AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO PROVIDE FOR DRIVING PRIVILEGES RECORDS; AMENDING SECTION 49-203, IDAHO CODE, TO PROVIDE FOR NONDISCLOSURE OF CERTAIN DRIVING AUTHORIZATION CARD INFORMATION; AMENDING SECTION 49-301, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-304, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-306, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS AND TO PROVIDE THAT A PERSON WITHOUT A SOCIAL SECURITY NUMBER MAY APPLY FOR A DRIVING AUTHORIZATION CARD; AMENDING SECTION 49-307, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING CHAPTER 3, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-307B, IDAHO CODE, TO DEFINE TERMS, TO AUTHORIZE THE DEPARTMENT TO ISSUE DRIVING AUTHORIZATION CARDS TO CERTAIN INDIVIDUALS, TO PROVIDE ELIGIBILITY REQUIREMENTS, TO PROVIDE CRITERIA FOR DRIVING AUTHORIZATION CARDS, AND TO PROVIDE LIMITATIONS; AMENDING SECTION 49-313, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-316, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-317, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-318, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-320, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-321, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-322, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-326, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-327, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-328, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS; AMENDING SECTION 49-331, IDAHO CODE, TO PROVIDE FOR DRIVING AUTHORIZATION CARDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1208, IDAHO CODE, TO PROVIDE FOR DRIVING PRIVILEGES; AMENDING SECTION 18-8002, IDAHO CODE, TO PROVIDE FOR CERTAIN SUSPENSION OF DRIVING PRIVILEGES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license driving privileges records in the office of the department shall be public records and open to inspection by the public during normal business hours, except for those records declared by law to be for the confidential use of the department, or those records containing personal information sub-
ject to restrictions or conditions regarding disclosure. If the department
has contracted for a service to be provided by another entity, an additional
fee shall be charged by that contractor whether the service is rendered dur-
ing normal business hours, other than normal business hours or on weekends.

(2) In addition to other fees required by law to be collected by the de-
partment, the department shall collect the following:

(a) For certifying a copy of any record pertaining to any vehicle li-
cense, any certificate of title, or any
*driver's license* driving privi-
leges records ................................... $14.00

(b) For issuing every Idaho certificate of title .................... $14.00

(c) For furnishing a duplicate copy of any Idaho certificate
of title .............................................. $14.00

(d) For issuance or transfer of every certificate of title on a new or
used vehicle or other titled vehicle in an expedited manner (*rush ti-
tles*), in addition to any other fee required by this section .... $26.00

(e) For recording a transitional ownership document, in addition to any
other fee required by this section ................................ $26.00

(f) For furnishing a replacement of any receipt

(g) For furnishing copies of registration or ownership of motor vehi-

**es or** *driver's license* driving privileges records, per vehicle regis-

**tration**, accident report records, title or per

**driver's license** driving

privileges record ................................... $7.00

(h) Additional contractor fee, not to exceed .......................... $4.00

(i) For services in searching files of vehicle or other
registrations, vehicle titles, or driver's licenses per hour .. $18.00

(j) For placing "stop" cards in vehicle registration or title
files, each ........................................... $21.00

(k) For issuance of an assigned or replacement vehicle
identification number (VIN) .................................. $18.00

(l) For a vehicle identification number (VIN) inspection whether con-
ducted by a city or county peace officer or any other peace officer or
designated agent of the state of Idaho, per inspection .......... $5.00

(m) For all replacement registration stickers, each ............... $2.00

(n) For issuing letters of temporary vehicle clearance
to Idaho-based motor carriers .................................. $18.00

(o) For all sample license plates, each .......................... $21.00

(p) For filing release of liability statements ...................... $3.50

(q) For safety and insurance programs for each vehicle operated
by a motor carrier ........................................ $3.00

A lesser amount may be set by rule of the board.

(3) The fees required in this section shall not apply when the service
is furnished to any federal, state, county or city peace officer when such
service is required in the performance of their duties as peace officers.

(4) The department may enter into agreements with private companies or
public entities to provide the services for which a fee is collected in sub-
section (2)(g) of this section. Such private contractor shall collect the
fee prescribed and remit the fee to the department. The contractor shall
also collect and retain the additional fee charged for his services.
(5) (a) The department shall pay three dollars ($3.00) of the fee collected by a county assessor or other authorized agent of the department as provided in subsection (2)(a) through (f) of this section, and four dollars ($4.00) as provided in subsection (2)(g) of this section, to the county assessor or sheriff of the county or authorized agent of the department collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund when collected by the county. When fees are collected by the department or an authorized agent of the department, such fees shall be deposited with the issuing entity. The remainder of the fees collected as provided in that subsection shall be paid by the department to the state treasurer and placed in the state highway account.

(b) The fee collected under subsection (2)(k) of this section for a VIN inspection shall be placed in the city general fund if conducted by a city police officer, in the county current expense fund if conducted by a county peace officer, shall be retained by the special agent authorized to perform the inspection, or paid to the state treasurer and placed to the credit of the Idaho state police if conducted by the Idaho state police or in the state highway account if conducted by the department.

(c) The fee collected under subsection (2)(o) of this section for filing release of liability statements shall be retained by the county assessor of the county collecting such fee and shall be deposited with the county treasurer and credited to the county current expense fund. Any fees collected by the department for filing release of liability statements shall be retained by the department.

(d) The fee in subsection (2)(m) of this section shall not apply when the Idaho-based motor carrier or its representative obtains and prints the document using internet access.

(e) The fee collected under subsection (2)(p) of this section for motor carriers shall be paid by the department to the state treasurer and placed in the state highway account. The director and the director of the Idaho state police shall jointly determine the amount to be transferred from the state highway account to the law enforcement fund for motor carrier safety programs conducted by the Idaho state police pursuant to the provisions of section 67-2901A, Idaho Code.

(6) The department as often as practicable may provide to law enforcement agencies the record of suspensions and revocations of driver licenses via the public safety and security information system (ILETS).

(7) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Ada county all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and shall maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner.

(8) The department shall file each registration received under a distinctive registration number assigned to the vehicle and to the owner thereof.

(9) The department shall not renew a driver's license driving privileges or identification card when fees required by law have not been paid or
where fees for past periods are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(10) The department shall not grant the registration of a vehicle when:
(a) The applicant is not entitled to registration under the provisions of this title; or
(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department; or
(c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid including insufficient fund checks.

(11) The department or its authorized agents have the authority to request any person to submit to medical, vision, highway, or written examinations, to protect the safety of the public upon the highways. The department or its authorized agents may exercise such authority based upon evidence which may include, but is not limited to, observations made.

(12) The department shall revoke the registration of any vehicle:
(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;
(b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;
(c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;
(d) Whenever a motor carrier requests revocation, or whenever an Interstate carrier's federal operating authority has been revoked;
(e) For failure of the owner or operator to file the reports required or nonpayment of audit assessments or fees assessed against the owner by the department or the state tax commission pursuant to audit under the provisions of section 49-439, Idaho Code;
(f) Identified by any city or county administering a program established by ordinance for the inspection and readjustment of motor vehicles (which program is part of an approved state implementation plan adopted by both the state and federal governments under 42 U.S.C. 7410) as having failed to comply with an ordinance requiring motor vehicle emission inspection and readjustment; provided that no vehicle shall be identified to the department under this subsection unless:
   (i) The city or county certifies to the department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning compliance with the ordinance and has exhausted all remedies and appeals from any determination made at such hearing; and
   (ii) The city or county reimburses the department for all direct costs associated with the registration revocation procedure.

(13) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(14) The department shall institute educational programs, demonstrations, exhibits and displays.
(15) The department shall cancel a driver's license driving privileges or identification card when fees required by law have not been paid or where fees are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(16) The department shall examine persons and vehicles by written, oral, vision and skills tests without compulsion except as provided by law.

(17) The department shall employ expert and special help as needed in the department.

(18) The department shall compile accident statistics and disseminate information relating to those statistics.

(19) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(20) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission. The placement and maintenance of such a traffic-control device by a local authority shall be made according to the board's manual and specifications for a uniform system of traffic-control devices.

(21) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(22) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(23) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(24) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.

(25) The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

(26) The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable
tracks with transverse corrugations upon the periphery of the movable tracks
or farm tractors or other farm machinery, the operation of which upon a high-
way would otherwise be prohibited under this title or title 40, Idaho Code.

(27) The department and local highway authorities within their respec-
tive jurisdictions may place official traffic-control devices prohibiting,
limiting or restricting the stopping, standing or parking of vehicles on any
highway where such stopping, standing or parking is dangerous to those using
the highway or where the stopping, standing or parking of vehicles unduly in-
terferes with the free movement of traffic thereon.

(28) On any informational material printed after July 1, 1995, by or at
the order of the department and distributed to counties, school districts
or individuals for the purpose of assisting a person to successfully pass a
driver's license driving privileges test, the department shall include ma-
terial about the state's open range law and responsibilities, liabilities
and obligations of drivers driving in the open range.

SECTION 2. That Section 49-203, Idaho Code, be, and the same is hereby
amended to read as follows:

49-203. PROHIBITION ON RELEASE AND USE OF PERSONAL INFORMATION
CONTAINED IN MOTOR VEHICLE AND DRIVER RECORDS. (1) Except as otherwise
provided, the department and any officer, employee, agent or contractor
thereof, shall not knowingly disclose to any person or entity personal in-
formation about any individual when such information was obtained from a
motor vehicle or driver record.

(2) Personal information shall be disclosed, except as restricted in
subsection (6) of this section, for use in connection with matters of motor
vehicle or driver safety and theft, motor vehicle emissions, motor vehicle
product alterations, recalls or advisories, performance monitoring of motor
vehicles and dealers by motor vehicle manufacturers, and removal of nonowner
records from the original owner records of motor vehicle manufacturers to
carry out the purposes of the Automobile Information Disclosure Act (15 USC
1231 et seq.), the Motor Vehicle Information and Cost Savings Act (49 USC
32101 et seq.), the National Traffic and Motor Vehicle Safety Act of 1966,
the Anti Car Theft Act of 1992, and the Clean Air Act (42 USC 7401 et seq., as
amended.)

(3) Personal information may be disclosed if the requesting person
demonstrates in such form and manner as the department prescribes, that he
has obtained the written consent of the individual to whom the personal in-
f ormation pertains.

(4) Personal information may be disclosed, except as restricted in sub-
section (6) of this section, on proof of the identity of the person request-
ing a record, and representation by such person that the use of the personal
information will be strictly limited to any of the following described uses:

(a) For use by any government agency, including any court or law en-
forcement agency, in carrying out its functions, or any private person
or entity acting on behalf of a federal, state, or local agency in carry-
ing out its functions.

(b) For use in matters of motor vehicle or driver safety and theft; mo-
tor vehicle emissions, motor vehicle product alterations, recalls or
advisories; performance monitoring of motor vehicles, motor vehicle
parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees or contractors, but only:

(1) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees or contractors; and

(2) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the services of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court.

(e) For use in research activities, and for use in producing statistical reports, so long as personal information is not published, redisclosed or used to contact individuals.

(f) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees or contractors, in connection with claims investigation activities, rating or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles.

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under the provisions of title 49, Idaho Code.

(i) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC 31101 et seq.).

(j) For bulk distribution for surveys, marketing, or solicitations if the department has obtained the written consent of the person to whom such personal information pertains.

(k) For any other use specifically authorized under Idaho Code, if such use is related to public safety or the operation of a motor vehicle.

(1) For use in connection with the operation of private toll transportation facilities, including companies that operate parking facilities for the purpose of providing notice to the owners of vehicles who have used the facility.

(5) Personal information obtained in an individual's motor vehicle or driver record shall be disclosed, except as restricted in subsection (6) of this section, in response to requests for individual motor vehicle or driver records without regard to the intended use of such personal information if the department has obtained the written consent of the person to whom such personal information pertains.
(6) In addition to the restrictions and prohibitions on the disclosure of personal information contained in motor vehicle and driver records, an individual's photograph, digitized image of a photograph, digitized signature, social security number, and medical or disability information shall not be disclosed without the written consent of the person to whom such information pertains, except for uses permitted under subsections (4)(a) and (4)(d) of this section.

(7) Authorized recipients of personal information may redistribute such information only for those purposes set forth in paragraphs (a) through (l) of subsection (4) of this section. For the purposes of this subsection (4), "authorized recipients" means an individual, organization or entity who receives personal information for uses permitted in paragraphs (a) through (l) of subsection (4) of this section and includes record redissem- nationers who agree to redistribute such information only for the purposes set forth in paragraphs (a) through (l) of subsection (4) of this section.

(8) Under no circumstance which a driver's status as a holder of a driving authorization card be disclosed to any entity.

SECTION 3. 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 or driving authorization card. 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 or driving authorization card. 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 or driving authorization card.

(4) No person shall receive a class D driver's license or driving authorization card unless and until he surrenders to the department all driver's licenses and driving authorization cards 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, driving authorization card, or any identification cards.

(5) No person shall be permitted to have more than one (1) driver's license or driving authorization card 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.

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

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

(7) Any holder of a class A, B or C commercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued commercial driver's license within thirty (30) days of establishing a domicile in Idaho. In accordance with the federal motor carrier safety regulations, no person shall receive a class A, B or C 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.

(8) A person operating a vehicle that requires a class A, B or C license without a current and valid license required to drive such vehicle is guilty of a misdemeanor. Except as provided in sections 18-8001(1) and 49-304, Idaho Code, operating a vehicle without a current and valid class D driver's license or driving authorization card in violation of this section is an infraction punishable by a fine of one hundred fifty dollars ($150). A second conviction for operating a vehicle without a current and valid class D driver's license or driving authorization card within a period of five (5) years of the first conviction is an infraction punishable by a fine of three hundred dollars ($300). A third and any subsequent conviction for operating a vehicle without a current and valid class D driver's license or driving authorization card within a period of five (5) years of the first conviction shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

SECTION 4. That Section 49-303, Idaho Code, be, and the same is hereby amended to read as follows:

49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not issue any driver's license, any instruction permit, privileges or right to drive and if issued, may revoke or cancel the driver's license of a person who:

(1) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years, except that the department may issue a driver's license to any person who has successfully completed an approved driver's training course, has completed the requirements of a class D supervised instruction permit, and who is at least fifteen (15) years of age, with driving privileges restricted to daylight hours only except as provided
in section 49-307(9), Idaho Code, and with full privileges at sixteen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. If a person who is at least fifteen (15) years but is under seventeen (17) years of age has successfully completed an approved driver's training course and has been issued a driver's license in another state, he may be issued a class D driver's license in this state. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(2) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years and has not successfully completed an approved driver's training course and has not satisfied the requirements of a class D supervised instruction permit. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(3) As an operator of a commercial vehicle requiring a class A, B or C driver's license is under the age of eighteen (18) years.

(4) Applicants with less than one (1) year of driving experience, as evidenced by a previous driver's license shall not be issued a class A, B or C driver's license or a class A, B or C instruction permit.

(5) As a driver has had his license, class D instruction permit, restricted school attendance driving permit, privileges or right to drive suspended for the duration of the suspension, nor to any person who has had his class D driver's training instruction permit or class D supervised instruction permit canceled for the duration of the cancellation, nor to any person whose license has been revoked, suspended, canceled or disqualified by this state or any other jurisdiction; provided however, where a driver's license has been revoked, suspended, canceled or disqualified in any other jurisdiction, and the driver has completed the period of revocation, suspension, cancellation or disqualification as specified by the jurisdiction, that person may be granted a class D driver's license in this state if five (5) years have elapsed from the time of eligibility for reinstatement in the other jurisdiction, even though the driver has not fulfilled the requirements for reinstatement in the other jurisdiction.

(6) Has been adjudged by a court of competent jurisdiction to be an habitual drunkard or addicted to the use of narcotic drugs, and such order has been received by the department.

(7) Has been adjudged by a licensed physician or by a court of competent jurisdiction to be afflicted with or suffering from any mental incompetence that would affect the person's ability to safely operate a motor vehicle and who has not at the time of application been restored to competency by the methods provided by law, and such order has been received by the department.

(8) Is required by the provisions of this chapter to take an examination, unless that person shall have successfully passed such examination.

(9) May be required under any law of this state to furnish proof of financial responsibility and who has not furnished that proof.

(10) The department has good cause to believe that the operation of a motor vehicle on the highways by that person would be harmful to public safety or welfare.
(11) Is disqualified for a class A, B or C driver's license, except he may be issued a class D driver's license.
(12) Is under eighteen (18) years of age and is not enrolled in school, has not received a waiver pursuant to or has not satisfactorily completed school as provided in section 49-303A, Idaho Code.
(13) Is not a resident of the state of Idaho.
(14) Is not lawfully present in the United States, except the person may be issued a driving authorization card pursuant to section 49-307B, Idaho Code.

SECTION 5. That Section 49-304, Idaho Code, be, and the same is hereby amended to read as follows:

49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcycle "M" endorsement on a driver's license or driving authorization card to applicants who complete the requirements to operate a motorcycle.
(1) No person may operate a motorcycle upon a highway without a motorcycle "M" endorsement on a valid driver's license.
(2) Any person who applies for a driver's license, driving authorization card, or renewal of a driver's license or driving authorization card may also apply for a motorcycle "M" endorsement. The requirements for obtaining a motorcycle "M" endorsement are:
   (a) The applicant shall be tested by written examination for his knowledge of safe motorcycle operating practices and traffic laws specific to the operation of motorcycles upon payment of the fee specified in section 49-306, Idaho Code.
   (b) Upon successful completion of the knowledge test and upon payment of the fee required for an "M" endorsement, the applicant shall obtain a motorcycle "M" endorsement on his driver's license.
(3) No person under the age of twenty-one (21) years may apply for or obtain a motorcycle "M" endorsement on his driver's license or driving authorization card unless he has successfully completed a motorcycle rider training course approved under the provisions of chapter 49, title 33, Idaho Code, in addition to satisfying the requirements specified in subsection (2) of this section. The provisions of this subsection shall not be effective unless and until the motorcycle rider training course is fully implemented by the division of career technical education.
(4) Any person who applies for a motorcycle endorsement on a driver's license or driving authorization card, in addition to the requirements specified in subsection (2) of this section, may also be required to pass the motorcycle "M" skills test before he can obtain the motorcycle "M" endorsement.
(5) The operation of a motorcycle upon a highway by any person who has failed to obtain a motorcycle "M" endorsement as provided in this section shall constitute an infraction.
(6) The provisions of this section shall not apply to persons operating autocycles.

SECTION 6. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:
49-306. APPLICATION FOR DRIVER'S LICENSE, DRIVING AUTHORIZATION CARD, INSTRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver's license or driving authorization card shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department, agents authorized by the department, and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension, or driver's license, or driving authorization card shall be accompanied by the following fee, none of which is refundable:

(a) Class A, B, C (4-year) license with endorsements --

age 21 years and older ........................................ $40.00

(b) Class A, B, C (3-year) license with endorsements --

age 18 to 21 years ............................................. $30.00

(c) Class A, B, C (1-year) license with endorsements --

age 20 years .................................................... $15.00

(d) Class D (3-year) license -- under age 18 years ........ $25.00

(e) Class D (3-year) license -- age 18 to 21 years .......... $25.00

(f) Class D (1-year) license -- age 17 years or age 20 years .. $15.00

(g) Four-year Class D license -- age 21 years and older .... $30.00

(h) Eight-year Class D license -- age 21 to 63 years ......... $55.00

(i) Commercial learner's permit ................................ $29.00

(j) Class D instruction permit or supervised instruction permit ............................................. $15.00

(k) Duplicate driver's license, driving authorization card, or permit issued under section 49-318, Idaho Code ............................................. $15.00

(l) Driver's license extension issued under section 49-319, Idaho Code ............................................. $10.00

(m) License classification change (upgrade) .................... $25.00

(n) Endorsement addition ......................................... $15.00

(o) Class A, B, C skills tests not more than .................. $200.00

(p) Class D or driving authorization card skills test not more than ............................................. $35.00

(q) Motorcycle endorsement skills test not more than ........ $25.00

(r) Knowledge test ............................................... $3.00

(s) Seasonal driver's license .................................... $39.00

(t) One-time motorcycle "M" endorsement ....................... $15.00

(u) Motorcycle endorsement instruction permit ................ $15.00

(v) Restricted driving permit or restricted school attendance driving permit ............................................. $60.00

(w) Driving authorization card ................................ $25.00

(2) A person who applies for a driver's license, driving authorization card, or a driver's license renewal, or driving authorization card renewal may designate a voluntary contribution of two dollars ($2.00) for the purpose of promoting and supporting organ donation. Such a contribution shall be treated as a voluntary contribution to the organ donation contribution fund created in section 49-2447, Idaho Code, and not as a driver's license fee.
(3) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye color, and the applicant's social security number as verified by the social security administration. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address. Notwithstanding the provisions of section 49-303(13), Idaho Code, an applicant for a nondomiciled class A, B or C driver's license or nondomiciled commercial learner's permit having residency in a state that is prohibited from issuing class A, B or C driver's licenses or commercial learner's permits, as provided in 49 CFR 384, is excepted from providing proof of Idaho residency and an Idaho mailing address.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) The requirement that an applicant provide a social security number as verified by the social security administration shall not apply to persons making application for a driving authorization card as allowed in section 49-307B, Idaho Code.

(c) An applicant, except those applying for a driving authorization card, who has not been assigned a social security number shall:

(i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and

(ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and

(iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license, commercial learner's permit or any instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

(e) Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and under which of the following driving categories the applicant will operate:

(i) Non-excepted interstate. The applicant operates or expects to operate in interstate commerce, and is required to provide a medical examiner's certificate;

(ii) Excepted interstate. The applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted by the federal motor carrier safety administration from all or parts of the qualification requirements of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate;
(iii) Non-excepted intrastate. The applicant operates only in intrastate commerce and is subject to and meets all Idaho driver qualification requirements and the applicable parts of federal motor carrier safety regulation 49, part 391, and is required to provide a medical examiner's certificate; or
(iv) Excepted intrastate. The applicant operates in intrastate commerce, but engages exclusively in exempted transportation or operations as listed in section 67-2901B(2), Idaho Code, and the applicable parts of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate.

All applications shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant's oath that all information is correct as signified by the applicant's signature.

(e) The applicant must submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government-issued document may be submitted that provides satisfactory evidence of a person's full legal name and, unless applying for a driving authorization card, date of birth acceptable to the examiner or the department.

(f) Every applicant for a class A, B or C driver's license or commercial learner's permit shall provide proof of United States citizenship or lawful permanent residency in the United States upon application for issuance, transfer, upgrade or renewal, unless the applicant's driving record already contains documentation confirming United States citizenship or lawful permanent residency. Every applicant for a nondomiciled class A, B or C driver's license or commercial learner's permit domiciled in a foreign country must provide an unexpired employment authorization document issued by the department of homeland security or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States.

(g) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver's license, commercial learner's permit or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(4) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and shall contact the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the
same force and effect as though entered on the driver's record in this state in the original instance.

(5) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(6) The department shall contact and notify the commercial driver li-
cense information system of the proposed application for a class A, B or C
driver's license or commercial learner's permit to ensure identification of
the person and to obtain clearance to issue the license.

(7) When the fees required under this section are collected by a county
officer, they shall, except as provided in subsection (8) of this section,
be paid over to the county treasurer not less often than monthly, who shall
immediately:

(a) Deposit an amount equal to five dollars ($5.00) from each driver's
license except an eight-year class D license, or any class D instruction
permit application fees, application for a duplicate driver's license
or permit, classification change, seasonal driver's license and addi-
tional endorsement, and ten dollars ($10.00) from each eight-year class
D driver's license, in the current expense fund;
(b) Deposit two dollars and fifty cents ($2.50) from each motorcycle
endorsement and motorcycle endorsement instruction permit fee in the
current expense fund;
(c) Deposit an amount equal to three dollars ($3.00) from each fee for a
knowledge test in the current expense fund;
(d) Deposit an amount up to twenty-five dollars ($25.00) from each fee
for a motorcycle endorsement skills test in the current expense fund;
provided however, if a contractor administers the skills test he shall
be entitled to the entire fee;
(e) Remit the remainder to the state treasurer; and
(f) Deposit up to twenty-eight dollars and fifty cents ($28.50) from
each fee for a class D skills test into the county current expense fund,
unless the test is administered by a department-approved contractor, in
which case the contractor shall be entitled to up to twenty-eight dol-
lars and fifty cents ($28.50) of each fee.

(8) When the fees required under this section are collected by the de-
partment or an agent authorized by the department, they shall be paid over
to the state treasurer. When the department or an agent authorized by the
department collects the fees required under this section, the portion of
fees to be retained by the county shall be retained by the issuing authorized
agent.

(9) The state treasurer shall distribute the moneys received from fees
imposed by the provisions of this section, whether collected by a county of-
fer or by a state officer or agency as follows:

(a) Two dollars ($2.00) of each fee for a four-year driver's license
or seasonal driver's license, and four dollars ($4.00) of each fee for
an eight-year class D driver's license, and one dollar and fifty cents
($1.50) of each fee charged for driver's licenses pursuant to subsec-
tion (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each
fee charged for driver's licenses pursuant to subsection (1) (c) and
(f) of this section shall be deposited in the emergency medical ser-
vices fund II created in section 56-1018A, Idaho Code, and four dollars
($4.00) of each fee charged pursuant to subsection (1)(a), (g) and (s)
of this section and eight dollars ($8.00) of each fee charged pursuant
to subsection (1)(h) of this section and three dollars ($3.00) of each
fee for driver's licenses pursuant to subsection (1)(b), (d) and (e) of
this section, and one dollar ($1.00) of each fee charged for driver's
licenses pursuant to subsection (1)(c) and (f) of this section shall be
deposited in the emergency medical services fund III created in section
56-1018B, Idaho Code;
(b) Twenty-eight dollars ($28.00) of each fee for a seasonal or class A,
B or C driver's license, and nineteen dollars and fifty cents ($19.50)
of each fee charged for a license pursuant to subsection (1)(b) of this
section, and eight dollars and sixteen cents ($8.16) of each fee charged
for a license pursuant to subsection (1)(c) of this section shall be de-
posited in the state highway account;
(c) Twenty dollars ($20.00) of each fee for a commercial learner's per-
mit or driver's license classification change shall be deposited in the
state highway account;
(d) Four dollars ($4.00) of each fee for a commercial learner's permit
shall be deposited in the emergency medical services fund III created in
section 56-1018B, Idaho Code;
(e) Ten dollars ($10.00) of each fee for a duplicate seasonal or class
A, B or C driver's license, class A, B or C driver's license extension,
or additional endorsement shall be deposited in the state highway ac-
count;
(f) Seven dollars and fifty cents ($7.50) of each fee for a motorcycle
endorsement and motorcycle endorsement instruction permit shall be de-
posited in the state highway account;
(g) Five dollars and thirty cents ($5.30) of each fee for a four-year
class D driver's license, and ten dollars and sixty cents ($10.60) of
each fee for an eight-year class D driver's license, and four dollars
($4.00) of each fee charged for a license pursuant to subsection (1)(d)
and (e) of this section, and one dollar and thirty-three cents ($1.33)
of each fee charged for a license pursuant to subsection (1)(f) of this
section shall be deposited in the driver training account;
(h) Twelve dollars and seventy cents ($12.70) of each fee for a
four-year class D driver's license, and twenty dollars and forty cents
($20.40) of each fee for an eight-year class D driver's license, and ten
dollars and fifty cents ($10.50) of each fee charged for a license pur-
suant to subsection (1)(d) and (e) of this section, and six dollars and
eighty-three cents ($6.83) of each fee charged for a license pursuant
to subsection (1)(f) of this section shall be deposited in the highway
distribution account;
(i) Two dollars and sixty cents ($2.60) of each fee for a class D in-
struction permit, duplicate class D license or permit, and class D li-
cense extension shall be deposited in the driver training account;
(j) Seven dollars and forty cents ($7.40) of each fee for a class D in-
struction permit, duplicate class D license or permit, and class D li-
cense extension shall be deposited in the highway distribution account;
(k) Ten dollars ($10.00) of each fee for a class A, B or C skills test shall be deposited in the state highway account;

(l) One dollar ($1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars ($2.00) of each fee for an eight-year class D driver's license, and one dollar ($1.00) of each fee charged for a license pursuant to subsection (1)(b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsection (1)(c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code;

(m) Six dollars and fifty cents ($6.50) of each fee for a class D skills test shall be deposited into the state highway account; and

(n) Each voluntary contribution of two dollars ($2.00) as described in subsection (2) of this section, less actual administrative costs associated with collecting and transferring such contributions, shall be deposited into the organ donation contribution fund created in section 49-2447, Idaho Code.

(10) The contractor administering a class A, B or C skills test shall be entitled to not more than one hundred ninety dollars ($190) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(11) Sixty dollars ($60.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway account.

(12) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

(a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;

(b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;

(c) May only be obtained twice in a driver's lifetime;

(d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and

(e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(13) The department may issue seasonal class B or C driver's licenses to drivers who:

(a) Have not violated the single license provisions of applicable federal regulations;

(b) Have not had any license suspensions, revocations or cancellations;

(c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;

(d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and

(e) Are at least sixteen (16) years old.
SECTION 7. 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 -- 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 state highway account, five dollars ($5.00) shall be deposited in the county current expense fund, and five dollars ($5.00) shall be:

(a) Deposited in the driver training account if the person is taking driver's training from a public school; or

(b) Paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund if the person is taking driver's training from a private driver's training program. The amount to be remitted to the bureau of occupational licenses shall be annually calculated and paid. To calculate such amount, the total number of public driver's training students as submitted to the state department of education shall be subtracted from the total number of permits sold as reported by the Idaho transportation department, and the resulting number shall be multiplied by five dollars ($5.00).

(3) Each enrollee of a class D driver's training course shall provide the type of identification required for a driver's license, driving authorization card, or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate or acceptable identification allowed for a driving authorization card at the time of application for a permit, the department may issue a class D driver's training instruction permit or a class D instruction permit upon receipt of identification acceptable to the department. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued. Acceptable identification documentation shall be required before a driving authorization card will be issued.

(4) The class D driver's training instruction permit shall expire five years 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.
(a) Upon successful completion of the class D driver's training course, the driver's training instructor shall submit the student log to the county driver's license office and give the class D driver's training instruction permit to the parent or legal guardian of the permittee, and the parent or legal guardian shall assume responsibility for ensuring that the permittee complies with the requirements of operating a vehicle with a class D supervised instruction permit. The class D driver's training instruction permit shall then serve as a class D supervised instruction permit.

(b) In the event the permittee reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, the supervised instruction permit shall become a class D instruction permit.

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

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

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

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

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

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

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

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section 18-1502, 18-8004 or 23-949, Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17)
years of age, the permittee may reapply for and be issued a new class D
supervised instruction permit upon payment of the appropriate fee, and
shall again be required to operate with the class D supervised instruc-
tion permit for at least six (6) months from the date of reissue with-
out a conviction or suspension, accumulate the required hours of driv-
ing time and adhere to the requirements as specified in paragraphs (a)
through (f) of this subsection.
(8) Upon completion of the requirements in subsection (7) of this sec-
tion, the permittee shall take the knowledge test and skills test admin-
tered by a person certified by the Idaho transportation department to admin-
ister knowledge and skills tests.
(9) Upon passage of the knowledge and skills tests, the permittee may
apply for a class D driver's license with driving privileges restricted to
daylight hours for persons under sixteen (16) years of age, and with full
privileges at sixteen (16) years of age or older. Provided however, the re-
striction on daylight hours only driving privileges for persons under six-
ten (16) years of age shall not apply if:
(a) The person under sixteen (16) years of age has a valid class D
driver's license; and
(b) Is accompanied by a driver who holds a valid driver's license and is
twenty-one (21) years of age or older and is actually occupying a seat
beside the licensee who is under sixteen (16) years of age; and
(c) The two (2) licensed drivers are the only occupants of the front
passenger section of the vehicle.
The restriction of daylight hours only shall mean that period of time one-
half (1/2) hour before sunrise to one-half (1/2) hour after sunset.
(10) Upon passage of the knowledge and skills tests, the permittee may
apply for a class D driver's license. Any such licensee who is under the age
of seventeen (17) years shall be required, during the first six (6) months
from the date of issue of the class D driver's license, to limit the number
of passengers in the vehicle who are under the age of seventeen (17) years to
not more than one (1) such passenger. Provided however, the limit of one (1)
passenger under the age of seventeen (17) years shall not apply to passengers
who are related to the driver by blood, adoption or marriage.

SECTION 8. That Chapter 3, Title 49, Idaho Code, be, and the same is
hereby amended by the addition thereto of a NEW SECTION, to be known and des-
ignated as Section 49-307B, Idaho Code, and to read as follows:

49-307B. DRIVING AUTHORIZATION CARDS. (1) As used in this chapter:
(a) "Driving authorization card" means the evidence of the authoriza-
tion granted and issued under the provisions of this chapter to operate
a motor vehicle in the same way as a class D driver's license;
(b) "Governmental entity" means the state of Idaho and its political
subdivisions, including but not limited to any county, city, town, mu-
nicipality, school district, office, department, agency, authority,
commission, board, institution, hospital, college, university, or
other instrumentality of the state.
(2) Notwithstanding any other provision of law, an individual may apply
for and obtain a driving authorization card in accordance with this section
if the individual:
(a) Is domiciled in Idaho;
(b) Is sixteen (16) years of age or older; and
(c) Satisfies the other requirements of this section as a condition to
issuance of driving privileges.

(3) An applicant for a driving authorization card under this section
shall submit valid identification documentation in a form acceptable to the
department. In addition to other documents the department may determine
are acceptable as identification documentation, a valid birth certificate,
passport, consular identification card, or other documentary evidence
of identity issued by a governmental entity, a state or territory of the
United States, a federally recognized Indian tribe, or a foreign state
shall constitute valid identification documentation. An applicant need not
demonstrate lawful presence in the United States.

(4) The department shall issue a driving authorization card to such
person if the person otherwise meets the requirements established in this
section and the applicable requirements in sections 49-306 and 49-313, Idaho
Code.

(5) A person seeking issuance of a driving authorization card may par-
ticipate in class D driver's training instruction under the provisions of
section 49-307, Idaho Code.

(6) A driving authorization card issued under this section shall be
valid for one (1) year from the date of issuance.

(7) Except as provided in this section, the provisions, requirements,
classes, endorsements, fees, restrictions, and sanctions provided in this
chapter apply to a driving authorization card in the same way as a class D
driver's license issued under this chapter.

(8) The fee for a driving authorization card issued pursuant to this
section shall be twenty-five dollars ($25.00) per year, and such fees shall
be divided equally between the department and the issuing entity. If issued
by the department, the entire fee shall be retained by the department. An ap-
plicant who meets the requirements set forth in subsection (2) of this sec-
tion and the applicable requirements in section 49-306, Idaho Code, may re-
new a driving authorization card not sooner than three (3) months prior to
its expiration.

(9) A governmental entity may not accept a driving authorization card
as proof of lawful presence in the United States. No driving authorization
card shall be valid for voting purposes, for the purchase of firearms, or for
the exercise of any rights or privileges reserved exclusively to citizens of
the United States.

(10) No person shall accept a driving authorization card issued under
this section for proof of the holder's lawful presence in the United States.
A driving authorization card issued under this section shall be distinguish-
able in appearance from all other driving and identification credentials is-
sued by the department and shall contain a notice on its face in capitalized
letters, indicating "FOR DRIVING PURPOSES ONLY - NOT FOR VOTING OR OTHER OF-
FICIAL USES."

(11) Application for or lawful possession of a driving authorization
card under the section shall not provide a basis, in whole or in part, for the
arrest or investigation of an individual on the basis of immigration status.
(12) The department may promulgate reasonable rules consistent with
this chapter for the purpose of carrying out the provisions of this section.

SECTION 9. That Section 49-313, Idaho Code, be, and the same is hereby
amended to read as follows:

49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or
authorized agents of the department shall examine every applicant for an
instruction permit, commercial learner's permit, restricted school attend-
dance driving permit, seasonal driver's license, driver's license, driving
authorization card, or a motorcycle endorsement, except as otherwise pro-
vided by law. The examination shall include a vision screening and a test
of the applicant's ability to read and understand highway signs regulating,
warning, and directing traffic. A skills test shall be required for an ap-
plicant who has not been previously licensed or authorized for the class of
license or authorization requested, or who holds a license issued by another
country unless a reciprocal agreement is in force. However, a skills test
may be required for any and all other applicants at the discretion of the
examiner or department for a class A, B, C or D driver's license, driving au-
 thorization card, or a motorcycle endorsement. In addition, the applicant's
knowledge of traffic laws of this state and when a motorcycle endorsement is
applied for, the applicant's knowledge of safe motorcycle operating prac-
tices and traffic laws specifically relating to motorcycle operation shall
be tested by a written examination, except as provided in section 49-319,
Idaho Code. At the discretion of the examiner, the prescribed written exami-
nation may be conducted orally.

(2) The knowledge and skills examinations for applicants for driver's
licenses in class A, B or C shall be conducted in compliance with 49 CFR part
383.

(3) The skills test for a class A, B, C or D driver's license, a driving
authorization card, or for any endorsement shall be given by the department
or its authorized agents. The skills examiner for a motorcycle endorsement
shall be certified by the division of career technical education.

(4) The department shall not issue the following endorsements except as
provided:

(a) A tank, double/triple trailer, or hazardous material endorsement
unless the applicant, in addition to all other applicable qualifica-
tions, has passed an appropriate knowledge test.

(b) A passenger endorsement unless the applicant, in addition to all
other applicable qualifications, has passed an appropriate knowledge
and skills test.

(c) A school bus endorsement unless the applicant, in addition to all
other applicable qualifications, has passed appropriate knowledge and
skills tests. Until September 30, 2005, the department may waive the
school bus endorsement skills test requirement if the applicant meets
the conditions set forth in accordance with 49 CFR part section 383.123.

(5) Any person failing to pass a knowledge or skills test for a class A,
B, C or D driver's license, a driving authorization card, or a knowledge test
for a seasonal driver's license, or any endorsement may not retake the test
within three (3) calendar days of the failure.
(6) Any person retaking a knowledge or skills test for a driver's license or a driving authorization card shall pay the appropriate testing fee as specified in section 49-306, Idaho Code.

(7) The motorcycle skills test for a motorcycle endorsement shall be waived by the department:
   (a) On and after September 1, 1998, if the applicant presents satisfactory evidence of successful completion of a recognized motorcycle rider training course approved by the division of career technical education;
   (b) On and after September 1, 1998, if the applicant presents evidence of a motorcycle endorsement on his current license by a state or province which requires a motorcycle skills test equivalent to that required by Idaho law as determined by the division of career technical education;
   (c) Until September 1, 1998.

(8) At the discretion of the department, an alternate skills test for the motorcycle endorsement may be administered when the endorsement is for operation of a three-wheeled motorcycle only.

(9) The department or its authorized agents may refuse to give an applicant a skills test if there are reasonable grounds to believe that the safety of the applicant, public, or the examiner would be jeopardized by doing so. Reasonable grounds would include, but not be limited to, the applicant's inability to pass the vision screening, written tests, or a statement by a licensed physician stating the applicant is not physically able to drive a motor vehicle.

(10) The department or its authorized agents may deny issuance or renewal of a driver's license, driving authorization card, or endorsement to any applicant who does not meet the licensing requirements for the class of driver's license or endorsement being renewed or issued.

(11) Skills examinations for seasonal driver's licenses shall be waived.

SECTION 10. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES OR AUTHORIZATION CARDS ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a distinguishing driver's license or driving authorization card as applied for, which shall bear a distinguishing number assigned to the licensee or person authorized, the full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, color photograph, name of this state, date of issuance, date of expiration, license class, endorsements, restrictions, and the applicant's signature. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's driver's license shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Driver's licenses for persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and driver's licenses or driving authorization card for persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." No driver's license or driving authorization card shall be valid until it has been signed on the signature line of the license by the licensee.
(2) Every driver's license and driving authorization card shall bear a color photograph of the licensee or authorized person, which shall be taken by the examiner at the time the application is made. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, a driver's license or driving authorization card may contain a statement or indication of the medical condition of the licensee.

(3) The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 CFR parts 383 and 384.

(4) A licensee applying for a hazardous material endorsement on a driver's license shall have a security background records check and shall receive clearance from the federal transportation security administration before the endorsement can be issued, renewed or transferred as required by 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(5) A licensee or authorized person who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the driver's license or driving authorization card by the imprinting of the word "donor" on the license. The provisions of this subsection shall apply to licensees fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with and the donor indicates this desire be placed on the license.

(6) A licensee or authorized person who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the driver's license or driving authorization card, provided the licensee or authorized person presents written certification from a licensed physician verifying that the licensee's or authorized person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(7) A licensee who is a veteran may request that his or her status as such be designated on the driver's license at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any class of driver's license issued pursuant to this section. Such designation shall be made upon original issuance or renewal of a driver's license. Designation shall also be made on any duplicate driver's license issued, provided that the fee for such duplicate driver's license is paid in accordance with section 49-306, Idaho Code.

Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any class of driver's license. Acceptable proof shall be a copy of form DD214 or an equiv-
alent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

SECTION 11. That Section 49-316, Idaho Code, be, and the same is hereby amended to read as follows:

49-316. DRIVER'S LICENSE OR DRIVING AUTHORIZATION CARD TO BE CARRIED AND EXHIBITED ON DEMAND. Every licensee or authorized person shall have his driver's license or driving authorization card in his immediate possession at all times when operating a motor vehicle and shall, upon demand, surrender the driver's license or driving authorization card into the hands of a peace officer for his inspection. However, no person charged with a violation of the provisions of this section shall be convicted if a driver's license or driving authorization card issued to the person and valid at the time of his arrest is produced in court.

SECTION 12. That Section 49-317, Idaho Code, be, and the same is hereby amended to read as follows:

49-317. RESTRICTED DRIVER'S LICENSES AND DRIVING AUTHORIZATION CARDS. (1) The department, upon issuing a driver's license or driving authorization card, shall have authority whenever good cause appears to impose restrictions suitable to the licensee's or authorized person's driving ability with respect to:
   (a) The type of or special mechanical control devices required or not permitted on a motor vehicle which the licensee or authorized person may operate;
   (b) Medical variances as determined by the federal motor carrier safety administration; or
   (c) Other restrictions applicable to the licensee or authorized person as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee or authorized person.
   (2) The department may either issue a special restricted driver's license or a special restricted driving authorization card or may set forth restrictions upon the usual driver's license form or driving authorization card form.
   (3) The department shall, upon receiving satisfactory evidence of any violation of the restrictions of a driver's license or driving authorization card, suspend the driver's license or privileges for a period of thirty (30) days but the licensee or authorized person shall be entitled to a hearing as provided in section 49-326, Idaho Code.

SECTION 13. That Section 49-318, Idaho Code, be, and the same is hereby amended to read as follows:

49-318. DUPLICATE DRIVER LICENSES AND SUBSTITUTE PERMITS. (1) The holder of any instruction permit, class A, B, C or D, driving authorization card, restricted school attendance driving permit, or seasonal driver's license which is lost or destroyed, or a licensee whose name is legally
changed, may apply for a duplicate driver's license or substitute permit. A duplicate driver's license or substitute permit will be issued upon:

(a) Payment of the fee as provided in section 49-306, Idaho Code;
(b) Furnishing satisfactory proof that the permit, class A, B, C or D, restricted school attendance driving permit, or seasonal driver's license has been lost or destroyed, or that the licensee's name has been legally changed; and
(c) Furnishing proof of the applicant's identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate when obtainable, or another document which provides evidence of a person's date of birth acceptable to the examiner or department. In the case of a name change, the applicant shall provide legal documentation acceptable to the department to verify the change.

(2) A duplicate driver's license or substitute permit shall not be issued, as provided in subsection (1) of this section, if the license or permit is suspended, revoked, canceled or disqualified in this state or any other jurisdiction or if the applicant has applied for, or has been issued, a license or permit in another jurisdiction.

(3) The holder of any instruction permit, class A, B, C or D, restricted school attendance driving permit, or seasonal driver's license who requests a duplicate driver's license or substitute permit as provided in subsection (1) of this section, may request that the notation "permanently disabled" be imprinted on the permit or license and the department shall imprint "permanently disabled" on the permit or license if:

(a) The person has a permanent disability; and
(b) The person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability as provided in section 49-117, Idaho Code; and
(c) The department determines that the person meets the requirements for issuance of a permit or license as specified in section 49-313, Idaho Code.

SECTION 14. That Section 49-320, Idaho Code, be, and the same is hereby amended to read as follows:

49-320. NOTICE OF CHANGE OF ADDRESS. It is the responsibility of every licensed or authorized driver and every person applying for a driver's license or driving authorization card to keep a current address on file with the department.

(1) Whenever any person after applying for or receiving a driver's license or driving authorization card shall move from the address shown in the application or in the driver's license or driving authorization card issued, that person shall, within thirty (30) days, notify the department in writing of the old and new addresses.

(2) Whenever any statute or rule requires a driver to receive notice of any official action with regard to the person's driver's license or driving privileges taken or proposed by a court or the department, notification by first class mail at the address shown on the application for a driver's license or driving authorization card, or at the address shown on the driver's
license or driving authorization card or at the address given by the driver, shall constitute all the legal notice that is required.

(3) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (1) of this section.

SECTION 15. That Section 49-321, Idaho Code, be, and the same is hereby amended to read as follows:

49-321. RECORDS TO BE KEPT BY THE DEPARTMENT. (1) The department shall file every application for a driver's license or driving authorization card received by it and shall maintain suitable indices containing:

(a) All applications denied and on each note the reason for denial;
(b) All applications granted;
(c) The name of every licensee or authorized person whose driver's license or driving authorization card has been suspended, revoked, canceled, denied or disqualified by the department and after each name note the reasons for the action;
(d) The driver's license number or driving authorization number for the applicant; and
(e) The social security number of the applicant, if applicable.

(2) The department shall file the original or copy of the medical examiner's certificates, medical exemption letters and skill performance evaluation certificates of all commercial driver's license or instruction permit holders required to provide documentation of their physical qualification. The department shall maintain the document(s) for a period of three (3) years beyond the date the certificate or document was issued.

(3) The department shall also file all accident reports and abstracts of court records of convictions received by it under the law from any jurisdiction and is authorized to forward records of convictions, suspensions or disqualifications to any jurisdiction. Records may be in either paper or electronic form. The department shall maintain convenient records or make suitable notations in order that an individual record of each licensee or authorized person showing the convictions and the traffic accidents in which the licensee or authorized person has been involved shall be readily ascertainable and available for consideration of the department upon any application for renewal of a driver's license or driving authorization card and at other suitable times.

(4) The department of health and welfare, on or about the 25th day of each month shall, upon the request of the department, furnish the department a listing showing the name, age, county of residence, and residence address of each Idaho resident who has died during the preceding month. The listing shall be used only for purposes of updating the driver's license and driving authorization card files of the department and shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

(5) The department, upon request by the office of the secretary of state, shall provide the office of the secretary of state with a digital copy of the driver's license or identification card signature of a person who is an applicant for voter registration pursuant to section 34-409, Idaho Code.
SECTION 16. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:

49-322. AUTHORITY OF DEPARTMENT TO CANCEL DRIVER'S LICENSE, DRIVING AUTHORIZATION CARD, OR INSTRUCTION PERMIT. (1) The department shall cancel any driver's license, driving authorization card, restricted school attendance driving permit, or instruction permit upon determining that the licensee, authorized person, or permittee was not entitled to the issuance of the driver's license, driving authorization card, or instruction permit, or that the licensee, authorized person, or permittee failed to give the required or correct information in his application, or committed fraud in making the application.

(2) Upon a cancellation, the licensee or permittee shall surrender the canceled driver's license or canceled instruction permit to the department.

(3) The department shall cancel a person's commercial driver's license upon determining that the class A, B or C licensee has falsified information. Upon cancellation of a class A, B or C driver's license, the licensee shall be disqualified from operating a commercial motor vehicle for a period of sixty (60) days.

(4) The department shall decertify the medical status and initiate a downgrade of any driver who is required by the federal motor carrier safety administration to maintain a medical examiner's certificate and/or medical exemption letter or skill performance evaluation certificate upon determining the person's medical certification has expired or has been revoked or canceled. The department shall change the person's driving status in the driver record to "not-certified," within ten (10) days and shall mail a notification letter regarding the pending decertification and downgrade action to the driver's last known address. The downgrade action shall occur no more than sixty (60) days from the date the "not-certified" status is posted to the record. Drivers can remove the "not-certified" medical status from their driving record by presenting a current and valid medical examiner's certificate and/or medical exemption letter or skill performance evaluation certificate to the department or by submitting an application to the department requesting their medical status be changed to "Excepted."

(5) When a driver's license has been canceled for reasons of impairment, incompetence or inability of the licensed driver to operate a motor vehicle safely as provided in section 49-303 or 49-326, Idaho Code, and the licensee has voluntarily surrendered his driver's license, or when a licensed driver requests cancellation of his license for any of the same reasons stated in this subsection and he voluntarily surrenders his license, the licensee may be eligible for a no-fee identification card as provided in section 49-2444, Idaho Code.

SECTION 17. That Section 49-326, Idaho Code, be, and the same is hereby amended to read as follows:

49-326. AUTHORITY OF DEPARTMENT TO SUSPEND, DISQUALIFY OR REVOKE DRIVER'S LICENSE OR DRIVING AUTHORIZATION CARD AND PRIVILEGES. (1) If the court has not ordered the suspension of a license or privileges, the department is authorized to suspend, disqualify or revoke the license or
privileges of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the driver:

(a) Has committed an offense for which mandatory revocation, suspension or disqualification of license or privileges is required upon conviction, court order or administrative action;
(b) Has been convicted in any court in this state of an offense against a municipal ordinance which would have been grounds for suspension, revocation or disqualification of his driver's license or privileges had the charge been prosecuted under a state law;
(c) Is incompetent to drive a motor vehicle;

1. Any person who in the opinion of the department, based upon recommendation of the person's personal physician, is afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic, or when the person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the streets and highways, or any person who is unable to understand highway signs, warning, regulating or directing traffic, is incompetent to drive a motor vehicle.

2. Any person who shall not have minimum visual acuity with or without corrective lenses of 20/40 in at least one (1) eye as determined by the Snellen system or other available systems is incompetent to operate a motor vehicle, however, the department shall have the authority to license such person upon the recommendation of an ophthalmologist or qualified physician and upon passage of a skills test. At 20/70 or more in both eyes with or without corrective lenses the department may suspend the driver's license and privileges. Any person who applies for or receives any type of tax, welfare or other benefits or exemptions for the blind shall be presumed incompetent to operate a motor vehicle. This presumption can be overcome by any person whose vision can be corrected to a visual acuity of 20/40 or better in one (1) eye as documented by a licensed ophthalmologist or optometrist.

3. Any person, department, or political subdivision of the state of Idaho who receives an application for any type of tax, welfare, aid or other benefits or exemptions for the blind shall immediately forward the name, address, sex, date of birth, and date of application of the applicant to the department.

4. Any physician who has reason to believe that a patient is incompetent to drive a motor vehicle as defined in this subsection, may submit a report to the department. Before submitting a report, a physician should notify the patient or the patient's family of the physician's concerns about the patient's ability to drive. If the physician submits a report, the physician shall provide a copy of the report to the patient or to a member of the patient's family. If a physician submits a report in good faith, no professional disciplinary procedure, no monetary liability and no cause of action may arise against the physician for submission of the report;
(d) Has permitted an unlawful or fraudulent use of a driver's license or driving authorization card;
(e) Has committed an offense in another state or jurisdiction as evidenced by a conviction, court order or administrative action, which if committed in Idaho would be grounds for suspension, disqualification or revocation;
(f) Has been convicted of the offense of reckless driving, or fleeing or attempting to elude a peace officer, and providing that the operating privilege shall be suspended for a period of thirty (30) days upon conviction and providing further, that if a second conviction occurs within a two (2) year period of time from the time of the first conviction, the suspension shall be for ninety (90) days, and if a third conviction shall occur within a three (3) year period of time from the time of the first conviction, the period of suspension shall be for one (1) year;
(g) Has failed to satisfy a judgment as set forth in chapter 12, title 49, Idaho Code;
(h) Has failed to maintain proof of financial responsibility as set forth in chapter 12, title 49, Idaho Code;
(i) Has a driving record which shows a violation point count of twelve (12) or more points in any consecutive twelve (12) month period;
(j) Is an habitual violator of traffic laws;
(k) Has been convicted of the offense of violation of a restricted license or restricted driving authorization card and providing the driver's license and privileges be suspended for a period of thirty (30) days;
(l) Has been convicted for the offense of leaving the scene of an accident involving damages to a vehicle, the period of revocation shall be one (1) year;
(m) Has been convicted for the offense of leaving the scene of an accident resulting in injury or death, the period of revocation shall be one (1) year;
(n) Is under the age of eighteen (18) years and is not satisfactorily enrolled in school, has not received a waiver pursuant to or has not completed school as provided in section 49-303A, Idaho Code;
(o) Was cited under the age of seventeen (17) years and subsequently received a conviction involving a moving traffic violation arising out of the operation of a motor vehicle, and providing the driver shall be sent a written warning from the Idaho transportation department for a first conviction; the driver's license shall be suspended for a period of thirty (30) days for a second conviction; and the driver's license shall be suspended for a period of sixty (60) days for a third or subsequent conviction; and providing further that no restricted driving privileges shall be issued during any period of suspension hereunder.
(2) A violation point is assessed for conviction of any charge or with proof of any infraction involving a moving traffic violation. A value of one (1) point shall be given for a less serious violation and up to four (4) points for a more serious violation. Conviction or proof of infraction for only one (1) violation arising from one (1) occasion of arrest or citation shall be counted in determining the violation point count.
(3) The department is authorized and directed to establish a violation point count system for various moving traffic violations and infractions occurring either within or without the state of Idaho, affecting all holders of driver's licenses and driving authorization cards issued by the department.

(4) Notification of suspension, revocation, cancellation or disqualification. Upon suspending, revoking, canceling or disqualifying the driver's license or driving privileges of any person, the department shall immediately notify the applicant or licensee in writing, at the licensee's address on file with the department pursuant to section 49-320, Idaho Code. Upon his request, the department shall afford him an opportunity for a hearing before a hearing officer appointed by the director. The hearing may be held by telephone within twenty (20) days after receipt of the request, unless this period is for good cause shown, extended by the hearing officer for one ten (10) day period. The notice and hearing shall be required prior to the imposition of additional suspension or disqualification periods beyond the periods as set forth in this section. Upon a hearing, the hearing officer may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon the hearing, the department shall either rescind its order or, with good cause, may affirm or extend the suspension or disqualification of the driver's license or revoke the driver's license.

Whenever a driver's license, permit or driving privilege has been suspended or revoked by the department as provided in this section, other than as set forth in subsection (1)(c), (d), (g), (h), (m), (n) or (o) of this section, the department may issue a temporary restricted permit restricting the time, area and purpose of use. The application, eligibility requirements and form of the temporary restricted permit shall be provided by administrative rule. A temporary restricted permit may be issued to grant noncommercial driving privileges, but no temporary restricted permit shall be issued which grants driving privileges to operate a commercial motor vehicle.

(5) The department shall not suspend or revoke a driver's license or privileges for a period of more than one (1) year, unless otherwise provided by law. The provisions of this subsection shall not be applicable with respect to the issuance of temporary restricted permits as provided in section 49-325, Idaho Code, nor shall it be applicable to those suspensions placed on an individual's record for the purpose of administering suspensions ordered to take effect after an individual's release from confinement or imprisonment pursuant to chapter 80, title 18, Idaho Code.

(6) The department shall not disqualify a driver for a period longer than specified by 49 CFR part 383.

SECTION 18. That Section 49-327, Idaho Code, be, and the same is hereby amended to read as follows:

49-327. SURRENDER OF DRIVER'S LICENSE OR DRIVING AUTHORIZATION CARD -- APPLICATION FOR DUPLICATE. (1) Upon suspending, canceling or revoking a driver's license or driving authorization card, the department shall require that the driver's license or driving authorization card be surrendered to the department. At the end of the period of suspension, revocation or cancellation the driver may apply for a duplicate driver's license or duplicate
driving authorization card, provided that the driver is eligible and has
fulfilled all reinstatement requirements.

(2) If any person shall fail to return to the department the Idaho
driver's license or driving authorization card as required, the department
may direct any peace officer to secure its possession and return the driver's
license or driving authorization card to the department.

SECTION 19. That Section 49-328, Idaho Code, be, and the same is hereby
amended to read as follows:

49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S
LICENSE OR DRIVING AUTHORIZATION CARD -- FEE -- WHEN REINSTATEMENT PROHIB-
ITED. (1) When the period of revocation, disqualification or suspension of
a driver's license or driving authorization card has expired, or the reason
for the revocation, disqualification or suspension no longer exists, the de-
partment shall reinstate the driver's license or driving privileges on ap-
plication of the driver.

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

(3) A driver's license or driving authorization card shall not be sus-
pended for failure to pay an infraction penalty. All driver's licenses sus-
pended prior to July 1, 2018, for failure to pay an infraction penalty shall
be reinstated upon application and without charge to the applicant.

(4) In addition to any other fees required in this section to be col-
lected, the department shall collect sixty dollars ($60.00) for reinstating
a driver's license or driving authorization card after conviction for driv-
ing under the influence, without privileges, and after conviction or other
violation of any other traffic-related misdemeanor or infraction, of which
fees forty dollars ($40.00) shall be paid over to the county treasurer of the
county in which the conviction occurred for support of that county's justice
fund, or the current expense fund if no county justice fund has been estab-
lished, and the twenty dollars ($20.00) shall be deposited in the state high-
way account.

(5) In addition to any other fees required in this section to be col-
lected, the department shall collect two hundred dollars ($200) for rein-
statement of a driver's license driving privileges after a suspension imposed un-
der the provisions of section 18-8002 or section 18-8002A, Idaho Code, or af-
after a revocation, disqualification or suspension arising out of any alcohol
or drug-related offense, other than a suspension imposed upon a person under
eighteen (18) years of age pursuant to section 18-1502(d), Idaho Code. Funds
collected pursuant to this subsection shall be deposited in the state high-
way account.

(6) When there is more than one (1) reason why a driver's license was
driving privileges were revoked or suspended or why a driver was disqual-
ified, the department shall not collect multiple fees for reinstatement,
but shall only collect one (1) reinstatement fee, which shall be the greater
reinstatement fee, provided however, the department shall collect a rein-
statement fee for each revocation, disqualification or suspension under
chapter 80, title 18, Idaho Code.
SECTION 20. That Section 49-331, Idaho Code, be, and the same is hereby amended to read as follows:

49-331. UNLAWFUL USE OF DRIVER'S LICENSE OR驅車授權卡 DRIVE AUTHORIZATION CARD. It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his possession any mutilated or illegible, cancelled canceled, revoked, suspended, disqualified, fictitious or fraudulently altered driver's license or driving authorization card;

(2) To lend his driver's license or driving authorization card to any other person or knowingly permit the use of his driver's license or driving authorization card by another;

(3) To display or represent as one's own a driver's license or driving authorization card not issued to him;

(4) To fail or refuse to surrender to the department, upon its lawful demand, any driver's license which or driving authorization card that has been suspended, revoked, disqualified or cancelled canceled;

(5) To use a false or fictitious name in any application for a driver's license or driving authorization card, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in any application;

(6) To permit any unlawful use of a driver's license or driving authorization card issued to him; or

(7) To manufacture, produce, sell, offer for sale or transfer to another person any document purporting to be a certificate of birth or driver's license or driving authorization card.

In addition to the misdemeanor penalties that may be imposed for violation of the provisions of paragraphs (1) through (7) of this section, the court upon conviction may enter an order directing the department to suspend the driver's license, a permit to drive, privileges or any nonresident's driving privileges for a period of ninety (90) days. A conviction under this section shall not be used as a factor or considered in any manner for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer, nor shall such conviction be grounds for nonrenewal of any insurance policy as provided in section 41-2507, Idaho Code.

SECTION 21. That Section 49-1208, Idaho Code, be, and the same is hereby amended to read as follows:

49-1208. PROOF REQUIRED UPON CERTAIN CONVICTIONS. (1) If a person is not licensed, but by final order or judgment is convicted of, or forfeits any bail or collateral deposited to secure an appearance for trial, or has entered a plea of guilty for, any offense requiring the suspension or revocation of the driver's license driving privileges, or for operating a motor vehicle upon the highways without being licensed privileged to do so, no driver's license driving privileges shall be issued to that person and his driving privileges shall remain suspended or revoked until he gives and maintains proof of financial responsibility. Such person shall be required to verify proof of financial responsibility for a three (3) year period commencing with the last day of the suspension or revocation.
(2) Whenever the department or a court suspends, or the department revokes a resident's driver's license or nonresident's driving privilege by reason of a conviction, forfeiture of bail, or upon a plea or finding of guilty, the license or privilege shall remain suspended or revoked unless the person shall have previously given or shall immediately give and maintain proof of financial responsibility. Such person shall be required to verify proof of financial responsibility for a three (3) year period commencing with the last day of the suspension or revocation.

(3) Any person who is convicted of violating the provisions of either section 49-1229, 49-1232 or 49-1428, Idaho Code, for the first time shall give and maintain proof of financial responsibility throughout the one (1) year period following the conviction. Any person convicted for a second or any subsequent time of violating the provisions of section 49-1229, 49-1232 or 49-1428, Idaho Code, within a five (5) year period, shall give and maintain proof of financial responsibility throughout the three (3) year period following such conviction. The department shall notify any person subject to this subsection of the requirements for maintaining proof of financial responsibility for a second and any subsequent conviction. The driver's license and driving privileges shall remain suspended unless the person gives and maintains proof of financial responsibility throughout either the one (1) year or the three (3) year period following such conviction.

(4) Whenever a person is required to maintain proof of financial responsibility, and who is not a resident of Idaho, files and maintains proof of financial responsibility in his home state the department shall reinstate the person's driving privileges as long as proof of financial responsibility is maintained in the person's home state.

SECTION 22. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- PENALTY AND SUSPENSION UPON REFUSAL OF TESTS. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to evidentiary testing for concentration of alcohol as defined in section 18-8004, Idaho Code, and to have given his consent to evidentiary testing for the presence of drugs or other intoxicating substances, provided that such testing is administered at the request of a peace officer having reasonable grounds to believe that person has been driving or was in actual physical control of a motor vehicle in violation of the provisions of section 18-8004 or 18-8006, Idaho Code.

(2) Such person shall not have the right to consult with an attorney before submitting to such evidentiary testing.

(3) At the time evidentiary testing for concentration of alcohol or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to submit to or if he fails to complete evidentiary testing:

(a) He is subject to a civil penalty of two hundred fifty dollars ($250) for refusing to take the test;

(b) He is subject to mandatory installation of a state approved ignition interlock system, at his expense, on all of the motor vehicles op-
erated by him for a period to end one (1) year following the end of the
suspension period;
(c) He has the right to request a hearing within seven (7) days to show
cause why he refused to submit to, or complete evidentiary testing;
(d) If he does not request a hearing or does not prevail at the hearing,
the court shall sustain the civil penalty and shall order the required
installation of a state approved ignition interlock system on all motor
vehicles operated by him and his driving privileges will be suspended absolutely for one (1) year if this is his first refusal and two (2) years if this is his second refusal within ten (10) years;
(e) Provided however, if he is admitted to a problem solving court pro-
gram and has served at least forty-five (45) days of an absolute sus-
pension of driving privileges, then he may be eligible for a restricted
permit for the purpose of getting to and from work, school or an alcohol
treatment program, but only if a state approved ignition interlock sys-
tem has been installed, at his expense, on all motor vehicles operated
by him; and
(f) After submitting to evidentiary testing he may, when practicable,
at his own expense, have additional tests made by a person of his own
choosing.
(4) If the motorist refuses to submit to or complete evidentiary test-
ing after the information has been given in accordance with subsection (3) of
this section:
(a) He shall be fined a civil penalty of two hundred fifty dollars
($250);
(b) The court shall direct the installation, at his expense, of a state
approved ignition interlock system meeting the requirements set forth
in section 18-8008, Idaho Code, on all motor vehicles operated by him
for a period of one (1) year following the end of the suspension period;
(c) A written request may be made within seven (7) calendar days for a
hearing before the court; if requested, the hearing must be held within
thirty (30) days of the date of service unless this period is, for good
cause shown, extended by the court for one (1) additional thirty (30)
day period. The hearing shall be limited to the question of why the
defendant did not submit to, or complete, evidentiary testing, and the
burden of proof shall be upon the defendant; the court shall sustain
a two hundred fifty dollar ($250) civil penalty immediately, suspend
all the defendant's driving privileges immediately for one (1) year for
a first refusal and two (2) years for a second refusal within ten (10)
years and direct the installation, at his expense, of a state approved
ignition interlock system meeting the requirements set forth in section
18-8008, Idaho Code, on all motor vehicles operated by him for a period
to end one (1) year following the end of the suspension period, unless it
finds that the peace officer did not have legal cause to stop and request
him to take the test or that the request violated his civil rights;
(d) If a hearing is not requested by written notice to the court con-
cerned within seven (7) calendar days, upon receipt of a sworn statement
by the peace officer of the circumstances of the refusal, the court
shall sustain a two hundred fifty dollar ($250) civil penalty, suspend
the defendant's driving privileges for one (1) year for a first refusal
and two (2) years for a second refusal within ten (10) years, during
which time he shall have absolutely no driving privileges of any kind,
and direct the installation of a state approved ignition interlock
system, at his expense, meeting the requirements set forth in section
18-8008, Idaho Code, on all motor vehicles operated by him for a period
to end one (1) year following the end of the suspension period;
(e) Notwithstanding the provisions of paragraphs (c) and (d) of this
subsection, if the defendant is enrolled in and is a participant in good
standing in a drug court or mental health court approved by the supreme
court drug court and mental health court coordinating committee under
the provisions of chapter 56, title 19, Idaho Code, or other similar
problem solving court utilizing community-based sentencing alterna-
tives, then the defendant shall be eligible for restricted noncommer-
cial driving privileges for the purpose of getting to and from work,
school or an alcohol treatment program, which may be granted by the pre-
siding judge of the drug court or mental health court or other similar
problem solving court, provided that the defendant has served a period
of absolute suspension of driving privileges of at least forty-five
(45) days, that a state approved ignition interlock system meeting the
requirements set forth in section 18-8008, Idaho Code, is installed,
at his expense, on all motor vehicles operated by him for a period to
end one (1) year following the end of the suspension period and that the
defendant has shown proof of financial responsibility as defined and
in the amounts specified in section 49-117, Idaho Code, provided that
the restricted noncommercial driving privileges and the requirement
of a state approved ignition interlock system may be continued if the
defendant successfully completes the drug court, mental health court or
other similar problem solving court, and that the court may revoke such
privileges for failure to comply with the terms of probation or with the
terms and conditions of the drug court, mental health court or other
similar problem solving court program; and
(f) After submitting to evidentiary testing at the request of the peace
officer, he may, when practicable, at his own expense, have additional
tests made by a person of his own choosing. The failure or inability to
obtain an additional test or tests by a person shall not preclude the ad-
mision of results of evidentiary testing for alcohol concentration or
for the presence of drugs or other intoxicating substances taken at the
direction of the peace officer unless the additional test was denied by
the peace officer.
(5) Any sustained sanction under this section or section 18-8002A,
Idaho Code, shall be a sanction separate and apart from any other sanction
imposed for a violation of other Idaho motor vehicle codes or for a con-
viction of an offense pursuant to this chapter and may be appealed to the
district court.
(6) No hospital, hospital officer, agent, or employee, or health care
professional licensed by the state of Idaho, whether or not such person has
privileges to practice in the hospital in which a body fluid sample is ob-
tained or an evidentiary test is made, shall incur any civil or criminal li-
ability for any act arising out of administering an evidentiary test for al-
alcohol concentration or for the presence of drugs or other intoxicating sub-
stances at the request or order of a peace officer in the manner described in
this section and section 18-8002A, Idaho Code; provided that nothing in this
section shall relieve any such person or legal entity from civil liability
arising from the failure to exercise the community standard of care.

(a) This immunity extends to any person who assists any individual to
withdraw a blood sample for evidentiary testing at the request or order
of a peace officer, which individual is authorized to withdraw a blood
sample under the provisions of section 18-8003, Idaho Code, regardless
of the location where the blood sample is actually withdrawn.

(b) A peace officer is empowered to order an individual authorized in
section 18-8003, Idaho Code, to withdraw a blood sample for evidentiary
testing when the peace officer has probable cause to believe that the
suspect has committed any of the following offenses:

(i) Aggravated driving under the influence of alcohol, drugs or
other intoxicating substances as provided in section 18-8006,
Idaho Code;
(ii) Vehicular manslaughter as provided in subsection (3) (a), (b)
and (c) of section 18-4006, Idaho Code;
(iii) Aggravated operating of a vessel on the waters of the state
while under the influence of alcohol, drugs or other intoxicating
substances as provided in section 67-7035, Idaho Code; or
(iv) Any criminal homicide involving a vessel on the waters of the
state while under the influence of alcohol, drugs or other intoxici-
cating substances.

(c) Nothing herein shall limit the discretion of the hospital admin-
istration to designate the qualified hospital employee responsible to
withdraw the blood sample.

(d) The law enforcement agency that requests or orders withdrawal of
the blood sample shall pay the reasonable costs to withdraw such blood
sample, perform laboratory analysis, preserve evidentiary test re-
sults, and testify in judicial proceedings. The court may order resti-
tution pursuant to the provisions of section 18-8003(2), Idaho Code.

(e) The withdrawal of the blood sample may be delayed or terminated if:

(i) In the reasonable judgment of the hospital personnel, with-
drawal of the blood sample may result in serious bodily injury to
hospital personnel or other patients; or
(ii) The licensed health care professional treating the suspect
believes the withdrawal of the blood sample is contraindicated be-
cause of the medical condition of the suspect or other patients.

(7) "Actual physical control" as used in this section and section
18-8002A, Idaho Code, shall be defined as being in the driver's position of
the motor vehicle with the motor running or with the motor vehicle moving.

(8) Any written notice required by this section shall be effective upon
mailing.

(9) For the purposes of this section and section 18-8002A, Idaho Code,
"evidentiary testing" shall mean a procedure or test or series of proce-
dures or tests, including the additional test authorized in subsection (10)
of this section, utilized to determine the concentration of alcohol or the
presence of drugs or other intoxicating substances in a person.
(10) A person who submits to a breath test for alcohol concentration, as defined in subsection (4) of section 18-8004, Idaho Code, may also be requested to submit to a second evidentiary test of blood or urine for the purpose of determining the presence of drugs or other intoxicating substances if the peace officer has reasonable cause to believe that a person was driving under the influence of any drug or intoxicating substance or the combined influence of alcohol and any drug or intoxicating substance. The peace officer shall state in his or her report the facts upon which that belief is based.

(11) Notwithstanding any other provision of law to the contrary, the civil penalty imposed under the provisions of this section must be paid, as ordered by the court, to the county justice fund or the county current expense fund where the incident occurred. If a person does not pay the civil penalty imposed as provided in this section within thirty (30) days of the imposition, unless this period has been extended by the court for good cause shown, the prosecuting attorney representing the political subdivision where the incident occurred may petition the court in the jurisdiction where the incident occurred to file the order imposing the civil penalty as an order of the court. Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the civil penalty, attorney's fees, costs and interest may be assessed against any person who fails to pay the civil penalty.

(12) Upon motion of the person required to install an ignition interlock device pursuant to subsection (4)(b) of this section, a court in its discretion may relieve the person from the installation of the device where the court finds it clear and convincing that the person will not present a danger to the public or that there are exceptional or mitigating circumstances demonstrating that installation of the device is unnecessary or unwarranted. Financial hardship, standing alone, is not an exceptional or mitigating circumstance.

(13) A court may determine that an offender is eligible to utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

(14) As used in this section, "at his expense" includes the cost of obtaining, installing, using and maintaining an ignition interlock system.

SECTION 23. This act shall be in full force and effect on and after January 1, 2022.