LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 761

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO VOTER IDENTIFICATION; AMENDING SECTION 34-408A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTION DAY REGISTRATION; AMENDING SECTION 34-409, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTRONIC VOTER REGISTRATION; AMENDING SECTION 34-410, IDAHO CODE, TO REVISE PROVISIONS REGARDING VOTER REGISTRATION BY MAIL; AMENDING SECTION 34-410A, IDAHO CODE, TO REVISE PROVISIONS REGARDING FEDERAL ABSENTEE REGISTRATION FORMS; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE PROVISIONS REGARDING VOTER REGISTRATION INFORMATION; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-421, IDAHO CODE, TO ESTABLISH THE ELECTION INTEGRITY FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE ELECTION INTEGRITY FUND; AMENDING SECTION 34-1012, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 34-1106, IDAHO CODE, TO REVISE PROVISIONS REGARDING DELIVERY OF BALLOTS TO ELECTORS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-1113, IDAHO CODE, TO REVISE PROVISIONS REGARDING VOTER IDENTIFICATION REQUIRED AT THE POLLS; REPEALING SECTION 34-1114, IDAHO CODE, RELATING TO VOTER AFFIDAVITS; AMENDING SECTION 34-217, IDAHO CODE, TO REMOVE A REFERENCE TO VOTER AFFIDAVIT RECORDS; AMENDING SECTION 49-306, IDAHO CODE, TO REQUIRE CITIZENSHIP STATUS FROM DRIVER'S LICENSE APPLICANTS; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE FOR AN INDICATION OF UNITED STATES CITIZENSHIP AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-321, IDAHO CODE, TO PROVIDE FOR RECORD OF PROOF OF CITIZENSHIP AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE FOR AN INDICATION OF UNITED STATES CITIZENSHIP AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-408A, Idaho Code, be, and the same is hereby amended to read as follows:

34-408A. ELECTION DAY REGISTRATION. (1) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state, and providing proof of identity, residence, and United States citizenship. An individual may prove residence provide such proof for purposes of registering by showing one (1) photo identification document, one (1) address verification document, and one (1) proof of United States citizenship document.

(a) Acceptable photo identification documents are:
(1) Showing an

(i) A current Idaho driver's license or Idaho identification card issued through the Idaho transportation department; or

(ii) A current United States passport;

(iii) A current active United States military identification card;

(iv) A current tribal identification card issued by a federally recognized Indian tribe as defined in section 67-4001, Idaho Code, that displays the individual's date of birth; or

(v) A current Idaho license to carry concealed weapons that displays the individual's date of birth and physical address located in Idaho.

(b) Acceptable address verification documents must display the individual's current address and a date that is at least thirty (30) days prior to the date of the election. Acceptable address verification documents are:

(i) A utility bill, not including a cellular phone bill, that is no more than six (6) months old;

(ii) A current residential lease agreement, rental agreement, mortgage statement, or deed of trust;

(iii) A W-2 or 1099 federal tax form for the most recent available tax year;

(iv) A military leave and earnings statement showing the Idaho residency of an individual on active military duty deployed outside the state of Idaho;

(v) A government record showing the individual as having paid property taxes at the address within the last year; or

(vi) An affidavit signed by a parent or guardian, affirming the residency of a dependent living at the parent or guardian's residential address.

(c) Acceptable proof of United States citizenship is the original or legible photocopy of:

(i) An Idaho driver's license or Idaho identification card issued through the Idaho transportation department that shows proof of United States citizenship;

(ii) A state driver's license or state identification card issued by the equivalent governmental agency of another state or territory within the United States if the agency indicates on the card that the person has provided satisfactory proof of United States citizenship;

(iii) The individual's birth certificate that verifies citizenship accompanied by a current photo identification document as set forth in paragraph (a) of this subsection that shows the same name or a document verifying the reason for the name change;

(iv) The individual's United States passport identifying the individual and the passport number;

(v) The individual's United States naturalization documents; or

(vi) The individual's bureau of Indian affairs card, tribal treaty card, or tribal enrollment verification that shows the individual's United States citizenship.
individual's photo, date of birth, and declaration of United States
citizenship.

(2) Showing any document which contains a valid address in the precinct
together with a picture identification card; or

(3) Showing a current valid student photo identification card from
a postsecondary educational institution in Idaho accompanied with a cur-
rent student fee statement that contains the student's valid address in the
precinct. Election day registration provided in this section shall apply to
all elections conducted under title 34, Idaho Code, and to school district
and municipal elections.

(3) An individual who is eligible to vote may also register, upon pro-
viding proof of residence, at the "absent electors' polling place" provided
in section 34-1006, Idaho Code.

SECTION 2. That Section 34-409, Idaho Code, be, and the same is hereby
amended to read as follows:

34-409. ELECTRONIC REGISTRATION. (1) The office of the secretary of
state may shall create and maintain an electronic system for voter registra-
tion that is publicly available on its official website. Any qualified elec-
tor who has a current valid driver's license or identification card issued
pursuant to title 49, Idaho Code, that reflects the person's current princi-
pal place of residence, may register to vote by submitting a completed voter
registration application electronically through such website. Electronic
voter registration applications shall be submitted before the close of reg-
istration as provided in section 34-408, Idaho Code.

(2) The electronic voter registration application shall be in a form
prescribed by the secretary of state and shall:
(a) Require the information under oath or affirmation set forth in sec-
section 34-411, Idaho Code;
(b) Include notice of the requirement to provide personal identifi-
cation before voting at the polls as set forth in sections 34-1113 and
34-1114, Idaho Code; and
(c) Require an electronic signature of the applicant.

(3) The office of the secretary of state shall obtain a digital copy
of the applicant's driver's license or identification card signature from
the Idaho transportation department. The Idaho transportation department
shall, upon request of the office of the secretary of state, provide a dig-
ital copy of the applicant's driver's license or identification card signa-
ture.

(4) Upon receipt of a completed voter registration application and a
digital copy of the applicant's driver's license or identification card sign-
sure from the Idaho transportation department, the office of the secre-
tary of state shall send the information to the county clerk for the county
in which the applicant resides. The county clerk shall prepare and issue to
each elector registering electronically a verification of registration con-
taining the name and residence of the elector and the name or number of the
precinct in which the elector resides. Such verification of registration
may shall be sent by nonforwardable first class first class mail or by elec-
tronic mail at the elector's option. If a verification is returned undeliv-
erable, then the county clerk shall remove the elector from the register of
electors, unless the elector is a person subject to the uniformed and overseas citizens absentee voting act, 52 U.S.C. 20301 et seq.

(5) An applicant using the electronic system for voter registration pursuant to this section shall not be required to complete a printed registration card.

(6) The office of the secretary of state shall use such security measures necessary to ensure the accuracy and integrity of an electronically submitted voter registration application.

SECTION 3. That Section 34-410, Idaho Code, be, and the same is hereby amended to read as follows:

34-410. MAIL REGISTRATION. (1) Any elector may register by mail for any election. Any mail registration application must be received by the county clerk prior to the close of registration as provided in section 34-408, Idaho Code, provided that any mail registration application postmarked not later than twenty-five (25) days prior to an election shall be deemed timely.

(2) The secretary of state shall prescribe the form for the mail registration application. This mail application form shall be available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(3) Any federal mail registration form adopted pursuant to the provisions of the national voter registration act of 1993 (P.L. 103-31) shall also be accepted as a valid registration, if such form is postmarked not later than twenty-five (25) days prior to an election.

(4) The county clerk shall prepare and issue by first class nonforwardable mail to each elector registering by mail a verification of registration containing the name and residence of the elector and the name or number of the precinct in which the elector resides.

(5) A verification returned undeliverable shall cause the county clerk to remove the elector's card from the register of electors, unless the elector is a person subject to the uniformed and overseas citizens absentee voting act, 52 U.S.C. 20301 et seq.

(6) Any registration received by mail that does not include the number of the elector's current driver's license or state identification card issued by the Idaho transportation department must be accompanied by a legible photocopy of a proof of United States citizenship document acceptable under section 34-408A(1)(c), Idaho Code.

(7) As required by the help America vote act of 2002 (P.L. 107-252), a copy of proper identification will be required prior to issuance of a ballot to anyone who has registered by mail and has not previously voted in an election for federal office in the state. Proper identification consists of:

(a) A current and valid photo identification; or
(b) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

SECTION 4. That Section 34-410A, Idaho Code, be, and the same is hereby amended to read as follows:
34-410A. ABSENTEE REGISTRATION FOR UNIFORMED AND OVERSEAS CITIZENS. Whenever provision is made for absentee voting by a statute of the United States, including the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff.) uniformed and overseas citizens absentee voting act, 52 U.S.C. 20301 et seq., an application for an absentee ballot made under that law may be given the same effect as an application for an absentee ballot made under chapter 10, title 34, Idaho Code. Provided, however, if the individual uses the federal application form, is registering to vote in Idaho for the first time, and does not provide the voter identification required by Idaho law, such applicant shall be eligible to vote only for federal offices.

SECTION 5. That Section 34-411, Idaho Code, be, and the same is hereby amended to read as follows:

34-411. APPLICATION FOR REGISTRATION -- CONTENTS. (1) Each elector who requests registration shall supply the following information under oath or affirmation:
(a) Full legal name, including the full first, full middle, and full last name, and sex;
(b) Mailing address, residence address, or any other necessary information definitely locating the elector's residence;
(c) The period of time preceding the date of registration during which the elector has resided in the state;
(d) Whether or not the elector is a citizen;
(e) That the elector is under no legal disqualifications to vote;
(f) The county and state where the elector was previously registered, if any;
(g) Date of birth and
(h) Current driver's license number or identification card issued by the Idaho transportation department. In the absence of an Idaho driver's license or state-issued identification card, the last four digits of the elector's social security number and acceptable proof that the elector is a United States citizen, pursuant to section 34-408A(1)(c), Idaho Code.

(2) As provided for in section 34-404, Idaho Code, each elector shall select an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or select to be designated as "unaffiliated." The selection of party affiliation or designation as "unaffiliated" shall be maintained within the voter registration system as provided for in section 34-437A, Idaho Code. If an elector shall fail or refuse to make such a selection, the county clerk shall record as "unaffiliated" such elector within the voter registration system as provided for in section 34-437A, Idaho Code.

(3) Any elector who shall supply supplies any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

(4) Each elector who requests registration may, at the elector's option, supply the elector's telephone number. If the telephone number is supplied by the elector, the telephone number shall be available to the public.
SECTION 6. That Chapter 4, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-421, Idaho Code, and to read as follows:

34-421. ELECTION INTEGRITY FUND. There is hereby created in the state treasury the election integrity fund. The moneys in the fund are continuously appropriated for the purpose of defraying the cost of providing free state identification cards for voting purposes pursuant to section 49-2444, Idaho Code. The secretary of state shall, upon submission of his annual budget request, furnish an estimate of the ending balance of the fund for the end of the current fiscal year.

SECTION 7. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer $200,000 from the General Fund to the Election Integrity Fund as soon as practicable.

SECTION 8. That Section 34-1012, Idaho Code, be, and the same is hereby amended to read as follows:

34-1012. ALTERNATIVE PROCEDURES FOR ABSENTEE VOTING -- EARLY VOTING. (1) Those counties that utilize absentee voting facilities that have access to the Idaho statewide voter registration system and count ballots at a central location or utilize a polling location based tabulation system may elect to conduct "early voting" according to the provisions of this section. For those counties that elect to do "early voting," early voting shall begin on or before the third Monday before the election and end at 5:00 p.m. on the Friday before the election. Primary election ballots shall be issued pursuant to section 34-1002(2), Idaho Code.

(2) A voter who appears at an "early voting" station to vote shall state his or her name and address to the election official and present the voter's identification as required by sections 34-1113 and 34-1114, Idaho Code.

(3) The election official shall examine the records to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested. The provisions of section 34-408A, Idaho Code, authorizing election day registration shall also apply in determining the applicant's qualifications to vote.

(4) Before receiving a ballot, each elector shall sign his or her name in the election register and poll book provided for early voting.

(5) The elector shall then be given the appropriate ballots containing the official election ballot identification pursuant to section 34-901, Idaho Code, and shall be given folding instructions for such ballots, if appropriate.

(6) Upon receipt of the ballots, the elector shall retire to a vacant voting booth and mark the ballots according to the instructions provided.

(7) After marking the ballot, the elector shall present himself or herself to the election official at the ballot box and state his or her name and address. The elector shall then deposit the ballot in the ballot box or hand it to the election official, who shall deposit it. The election official shall then record that the elector has voted and proclaim the same in an audible voice.
(8) Voters requiring assistance shall be provided with such assistance in accordance with section 34-1108, Idaho Code.

(9) Electioneering is prohibited at an early voting polling place as provided in section 18-2318, Idaho Code.

SECTION 9. That Section 34-1106, Idaho Code, be, and the same is hereby amended to read as follows:

34-1106. SIGNING COMBINATION ELECTION RECORD AND POLL BOOK -- DELIVERY OF BALLOT TO ELECTOR. (1) An elector desiring to vote shall state his name and address to the judge or clerk in charge of the combination election record and poll book.

(2) Before receiving his ballot, each elector shall sign his name in the combination election record and poll book following his name therein and show a valid photo identification as provided for in section 34-1113, Idaho Code, or personal identification affidavit as provided for in section 34-1114, Idaho Code.

(3) No person shall knowingly sign his name in the combination election record and poll book if his residence address is not within that precinct at the time of signing.

(4) If the residence address of a person contained in the combination election record and poll book is incorrectly given due to an error in preparation of the combination election record and poll book, the judge shall ascertain the correct address and make the necessary correction.

(5) The elector shall then be given the appropriate ballots which have been marked with the official election ballot identification and shall be given folding instructions for such ballots.

SECTION 10. That Section 34-1113, Idaho Code, be, and the same is hereby amended to read as follows:

34-1113. IDENTIFICATION AT THE POLLS. All voters shall be required to provide personal identification before voting at the polls or at absent electors polling places as required by section 34-1006, Idaho Code. The personal identification that may be presented shall be one (1) of the following:

(1) An Idaho driver's license or identification card issued by the Idaho transportation department;

(2) A passport or an identification card, including a photograph, issued by an agency of the United States government;

(3) A tribal identification card, including a photograph;

(4) A current student identification card, including a photograph, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within the state of Idaho; or

(5) A license to carry concealed weapons issued under section 18-3302, Idaho Code, or an enhanced license to carry concealed weapons issued under section 18-3302K, Idaho Code.

SECTION 11. That Section 34-1114, Idaho Code, be, and the same is hereby repealed.
SECTION 12. That Section 34-217, Idaho Code, be, and the same is hereby amended to read as follows:

34-217. RETENTION OF COUNTY ELECTION RECORDS. County election records shall be maintained by the county clerk for the time periods outlined in this section. Records shall be maintained for the period specified beginning with the date the record is created or has become no longer valid, whichever is greater.

(1) The following records shall be retained for not less than five (5) years:

(a) Voter registration cards for electors whose registration has been terminated;
(b) Correspondence relating to an elector's voter registration;
(c) Combination election record and poll book, including the ballot accounting page;
(d) Declaration of candidacy and petition of candidacy forms filed with the county clerk;
(e) Maps of precinct boundaries with legal descriptions;
(f) List of absentee voters; and
(g) County initiatives and petitions that qualify for placement on the ballot.

(2) The following shall be retained for two (2) years:

(a) Completed absentee ballot request forms;
(b) Tally books;
(c) Voted ballots;
(d) Any ballots that were required to be duplicated before being counted;
(e) Certified lists of candidates or declaration of candidacy forms from special districts used for ballot preparation;
(f) Certified ballot language from special districts for any question placed on the ballot; and
(g) Absentee ballot affidavit envelopes, including the indication of the signature's acceptance or rejection.

(3) The following shall be maintained for one (1) year:

(a) Notice of election;
(b) Personal identification affidavit;
(c) Ballot tracking logs;
(d) Automated tabulation election logs;
(e) Copy of the election definition and program used in tabulating ballots electronically and in the ballot-marking device; and
(f) Record of the number of ballots printed and furnished to each polling place.

(g) Other election supplies, including but not limited to unused ballots, official election ballot identification or official ballot stamps, receipts for supplies, and spoiled ballots, may be disposed of sixty (60) days following the deadline for requesting a recount or filing an election contest pursuant to chapters 20 and 21, title 34, Idaho Code.

SECTION 13. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:
49-306. APPLICATION FOR DRIVER'S LICENSE, 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 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 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 ............... $30.00
(e) Class D (3-year) license -- age 18 to 21 years ................ $30.00
(f) Class D (1-year) license -- age 17 years or age 20 years .... $20.00
(g) Four-year Class D license -- age 21 years and older .......... $35.00
(h) Eight-year Class D license -- age 21 to 63 years ............. $60.00
(i) Commercial learner's permit .......................................... $29.00
(j) Class D instruction permit or supervised instruction permit ................................................................. $20.00
(k) Duplicate driver's license or permit issued under section 49-318, Idaho Code ................................. $20.00
(1) Driver's license extension issued under section 49-319, Idaho Code .................................................. $10.00
(m) License classification change (upgrade) ......................... $30.00
(n) Endorsement addition .................................................... $20.00
(o) Class A, B, C skills tests not more than ....................... $200.00
(p) Class D skills test not more than ................................... $35.00
(q) Motorcycle endorsement skills test not more than ........... $25.00
(r) Knowledge test .............................................................. $5.00
(s) Seasonal driver's license ............................................... $44.00
(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

(2) A person who applies for a driver's license or a driver's license 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 pur-
suant to the provisions of chapter 58, title 19, Idaho Code, then the appli-
cant may state, in his or her application pursuant to this section, the ap-
plicant's alternative Idaho mailing address in place of his or her Idaho res-
idence address and mailing address. Notwithstanding the provisions of sec-
tion 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 res-
idency 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 ex-
cepted 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) An applicant who has not been assigned a social security number
shall:

   (i) Present written verification from the social security admin-
       istration that the applicant has not been assigned a social secu-
       rity 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 ap-
       plicant 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 appli-
cant'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.
(c) 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 trans-
portation or operations excepted by the federal motor carrier
safety administration from all or parts of the qualification re-
quirements 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 signed by the applicant's signature.

(d) The applicant must submit proof of identity and citizenship status 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 date of birth acceptable to the examiner or the department.

(e) 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.

(f) 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 license 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 commercial license, ten dollars ($10.00) 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 additional endorsement, and fifteen dollars ($15.00) 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 five dollars ($5.00) 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 dollars and fifty cents ($28.50) of each fee.

(8) When the fees required under this section are collected by the department 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 officer 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 license pursuant to subsection (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 services 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 deposited in the state highway account;

(c) Twenty dollars ($20.00) of each fee for a commercial learner's permit 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 account;

(f) Seven dollars and fifty cents ($7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited 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 pursuant 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 instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training account;

(j) Seven dollars and forty cents ($7.40) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license 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 14. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a distinguishing driver's license as applied for, which shall bear a distinguishing number assigned to the licensee, 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 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 shall be valid until it has been signed on the signature line of the license by the licensee. On and after January 1, 2023, driver's license applicants who are United States citizens may have the notation "USA" included on the license.

(2) Every driver's license shall bear a color photograph of the licensee, 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 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 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 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 placed on the license.

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

(7)(a) 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 sta-
tus as a veteran on any class of driver's license issued pursuant to this section. Such designation shall be made upon original issuance or re-

ewal of a driver's license. Designation shall also be made on any du-
plicate driver's license issued, provided that the fee for such dupli-
cate driver's license is paid in accordance with section 49-306, Idaho

Code.

(b) 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 equivalent document or statement from the department of veterans af-
fairs that identifies a character of service upon separation as "honorable"
or "general under honorable conditions."

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 received by it and shall main-
tain 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 whose driver's license has been sus-
pended, revoked, canceled, denied or disqualified by the department and
after each name note the reasons for the action;
(d) The driver's license number for the applicant; and
(e) The social security number of the applicant; and
(f) Record of the proof relied upon by the department in determining the
applicant's status as a United States citizen or non-United States cit-
izen.

(2) The department shall file the original or copy of the medical exam-
iner's certificates, medical exemption letters and skill performance evalu-
ation 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 juris-
diction 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 show-
ing the convictions and the traffic accidents in which the licensee has been
involved shall be readily ascertainable and available for consideration of
the department upon any application for renewal of a driver's license and at
other suitable times.

(4) The department of health and welfare, on or about the 25th
twenty-fifth 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 pre-
ceding month. The listing shall be used only for purposes of updating the
driver's license 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 49-2444, Idaho Code, be, and the same is hereby
amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1)
The department shall issue a distinguishing identification card that shall
set forth the information contained in the application, in a form as pre-
scribed by the department. All identification cards issued on or after Jan-
uary 1, 1993, shall not contain the applicant's social security number. An
applicant's social security number shall be exempt from disclosure except
for inquiries from agencies or institutions authorized to obtain such infor-
mation by federal law or regulation, from peace officers, or from jury com-
mis-sioners. Each card shall have printed on it the applicant's full name,
date of birth, Idaho residence address, sex, weight, height, eye color, and
hair color and shall be issued a distinguishing number assigned to the ap-
plicant. If an applicant has submitted an application pursuant to the provi-
sions of chapter 58, title 19, Idaho Code, then the applicant's identifica-
tion card shall contain his or her alternative Idaho mailing address in place
of his or her Idaho residence address. Each card shall also have printed on
it the name of this state, the date of issuance, and the date of expiration.
An identification card shall not be valid until it has been signed on the sig-
nature line by the applicant. Each card shall bear upon it a color photograph
of the applicant, which shall be taken by the examiner at the time of appli-
cation. The photograph shall be taken without headgear or other clothing or
device that disguises or otherwise conceals the face or head of the appli-
cant. A waiver may be granted by the department allowing the applicant to
wear headgear or other head covering for medical, religious or safety pur-
poses as long as the face is not disguised or otherwise concealed. At the re-
quest of the applicant, an identification card may contain a statement or in-
dication of the medical condition of the applicant.

(2) No person shall receive an identification card unless and until he
surrenders to the department all identification cards in his possession is-
sued to him by Idaho or any other jurisdiction, or any driver's license is-
sued by any other jurisdiction within the United States, or until he executes
an affidavit that he does not possess an identification card or any driver's
license.

(3)(a) Identification cards issued to persons under eighteen (18)
years of age shall include a notation "under 18 until (month, day,
year);"); and identification cards issued to persons eighteen (18) years
of age to twenty-one (21) years of age shall include a notation "under 21
until (month, day, year)."

(b) The nonrefundable fee for a four (4) year identification card is-
sued to persons twenty-one (21) years of age or older shall be fifteen
dollars ($15.00), of which ten dollars ($10.00) shall be retained by
the county and credited to the current expense fund, and five dollars
(5.00) shall be deposited in the state treasury to the credit of the highway distribution account.

(c) The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars ($10.00), of which five dollars ($5.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and five dollars ($5.00) shall be deposited in the state treasury to the credit of the highway distribution account.

(d) The nonrefundable fee for an eight (8) year identification card shall be twenty-five dollars ($25.00), of which fifteen dollars ($15.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and ten dollars ($10.00) shall be deposited in the state treasury to the credit of the highway distribution account.

(e) The department shall issue a four (4) year identification card, free of charge, to any person who does not possess a valid Idaho driver's license or state identification card issued by the department, is a citizen of the United States, is at least eighteen (18) years of age, is an Idaho resident, and requires an identification card for voting purposes. For each such card issued for voting purposes, the state controller shall transfer ten dollars ($10.00) from the election integrity fund established by section 34-421, Idaho Code, to the authorized issuing agent or appropriate county current expense fund and five dollars ($5.00) from the election integrity fund to the highway distribution account.

(f) At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the card holder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (3)(7)(b) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (3)(7)(b) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (3)(7)(b) of this section.

(4) 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 an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(25) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twenty-five (25) months before, and upon application and payment of the required fee.

(26) The applicant for an identification card must submit proof of identity, citizenship status, and date of birth as set forth in a certified copy of his birth certifi-
cate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government-issued document may be accepted as proof of a person's full legal name, date of birth, and citizenship.

(7)(a) On and after January 1, 2023, every identification card applicant who is a citizen of the United States may have the notation "USA" included on his identification card.

(b) Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(48) When an identification card has been expired for less than twenty-five (25) months, the renewal of the identification card shall start from the original date of expiration, regardless of the year in which the application for renewal is made. If the identification card is expired for more than twenty-five (25) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (2)(7)(b) of this section.

(49)(a) If an Idaho identification card has expired or will expire and the identification card holder is temporarily out of state, except on active military duty, the identification card holder may request in writing on a form prescribed by the department an extension of the identification card. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the identification card is necessary, it may issue an identification card showing the date to which the expired identification card is extended. Identification card extensions are limited to two (2) consecutive extensions per identification card holder.

(b) Upon returning to the state of Idaho, the identification card holder shall, within ten (10) days, apply for a renewal of the expired identification card and surrender the extended identification card and the expired identification card.

(50) An Idaho identification card issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues, and the identification card shall remain in full force and effect sixty (60) days following the date the card holder is released from active duty.

(51) A person possessing an identification card 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

1 donor, indicate this desire on the identification card by the imprinting of
2 the word "donor" on the identification card. The provisions of this subsec-
3 tion shall apply to persons possessing an identification card who are fif-
4 teen (15) years of age or older but less than eighteen (18) years of age if
5 the requirements provided in chapter 34, title 39, Idaho Code, have been com-
6 plied with.

7 (12) A person possessing an identification card or an applicant for an
8 identification card who is a person with a permanent disability may request
9 that the notation "permanently disabled" be imprinted on the identification
10 card, provided the person presents written certification from a licensed
11 physician verifying that the person's stated impairment qualifies as a per-
12 manent disability according to the provisions of section 49-117, Idaho Code.
13
14 (13) (a) A person who is a veteran may request that his or her status
15 as such be designated on an identification card at no additional cost.
16 Any such request shall be accompanied by proof of being a current or for-
17 mer member of the United States armed forces. Upon request and submis-
18 sion of satisfactory proof, the department shall indicate such person's
19 status as a veteran on any identification card issued pursuant to the
20 provisions of this section. Such designation shall be made upon original
21 issuance or renewal of an identification card. Designation shall
22 also be made on any duplicate identification card issued, provided that
23 the fee for such duplicate card is paid in accordance with this section.
24 (b) Satisfactory proof of being a current or former member of the United
25 States armed forces must be furnished by an applicant to the depart-
26 ment before a designation of veteran status will be indicated on any
27 identification card. Acceptable proof shall be a copy of form DD214
28 or an equivalent document or statement from the department of veterans
29 affairs that identifies a character of service upon separation as "hon-
30 orable" or "general under honorable conditions."

31 (14) In the case of a name change, the applicant shall provide legal
32 documentation to verify the change in accordance with department rules.
33
34 (15) Whenever any person, after applying for or receiving an identifi-
35 cation card, shall move from the address shown on the application or on the
36 identification card issued, that person shall, within thirty (30) days, no-
37 tify the transportation department in writing of the old and new addresses.
38
39 (16) The department shall cancel any identification card upon deter-
40 mining that the person was not entitled to the issuance of the identification
41 card or that the person failed to give the required and correct information
42 in his application or committed fraud in making the application. Upon can-
43 cellation, the person shall surrender the canceled identification card to
44 the department.

45 (17) If any person shall fail to return to the department the identifi-
46 cation card as required, the department may direct any peace officer to se-
47 cure its possession and return the identification card to the department.

48 (18) The department may issue a no-fee identification card to an indi-
49 vidual whose driver's license has been canceled and voluntarily surrendered
50 as provided in section 49-322 (5), Idaho Code. The identification card may be
51 renewed at no cost to the applicant as long as the driver's license remains
52 canceled.
(159) 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 (145) of this section.

SECTION 17. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 18. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.