
43 treasurer for deposit in the city capital facilities fund for the construc-
44 tion, remodeling and support of magistrate court facilities, and ten dollars
45 (\$10.00) of such fee shall be paid to the county treasurer who shall pay such
46 fees to the state treasurer for deposit in accordance with subsection (15) of
47 this section.

48 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)
49 shall be paid, but not in advance, by each person found to have committed an
50 infraction or any minor traffic, conservation or ordinance violation, and a

1 fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in
2 advance, by each person found to have committed an infraction under section
3 18-8001 or 49-301, Idaho Code, or a first-time infraction under section
4 23-604 or 23-949, Idaho Code, and distributed pursuant to subsection (2) of
5 this section; provided that the judge or magistrate may in his or her discre-
6 tion consolidate separate nonmoving traffic offenses into one (1) offense
7 for purposes of assessing such fee. If the magistrate court facilities are
8 provided by the county, five dollars (\$5.00) of such fee shall be paid to
9 the county treasurer for deposit in the district court fund of the county;
10 and eleven dollars and fifty cents (\$11.50) of such fee shall be paid to the
11 county treasurer, who shall pay such fees to the state treasurer for deposit
12 in accordance with subsection (15) of this section. If the magistrate court
13 facilities are provided by a city, five dollars (\$5.00) of such fee shall be
14 paid to the city treasurer for deposit in the city general fund, two dollars
15 and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for
16 deposit in the city capital facilities fund for the construction, remodeling
17 and support of magistrate court facilities, and nine dollars (\$9.00) of such
18 fee shall be paid to the county treasurer who shall pay such fees to the state
19 treasurer for deposit in accordance with subsection (15) of this section.

20 (4) Initial appearance other than plaintiff. A fee of one hundred dol-
21 lars (\$100) shall be paid for any filing constituting the initial appearance
22 by a party, except the plaintiff, in any civil action in the district court
23 or in the magistrate's division of the district court, except small claims.
24 If two (2) or more parties are making their initial appearance in the same
25 filing, then only one (1) filing fee shall be collected. Of such fee, four
26 dollars (\$4.00) shall be paid to the county treasurer for deposit in the dis-
27 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be
28 paid to the county treasurer who shall, within five (5) days after the end
29 of the month, pay such fees to the state treasurer for deposit into the court
30 technology fund; ten dollars (\$10.00) of such fee shall be paid to the county
31 treasurer who shall pay such fees to the state treasurer for deposit in ac-
32 cordance with subsection (15) of this section; and six dollars (\$6.00) of
33 such fee shall be paid to the county treasurer who shall, within five (5) days
34 after the end of the month, pay such fees to the state treasurer for deposit
35 in the senior magistrate judges fund.

36 (5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the per-
37 son or persons required to make an account pursuant to title 15, Idaho Code,
38 at the time such account is filed. All of such fee shall be paid to the county
39 treasurer for deposit in the district court fund of the county.

40 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)
41 shall be paid upon the filing of a petition of the executor or administrator
42 or of any person interested in an estate for the distribution of such estate,
43 six dollars (\$6.00) of such fee shall be paid to the county treasurer for
44 deposit in the district court fund of the county; thirteen dollars (\$13.00)
45 of such fee shall be paid to the county treasurer who shall pay such fees to
46 the state treasurer for deposit in accordance with subsection (15) of this
47 section; and six dollars (\$6.00) of such fee shall be paid to the county
48 treasurer who shall, within five (5) days after the end of the month, pay such
49 fees to the state treasurer for deposit in the senior magistrate judges fund.

1 (7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid
2 by a party filing a third party claim as defined in the Idaho rules of civil
3 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county
4 treasurer for deposit in the district court fund of the county; and six dol-
5 lars (\$6.00) of such fee shall be paid to the county treasurer who shall,
6 within five (5) days after the end of the month, pay such fees to the state
7 treasurer for deposit in the senior magistrate judges fund.

8 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by
9 any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be
10 paid to the county treasurer for deposit in the district court fund of the
11 county; and six dollars (\$6.00) of such fee shall be paid to the county trea-
12 surer who shall, within five (5) days after the end of the month, pay such
13 fees to the state treasurer for deposit in the senior magistrate judges fund.

14 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be
15 paid by a party initiating a change of venue. Such fee shall be paid to the
16 clerk of the court of the county to which venue is changed. Nine dollars
17 (\$9.00) of such fee shall be paid to the county treasurer for deposit in the
18 district court fund of the county and twenty dollars (\$20.00) of such fee
19 shall be paid to the county treasurer who shall, within five (5) days after
20 the end of the month, pay such fees to the state treasurer for deposit into
21 the court technology fund.

22 (10) Reopening a case.

23 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party
24 appearing after judgment or applying to reopen a case. Nine dollars
25 (\$9.00) of such fee shall be paid to the county treasurer for deposit
26 in the district court fund of the county; six dollars (\$6.00) of such
27 fee shall be paid to the county treasurer who shall, within five (5)
28 days after the end of the month, pay such fees to the state treasurer
29 for deposit in the senior magistrate judges fund; and seventy dollars
30 (\$70.00) of such fee shall be paid to the county treasurer who shall,
31 within five (5) days after the end of the month, pay such fees to the
32 state treasurer for deposit into the court technology fund.

33 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party
34 applying to reopen a divorce action or modify a divorce decree, with
35 seventeen dollars (\$17.00) of the fee to be paid to the county treasurer
36 for deposit in the district court fund of the county; fifteen dollars
37 (\$15.00) of such fee to be paid to the county treasurer who shall pay
38 such fees to the state treasurer for deposit in accordance with subsec-
39 tion (15) of this section; six dollars (\$6.00) of such fee to be paid to
40 the county treasurer who shall, within five (5) days after the end of the
41 month, pay such fees to the state treasurer for deposit in the senior
42 magistrate judges fund; and seventy dollars (\$70.00) of such fee shall
43 be paid to the county treasurer who shall, within five (5) days after the
44 end of the month, pay such fees to the state treasurer for deposit into
45 the court technology fund.

46 (c) When the application to reopen a case consists only of a motion or
47 other pleading to revive or renew a judgment, a fee of twenty-nine dol-
48 lars (\$29.00) shall be paid by the party filing the motion or pleading.
49 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer
50 for deposit in the district court fund of the county and twenty dollars

1 (\$20.00) of such fee shall be paid to the county treasurer who shall,
2 within five (5) days after the end of the month, pay such fees to the
3 state treasurer for deposit into the court technology fund.

4 (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)
5 shall be paid by a party taking an appeal from the magistrate's division of
6 the district court to the district court; nine dollars (\$9.00) of such fee
7 shall be paid to the county treasurer for deposit in the district court fund
8 of the county; six dollars (\$6.00) of such fee shall be paid to the county
9 treasurer who shall, within five (5) days after the end of the month, pay such
10 fees to the state treasurer for deposit in the senior magistrate judges fund;
11 and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer
12 who shall, within five (5) days after the end of the month, pay such fees to
13 the state treasurer for deposit into the court technology fund. No addi-
14 tional fee shall be required if a new trial is granted.

15 (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)
16 shall be paid by the party taking an appeal from the district court to the
17 supreme court for comparing and certifying the transcript on appeal, if such
18 certificate is required. Nine dollars (\$9.00) of such fee shall be paid to
19 the county treasurer for deposit in the district court fund of the county;
20 six dollars (\$6.00) of such fee shall be paid to the county treasurer who
21 shall, within five (5) days after the end of the month, pay such fees to the
22 state treasurer for deposit in the senior magistrate judges fund; and twenty
23 dollars (\$20.00) of such fee shall be paid to the county treasurer who shall,
24 within five (5) days after the end of the month, pay such fees to the state
25 treasurer for deposit into the court technology fund.

26 (13) Fees not covered by this section, including fees to defray the
27 costs of electronic access to court records other than the register of ac-
28 tions, shall be set by rule or administrative order of the supreme court.

29 (14) All fees required to be paid by this section or by rule or admin-
30 istrative order of the supreme court shall be collected by the clerk of the
31 district court or by a person appointed by the clerk of the district court
32 for this purpose. If it appears that there is a necessity for such fees to
33 be collected by persons other than the clerk of the district court or a per-
34 son designated by the clerk for such purpose, the supreme court by rule or
35 administrative order may provide for the designation of persons authorized
36 to receive such fees. Persons so designated shall account for such fees in
37 the same manner required of the clerk of the district court and shall pay such
38 fees to the clerk of the district court of the county in which such fees are
39 collected.

40 (15) That portion of the filing fees required to be remitted to the state
41 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and
42 (10) of this section shall be apportioned eighty-six percent (86%) to the
43 state general fund and fourteen percent (14%) to the peace officers stan-
44 dards and training fund authorized in section 19-5116, Idaho Code, within
45 five (5) days after the end of the month in which such fees were remitted to
46 the county treasurer. That portion of the filing fees required to be remit-
47 ted to a city treasurer for deposit in the city's general fund shall be re-
48 mitted within five (5) days after the end of the month in which such fees were
49 remitted to the county treasurer.

1 (16) Of the fees derived from the filing of any divorce action required
2 to be transmitted to the state treasurer, the county treasurer shall retain
3 five dollars (\$5.00), which shall be separately identified and deposited in
4 the district court fund of the county. Such moneys shall be used exclusively
5 for the purpose of establishing a uniform system of qualifying and approving
6 persons, agencies or organizations to conduct evaluations of persons con-
7 victed of domestic assault or battery as provided in section 18-918, Idaho
8 Code, and the administration of section 18-918(7), Idaho Code, relating to
9 the evaluation and counseling or other treatment of such persons, includ-
10 ing the payment of the costs of evaluating and counseling or other treatment
11 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,
12 shall apply to the moneys provided for in this subsection.

13 (17) In consideration of the ~~aforsaid~~ fees in this section, the clerk
14 of the district court shall be required to perform all lawful service that
15 may be required of him by any party thereto; provided, that he shall not pre-
16 pare and furnish any certified copy of any file or record in an action except
17 printed transcript on appeal, without additional compensation as provided
18 by law.

19 SECTION 7. That Section 31-3201H, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to
22 be paid by each defendant for each criminal offense or infraction committed
23 on or after April 15, 2010, for which the defendant is found or pleads guilty.
24 Such fee shall be in addition to all other fines and fees levied.

25 (2) The amount of the surcharge fee shall be as follows:

26 (a) For each felony, the fee shall be one hundred dollars (\$100);

27 (b) For each misdemeanor, and for each infraction under section 18-8001
28 or 49-301, Idaho Code, or each first-time infraction under section
29 23-604 or 23-949, Idaho Code, the fee shall be fifty dollars (\$50.00);
30 and

31 (c) For each infraction, except each infraction under section 18-8001
32 or 49-301, Idaho Code, or each first-time infraction under section
33 23-604 or 23-949, Idaho Code, the fee shall be ten dollars (\$10.00).

34 (3) The fee shall be collected by the clerk of the district court and
35 shall be paid to the county treasurer, who shall, within five (5) days af-
36 ter the end of the month, pay such fees to the state treasurer, who shall de-
37 posit eighty percent (80%) of such fees in the state general fund and twenty
38 percent (20%) of such fees in the court technology fund created by section
39 1-1623, Idaho Code.

40 SECTION 8. That Section 31-3204, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of
43 fifteen dollars (\$15.00) for victim notification purposes to be paid by each
44 person found guilty of each felony, misdemeanor or infraction under section
45 18-8001 or 49-301, Idaho Code, or first-time infraction under section 23-604
46 or 23-949, Idaho Code, except when the court orders such fee waived because
47 the person is indigent and unable to pay such fee. Such fee shall be in addi-

1 tion to all other fines and fees levied. Such fee shall be paid to the county
2 treasurer who shall, within five (5) days after the end of the month, pay such
3 fees to the state treasurer for deposit in the state victim notification fund
4 established in section 67-2912, Idaho Code.

5 SECTION 9. That Section 72-1025, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 72-1025. FINES -- REIMBURSEMENTS -- PRIORITY -- DISPOSITION. (1) In
8 addition to any other fine which may be imposed upon each person found guilty
9 of criminal activity, the court shall impose a fine or reimbursement accord-
10 ing to the following schedule, unless the court orders that such fine or re-
11 imbursement be waived only when the defendant is indigent and at the time of
12 sentencing shows good cause for inability to pay and written findings to that
13 effect are entered by the court:

14 (a) For each conviction or finding of guilt of each felony count, a fine
15 or reimbursement of not less than seventy-five dollars (\$75.00) per
16 felony count;

17 (b) For each conviction or finding of guilt of each misdemeanor count, a
18 fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor
19 count;

20 (c) For each conviction or finding of guilt of an infraction under sec-
21 tion 18-8001 or 49-301, Idaho Code, or for each first-time conviction
22 or finding of guilt of an infraction under section 23-604 or 23-949,
23 Idaho Code, a fine or reimbursement of thirty-seven dollars (\$37.00)
24 per count;

25 (d) In addition to any fine or reimbursement ordered under paragraph
26 (a) or (b) of this subsection ~~section~~, the court shall impose a fine or
27 reimbursement of not less than three hundred dollars (\$300) per count
28 for any conviction or finding of guilt for any sex offense, including,
29 but not limited to, offenses pursuant to sections 18-1506, 18-1507,
30 18-1508, 18-1508A, 18-6101, 18-6605 and 18-6608, Idaho Code.

31 (2) The fine or reimbursement imposed under the provisions of this sec-
32 tion shall have priority over all other judgments of the court, except an or-
33 der to pay court costs.

34 (3) Notwithstanding the provisions of section 19-4705, Idaho Code, the
35 fines or reimbursements imposed under the provisions of this section shall
36 be paid into the crime victims compensation account.

37 SECTION 10. That Section 72-1105, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 72-1105. FUND ESTABLISHED -- FINES -- PRIORITY -- DISPOSITION. (1) The
40 peace officer and detention officer temporary disability fund is hereby cre-
41 ated in the state treasury and shall be administered by the industrial com-
42 mission for the purpose of providing a full rate of salary for any peace offi-
43 cer or detention officer who is injured while engaged in those activities as
44 provided in section 72-1104, Idaho Code, and is thereby temporarily incapac-
45 itated from performing his or her duties. Moneys shall be paid into the fund
46 as provided by law and shall consist of fines collected pursuant to subsec-
47 tion (2) of this section, appropriations, gifts, grants, donations and in-

1 come from any other source. Moneys in the fund may be appropriated only for
2 the purposes of this chapter, which shall include administrative expenses.
3 The treasurer shall invest all idle moneys in the fund. Any interest earned
4 on the investment of idle moneys shall be returned to the fund.

5 (2) In addition to any other fine that may be imposed upon each per-
6 son found guilty of criminal activity, the court shall impose a fine in the
7 amount of three dollars (\$3.00) for each conviction or finding of guilt of
8 each felony or misdemeanor count, for each conviction or finding of guilt of
9 an infraction under section 18-8001 or 49-301, Idaho Code, or for each con-
10 viction or finding of guilt of a first-time infraction under section 23-604
11 or 23-949, Idaho Code, unless the court orders that such fine be waived only
12 when the defendant is indigent and at the time of sentencing shows good cause
13 for inability to pay and written findings to that effect are entered by the
14 court.

15 (3) Except as otherwise provided in section 72-1025, Idaho Code, the
16 fine imposed under this section shall have priority over all other judgments
17 of the court, except an order to pay court costs.

18 (4) Notwithstanding the provisions of section 19-4705, Idaho Code, the
19 fines imposed under this section shall be paid into the peace officer and de-
20 tention officer temporary disability fund.