

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 78

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-105, IDAHO
2 CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-315, IDAHO CODE, TO
3 PROVIDE FOR ELECTRONIC DRIVER'S LICENSES; AMENDING CHAPTER 3, TITLE
4 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-315A, IDAHO CODE,
5 TO ESTABLISH AN ELECTRONIC DRIVER'S LICENSE PROGRAM; AMENDING SEC-
6 TION 49-316, IDAHO CODE, TO PROVIDE FOR ELECTRONIC DRIVER'S LICENSES;
7 AMENDING SECTION 49-322, IDAHO CODE, TO PROVIDE FOR THE CANCELLATION
8 OF ELECTRONIC DRIVER'S LICENSES; AMENDING SECTION 49-2444, IDAHO CODE,
9 TO PROVIDE FOR ELECTRONIC IDENTIFICATION CARDS; AMENDING CHAPTER 24,
10 TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2444A, IDAHO
11 CODE, TO ESTABLISH AN ELECTRONIC IDENTIFICATION CARD PROGRAM; AND
12 DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.
13

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

15 SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the busi-
18 ness of buying, selling or exchanging five (5) or more new or used vehicles,
19 new or used neighborhood electric vehicles, new or used motorcycles, motor-
20 driven cycles, snow machines or motorbikes, travel trailers, truck campers,
21 all-terrain vehicles, utility type vehicles or motor homes in any calendar
22 year, either outright or on conditional sale, bailment, lease, chattel mort-
23 gage, or otherwise, or who has an established place of business for the sale,
24 lease, trade, or display of these vehicles. No insurance company, bank, fi-
25 nance company, public utilities company, or other person coming into posses-
26 sion of any vehicle, as an incident to its regular business, who shall sell
27 that vehicle under any contractual rights it may have, shall be considered a
28 dealer. See also "salvage pool," section 49-120, Idaho Code.

29 (2) "Dealer's selling agreement." (See "Franchise," section 49-107,
30 Idaho Code)

31 (3) "Department" means the Idaho transportation department acting di-
32 rectly or through its duly authorized officers and agents, except in chap-
33 ters 6 and 9, title 49, Idaho Code, where the term means the Idaho state po-
34 lice, except as otherwise specifically provided.

35 (4) "Designated family member" means the spouse, child, grandchild,
36 parent, brother or sister of the owner of a vehicle dealership who, in the
37 event of the owner's death, is entitled to inherit the ownership interest in
38 the dealership under the same terms of the owner's will, or who has been nom-
39 inated in any other written instrument, or who, in the case of an incapaci-
40 tated owner of a dealership, has been appointed by a court as the legal repre-
41 sentative of the dealer's property.

1 (5) "Director" means the director of the Idaho transportation depart-
2 ment, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term
3 means the director of the Idaho state police.

4 (6) "Disclose" means to engage in any practice or conduct to make avail-
5 able and make known personal information contained in records of the depart-
6 ment about a person to any other person, organization or entity, by any means
7 of communication.

8 (7) "Disqualification" as defined in 49 CFR part 383, means withdrawal
9 by the department of commercial vehicle driving privileges.

10 (8) "Distributor" means any person, firm, association, corporation or
11 trust, resident or nonresident, who has a franchise from a manufacturer of
12 vehicles to distribute vehicles in this state, and who in whole or in part
13 sells or distributes new vehicles to dealers or who maintains distributor
14 representatives.

15 (9) "Distributor branch" means a branch office similarly maintained by
16 a distributor for the same purposes a factory branch is maintained.

17 (10) "Distributor representative" means any person, firm, association,
18 corporation or trust, and each officer and employee thereof engaged as a rep-
19 resentative of a distributor or distributor branch of vehicles for the pur-
20 pose of making or promoting the sale of vehicles, or for supervising or con-
21 tacting dealers or prospective dealers.

22 (11) "District" means:

23 (a) Business district. The territory contiguous to and including a
24 highway when within any six hundred (600) feet along the highway there
25 are buildings in use for business or industrial purposes, including ho-
26 tels, banks or office buildings, railroad stations and public buildings
27 which occupy at least three hundred (300) feet of frontage on one side or
28 three hundred (300) feet collectively on both sides of the highway.

29 (b) Residential district. The territory contiguous to and including
30 a highway not comprising a business district when the property on the
31 highway for a distance of three hundred (300) feet or more is in the main
32 improved with residences, or residences and buildings in use for busi-
33 ness.

34 (c) Urban district. The territory contiguous to and including any
35 highway which is built up with structures devoted to business, indus-
36 try or dwelling houses. For purposes of establishing speed limits in
37 accordance with the provisions of section 49-654, Idaho Code, no state
38 highway or any portion thereof lying within the boundaries of an urban
39 district is subject to the limitations which otherwise apply to non-
40 state highways within an urban district.

41 (12) "Documented vessel" means a vessel having a valid marine document
42 as a vessel of the United States.

43 (13) "Downgrade" as it pertains to commercial drivers licensing shall
44 mean either:

45 (a) The driver has changed his or her medical requirement self-certifi-
46 cation to interstate but operates exclusively in transportation or op-
47 erations excepted from part 391 of the federal motor carrier safety reg-
48 ulations; or

1 (b) The driver has changed his or her medical requirement self-certifi-
2 cation to intrastate and operates exclusively in transportation or op-
3 erations as listed in section 67-2901B(2), Idaho Code; or

4 (c) The driver no longer has commercial motor vehicle driving privi-
5 leges, but has retained privileges to drive noncommercial motor vehi-
6 cles.

7 (14) "Drag race" means the operation of two (2) or more vehicles from a
8 point side by side at accelerating speeds in a competitive attempt to out-
9 distance each other, or the operation of one (1) or more vehicles over a com-
10 mon selected course, from the same point to the same point, for the purpose
11 of comparing the relative speeds or power of acceleration of the vehicles
12 within a certain distance or time limit.

13 (15) "Driver" means every person who drives or is in actual physical
14 control of a vehicle.

15 (16) "Driver's license" means a license or permit, including an elec-
16 tronic driver's license as described in section 49-315A, Idaho Code, issued
17 by the department or by any other jurisdiction to an individual which autho-
18 rizes the individual to operate a motor vehicle or commercial motor vehicle
19 on the highways in accordance with the requirements of title 49, Idaho Code.

20 (17) "Driver's license -- Classes of" are issued for the operation of a
21 vehicle based on the size of the vehicle or the type of load and mean:

22 (a) Class A. This license shall be issued and valid for the operation
23 of any combination of motor vehicles with a manufacturer's gross combi-
24 nation weight rating (GCWR) in excess of twenty-six thousand (26,000)
25 pounds, provided the manufacturer's gross vehicle weight rating (GVWR)
26 of the vehicle(s) being towed is in excess of ten thousand (10,000)
27 pounds. Persons holding a valid class A license may also operate vehi-
28 cles requiring a class B, C or D license.

29 (b) Class B. This license shall be issued and valid for the operation
30 of any single vehicle with a manufacturer's gross vehicle weight rat-
31 ing (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such
32 vehicle towing a vehicle not in excess of ten thousand (10,000) pounds
33 manufacturer's gross vehicle weight rating (GVWR). Persons holding a
34 valid class B license may also operate vehicles requiring a class C li-
35 cense or a class D license.

36 (c) Class C. This license shall be issued and valid for the operation
37 of any single vehicle or combination of vehicles that does not meet the
38 definition of class A or class B, as defined in this section, but that
39 either is designed to transport sixteen (16) or more people including
40 the driver, or is of any size which does not meet the definition of class
41 A or class B and is used in the transportation of materials found to be
42 hazardous according to the hazardous material transportation act and
43 which requires the motor vehicle to be placarded under the federal haz-
44 ardous materials regulations 49 CFR part 172, subpart F. Persons hold-
45 ing a valid class C license may also operate vehicles requiring a class D
46 license.

47 (d) Class D. This license shall be issued and valid for the operation of
48 a motor vehicle that is not a commercial vehicle as defined in section
49 49-123, Idaho Code.

1 (e) "Seasonal driver's license" means a special restricted class B or
2 C driver's license to operate certain commercial vehicles in farm-re-
3 lated industries under restrictions imposed by the department. As used
4 in this definition, "farm-related industry" shall mean custom har-
5 vesters, farm retail outlets and suppliers, agri-chemical businesses
6 and livestock feeders. Seasonal driver's licenses are not valid for
7 driving vehicles carrying any quantities of hazardous material requir-
8 ing placarding, except for diesel fuel in quantities of one thousand
9 (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients,
10 in vehicles or implements of husbandry with total capacities of three
11 thousand (3,000) gallons or less, and solid fertilizers, i.e., solid
12 plant nutrients, that are not mixed with any organic substance.

13 (18) "Driver record" means any record that pertains to an individual's
14 driver's license, driving permit, driving privileges, driving history,
15 identification documents or other similar credentials issued by the depart-
16 ment.

17 (19) "Driver's license endorsements" means special authorizations that
18 are required to be displayed on a driver's license which permit the driver to
19 operate certain types of commercial vehicles or commercial vehicles hauling
20 certain types of cargo, or to operate a motorcycle or a school bus.

21 (a) "Endorsement T -- Double/Triple trailer" means this endorsement is
22 required on a class A, B or C license to permit the licensee to operate a
23 vehicle authorized to tow more than one (1) trailer.

24 (b) "Endorsement H -- Hazardous material" means this endorsement is re-
25 quired on a class A, B or C license if the driver is operating a vehicle
26 used in the transportation of materials found to be hazardous according
27 to the hazardous material transportation act and which requires the mo-
28 tor vehicle to be placarded under the federal hazardous materials regu-
29 lations 49 CFR part 172, subpart F.

30 (c) "Endorsement P -- Passenger" means this endorsement is required on
31 a class A, B or C license to permit the licensee to operate a vehicle de-
32 signed to transport sixteen (16) or more people including the driver.

33 (d) "Endorsement N -- Tank vehicle" means this endorsement is required
34 on a class A, B or C license to permit the licensee to operate a tank ve-
35 hicle as defined in section 49-123, Idaho Code.

36 (e) "Endorsement M -- Motorcycle" means this endorsement is required on
37 a driver's license to permit the driver to operate a motorcycle or mo-
38 tor-driven cycle.

39 (f) "Endorsement S -- School bus" means this endorsement is required on
40 a class A, B or C license to permit the licensee to operate a school bus
41 in accordance with 49 CFR part 383, to transport preprimary, primary or
42 secondary school students from home to school, from school to home, or
43 to and from school-sponsored events. School bus does not include a bus
44 used as a common carrier.

45 (20) "Driveway" means a private road giving access from a public way to a
46 building on abutting grounds.

47 (21) "Dromedary tractor" means every motor vehicle designed and used
48 primarily for drawing a semitrailer and so constructed as to carry mani-
49 fested cargo in addition to a part of the weight of the semitrailer.

1 SECTION 2. That Section 49-315, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue
4 to every qualifying applicant a distinguishing driver's license as applied
5 for, which shall bear a distinguishing number assigned to the licensee, the
6 full name, date of birth, Idaho residence address, sex, weight, height, eye
7 color, hair color, color photograph, name of this state, date of issuance,
8 date of expiration, license class, endorsements, restrictions, and the ap-
9 plicant's signature. If an applicant has submitted an application pursuant
10 to the provisions of chapter 58, title 19, Idaho Code, then the applicant's
11 driver's license shall contain his or her alternative Idaho mailing address
12 in place of his or her Idaho residence address. Driver's licenses for per-
13 sons under eighteen (18) years of age shall include a notation "under 18
14 until (month, day, year)," and driver's licenses for persons eighteen (18)
15 years of age to twenty-one (21) years of age shall include a notation "under
16 21 until (month, day, year)." No driver's license shall be valid until it has
17 been signed on the signature line of the license by the licensee. Driver's
18 licenses for persons who are United States citizens shall, where possible,
19 include the notation "USA." An electronic driver's license pursuant to sec-
20 tion 49-315A, Idaho Code, shall be designed to satisfy the requirements of
21 this subsection and shall be deemed to comply with such requirements.

22 (2) Every driver's license shall bear a color photograph of the li-
23 censee, which shall be taken by the examiner at the time the application is
24 made. The photograph shall be taken without headgear or other clothing or
25 device that disguises or otherwise conceals the face or head of the appli-
26 cant. A waiver may be granted by the department allowing the applicant to
27 wear headgear or other head covering for medical, religious or safety pur-
28 poses as long as the face is not disguised or otherwise concealed. At the
29 request of the applicant, a driver's license may contain a statement or indi-
30 cation of the medical condition of the licensee.

31 (3) The department shall notify the commercial driver license infor-
32 mation system that a class A, B or C driver's license has been issued as re-
33 quired by 49 CFR parts 383 and 384.

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

40 (5) A licensee who desires to donate any or all organs or tissue in the
41 event of death, and who has completed a document of gift pursuant to the pro-
42 visions for donation of anatomical gifts as set forth in chapter 34, title
43 39, Idaho Code, may, at the option of the donor, indicate this desire on the
44 driver's license by the imprinting of the word "donor" on the license. The
45 provisions of this subsection shall apply to licensees fifteen (15) years of
46 age or older but less than eighteen (18) years of age if the requirements pro-
47 vided in chapter 34, title 39, Idaho Code, have been complied with and the
48 donor indicates this desire be placed on the license.

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

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

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

24 SECTION 3. That Chapter 3, Title 49, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 49-315A, Idaho Code, and to read as follows:

27 49-315A. ELECTRONIC DRIVER'S LICENSES. (1) On or before July 1, 2026,
28 the department shall establish and maintain a process and system for an in-
29 dividual to obtain an electronic driver's license in addition to a physical
30 driver's license.

31 (2) An electronic driver's license, as provided for in this section,
32 shall be an electronic extension of a department-issued physical credential
33 that conveys identity and driving privilege information and is in compliance
34 with the American association of motor vehicle administrators' (AAMVA) mo-
35 bile driver license implementation guidelines and the ISO/IEC 18013-5 stan-
36 dard. It shall be capable of being displayed on a wireless communication
37 device and shall be deemed a valid driver's license for all purposes under
38 Idaho Code.

39 (3) The department shall ensure that the system and technology used for
40 an electronic license certificate or identification card maintains the data
41 security and privacy of the individual.

42 (4) A person or entity that seeks to view an individual's electronic
43 driver's license for identity or age verification purposes shall access only
44 the identity elements necessary for the transaction or purpose prompting
45 the request through an authenticator that validates these elements against
46 AAMVA's digital trust service.

47 (5) The department is authorized to promulgate rules, subject to leg-
48 islative approval, to implement the provisions of this section.

1 SECTION 4. That Section 49-316, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-316. DRIVER'S LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND. (1)
4 Every licensee shall have his physical driver's license in his immediate
5 possession at all times when operating a motor vehicle and shall, upon de-
6 mand, surrender the driver's license into the hands of a peace officer for
7 his inspection. However, no person charged with a violation of the provi-
8 sions of this section shall be convicted if a driver's license issued to the
9 person and valid at the time of his arrest is produced in court.

10 (2) If a licensee has his electronic driver's license inspected by a
11 peace officer, the licensee shall not be deemed to have consented to the
12 peace officer viewing or accessing any other content on the licensee's wire-
13 less communication device. A licensee displaying an electronic driver's
14 license to a peace officer may keep the device in his possession and shall not
15 be required to surrender the device.

16 SECTION 5. That Section 49-322, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 49-322. AUTHORITY OF DEPARTMENT TO CANCEL AND DOWNGRADE DRIVER'S LI-
19 CENSE OR INSTRUCTION PERMIT. (1) The department shall cancel any driver's
20 license, restricted school attendance driving permit, or instruction permit
21 upon determining that the licensee or permittee was not entitled to the is-
22 suance of the driver's license or instruction permit, that the licensee or
23 permittee failed to give the required or correct information in his applica-
24 tion, or that the licensee or permittee committed fraud in making the appli-
25 cation.

26 (2) Upon a cancellation, the licensee or permittee shall surrender the
27 canceled driver's license or canceled instruction permit to the department,
28 and the department shall cancel the licensee's electronic driver's license,
29 if applicable. The licensee shall not be required to surrender a device on
30 which an electronic driver's license is held.

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

36 (4) The department shall decertify the medical status and initiate a
37 downgrade of any driver who is required by the federal motor carrier safety
38 administration to maintain a medical examiner's certificate and/or medical
39 exemption letter or skill performance evaluation certificate upon determin-
40 ing the person's medical certification has expired or has been revoked or
41 canceled. The department shall change the person's driving status in the
42 driver record to "not-certified," within ten (10) days and shall mail a no-
43 tification letter regarding the pending decertification and downgrade ac-
44 tion to the driver's last known address. The downgrade action shall occur no
45 more than sixty (60) days from the date the not-certified status is posted to
46 the record. Drivers can remove the not-certified medical status from their
47 driving record by presenting a current and valid medical examiner's certifi-
48 cate and/or medical exemption letter or skill performance evaluation cer-

1 tificate to the department or by submitting an application to the department
2 requesting their medical status be changed to "excepted."

3 (5) The department shall remove and, when applicable, subsequently re-
4 instate a driver's commercial driving privileges upon receiving notifica-
5 tion of a driver's status change in the drug and alcohol clearinghouse.

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

14 SECTION 6. That Section 49-2444, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1)
17 The department shall issue a distinguishing identification card that sets
18 forth the information contained in the application in a form as prescribed
19 by the department. All identification cards issued on or after January 1,
20 1993, shall not contain the applicant's social security number. An appli-
21 cant's social security number shall be exempt from disclosure except for in-
22 quiries from agencies or institutions authorized to obtain such information
23 by federal law or regulation, from peace officers, or from jury commission-
24 ers. Each card shall have printed on it the applicant's full name, date of
25 birth, Idaho residence address, sex, weight, height, eye color, and hair
26 color and shall include a distinguishing number assigned to the applicant.
27 If an applicant has submitted an application pursuant to the provisions of
28 chapter 58, title 19, Idaho Code, then the applicant's identification card
29 shall contain his or her alternative Idaho mailing address in place of his or
30 her Idaho residence address. Each card shall also have printed on it the name
31 of this state, the date of issuance, and the date of expiration. An identi-
32 fication card shall not be valid until it has been signed on the signature
33 line by the applicant. Each card shall include a color photograph of the ap-
34 plicant, which shall be taken by the examiner at the time of application.
35 The photograph shall be taken without headgear or other clothing or device
36 that disguises or otherwise conceals the face or head of the applicant. A
37 waiver may be granted by the department allowing the applicant to wear head-
38 gear or other head covering for medical, religious or safety purposes as long
39 as the face is not disguised or otherwise concealed. At the request of the
40 applicant, an identification card may contain a statement or indication of
41 the medical condition of the applicant. An electronic identification card
42 pursuant to section 49-2444A, Idaho Code, shall be designed to satisfy the
43 requirements of this subsection and shall be deemed to comply with such re-
44 quirements.

45 (2) No person shall receive an identification card unless and until he
46 surrenders to the department all identification cards in his possession is-
47 sued to him by Idaho or any other jurisdiction, or any driver's license is-
48 sued by any other jurisdiction within the United States, or until he executes

1 an affidavit that he does not possess an identification card or any driver's
2 license.

3 (3) Identification cards issued to persons under eighteen (18) years of
4 age shall include a notation "under 18 until (month, day, year)," and iden-
5 tification cards issued to persons eighteen (18) years of age to twenty-one
6 (21) years of age shall include a notation "under 21 until (month, day,
7 year)." The nonrefundable fee for a four (4) year identification card issued
8 to persons twenty-one (21) years of age or older shall be fifteen dollars
9 (\$15.00), of which ten dollars (\$10.00) shall be retained by the county
10 and credited to the current expense fund and five dollars (\$5.00) shall be
11 deposited in the state treasury to the credit of the highway distribution
12 account. The nonrefundable fee for identification cards issued to persons
13 under twenty-one (21) years of age shall be ten dollars (\$10.00), of which
14 five dollars (\$5.00) shall be retained by the authorized issuing agent or,
15 if issued by the county, shall be credited to the current expense fund and
16 five dollars (\$5.00) shall be deposited in the state treasury to the credit
17 of the highway distribution account. The nonrefundable fee for an eight (8)
18 year identification card shall be twenty-five dollars (\$25.00), of which
19 fifteen dollars (\$15.00) shall be retained by the authorized issuing agent
20 or, if issued by the county, shall be credited to the current expense fund and
21 ten dollars (\$10.00) shall be deposited in the state treasury to the credit
22 of the highway distribution account. At the option of the applicant, the
23 identification card issued to a person twenty-one (21) years of age or older
24 shall expire either on the card holder's birthday in the fourth year or the
25 eighth year following issuance of the card, except as otherwise provided
26 in subsection (7) of this section. Every identification card issued to a
27 person under eighteen (18) years of age shall expire five (5) days after the
28 person's eighteenth birthday, except as otherwise provided in subsection
29 (7) of this section. Every identification card issued to a person eighteen
30 (18) years of age but under twenty-one (21) years of age shall expire five (5)
31 days after the person's twenty-first birthday, except as otherwise provided
32 in subsection (7) of this section.

33 (4) Individuals required to register in compliance with section 3
34 of the federal military selective service act, 50 U.S.C. 451 et seq., as
35 amended, shall be provided an opportunity to fulfill such registration re-
36 quirements in conjunction with an application for an identification card.
37 Any registration information so supplied shall be transmitted by the depart-
38 ment to the selective service system.

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

43 (6) The applicant for an identification card must submit proof of iden-
44 tity and citizenship status acceptable to the examiner or the department and
45 date of birth as set forth in a certified copy of his birth certificate. When
46 a certified copy of his birth certificate or a delayed birth certificate is
47 impossible to obtain from a vital statistics agency, another government-is-
48 sued document may be submitted that provides satisfactory evidence of a per-
49 son's full legal name and date of birth acceptable to the examiner or the de-
50 partment.

1 (7) Every identification card issued to a person who is a citizen of the
2 United States shall, where possible, include the notation "USA." Every iden-
3 tification card issued to a person who is not a citizen or permanent legal
4 resident of the United States shall have an expiration date that is the same
5 date as the end of lawful stay in the United States as indicated on documents
6 issued and verified by the department of homeland security; however, the ex-
7 piration date shall not extend beyond the expiration date for the same cate-
8 gory of identification card issued to citizens. Persons whose department of
9 homeland security documents do not state an expiration date shall be issued
10 an identification card with an expiration date of one (1) year from the date
11 of issuance.

12 (8) When an identification card has been expired for less than twenty-
13 five (25) months, the renewal of the identification card shall start from
14 the original date of expiration, regardless of the year in which the applica-
15 tion for renewal is made. If the identification card is expired for more than
16 twenty-five (25) months, the application shall expire, at the option of the
17 applicant, on the applicant's birthday in the fourth year or the eighth year
18 following reissuance of the identification card, except as otherwise pro-
19 vided in subsection (7) of this section.

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

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

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

43 (11) A person possessing an identification card who desires to donate
44 any or all organs or tissue in the event of death, and who has completed a
45 document of gift pursuant to the provisions for donation of anatomical gifts
46 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the
47 donor, indicate this desire on the identification card by the imprinting of
48 the word "donor" on the identification card. The provisions of this subsec-
49 tion shall apply to persons possessing an identification card who are fif-
50 teen (15) years of age or older but less than eighteen (18) years of age if

1 the requirements provided in chapter 34, title 39, Idaho Code, have been com-
2 plied with.

3 (12) A person possessing an identification card or an applicant for an
4 identification card who is a person with a permanent disability may request
5 that the notation "permanently disabled" be imprinted on the identification
6 card, provided the person presents written certification from a licensed
7 physician verifying that the person's stated impairment qualifies as a per-
8 manent disability according to the provisions of section 49-117, Idaho Code.

9 (13) A person who is a veteran may request that his or her status as such
10 be designated on an identification card at no additional cost. Any such re-
11 quest shall be accompanied by proof of being a current or former member of
12 the United States armed forces. Upon request and submission of satisfactory
13 proof, the department shall indicate such person's status as a veteran on any
14 identification card issued pursuant to the provisions of this section. Such
15 designation shall be made upon original issuance or renewal of an identifi-
16 cation card. Designation shall also be made on any duplicate identification
17 card issued, provided that the fee for such duplicate card is paid in accor-
18 dance with this section.

19 (14) Satisfactory proof of being a current or former member of the
20 United States armed forces must be furnished by an applicant to the de-
21 partment before a designation of veteran status will be indicated on any
22 identification card. Acceptable proof shall be a copy of form DD214 or an
23 equivalent document or statement from the department of veterans affairs
24 that identifies a character of service upon separation as "honorable" or
25 "general under honorable conditions."

26 (15) In the case of a name change, the applicant shall provide legal doc-
27 umentation to verify the change in accordance with department rules.

28 (16) Whenever any person, after applying for or receiving an identifi-
29 cation card, moves from the address shown on the application or on the iden-
30 tification card issued, that person shall, within thirty (30) days, notify
31 the transportation department in writing of the old and new addresses.

32 (17) The department shall cancel any identification card upon determin-
33 ing that the person was not entitled to the issuance of the identification
34 card or that the person failed to give the required and correct information
35 in his application or committed fraud in making the application. Upon can-
36 cellation, the person shall surrender the canceled identification card to
37 the department.

38 (18) If any person shall fail to return to the department the identifi-
39 cation card as required, the department may direct any peace officer to se-
40 cure its possession and return the identification card to the department.

41 (19) The department may issue a no-fee identification card to an indi-
42 vidual whose driver's license has been canceled and voluntarily surrendered
43 as provided in section 49-322(5), Idaho Code. The identification card may be
44 renewed at no cost to the applicant as long as the driver's license remains
45 canceled.

46 (20) It is an infraction for any person to fail to notify the department
47 of a change of address as required by the provisions of subsection (16) of
48 this section.

49 (21) The department may issue an initial four (4) year no-fee identifi-
50 cation card to an individual who is homeless. The department shall establish

1 a form for verification of homelessness pursuant to this section. Such form
2 shall require the signature of an outreach worker or service worker verify-
3 ing that the individual is homeless and attesting to the individual's resi-
4 dency at an Idaho relief agency or shelter. An applicant issued an identifi-
5 cation card under the provisions of this subsection shall be entitled to one
6 (1) free replacement. Subsequent replacements and renewals of this identi-
7 fication card will be subject to the fees imposed in this section.

8 (22) The department shall issue a four (4) year no-fee identification
9 card to any individual eighteen (18) years of age or older who indicates on
10 the application that an identification card is needed to comply with voter
11 registration or voting requirements. An applicant issued an identification
12 card under this subsection shall be entitled to one (1) free replacement.
13 Such applicants are entitled to no-fee renewals as long as the applicant
14 meets the requirements of this subsection at the time of renewal.

15 SECTION 7. That Chapter 24, Title 49, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 49-2444A, Idaho Code, and to read as follows:

18 49-2444A. ELECTRONIC IDENTIFICATION CARDS. (1) On or before July 1,
19 2026, the department shall establish and maintain a process and system for
20 an individual to obtain an electronic identification card in addition to a
21 physical identification card.

22 (2) An electronic identification card, as provided for in this section,
23 shall be an electronic extension of the department-issued physical creden-
24 tial that conveys identity information and is in compliance with the AAMVA
25 mobile driver license implementation guidelines and the ISO/IEC 18013-5
26 standard. It shall be capable of being displayed on a wireless communication
27 device and shall be deemed a valid identification card for all purposes under
28 Idaho Code.

29 (3) The department shall ensure that the system and technology used for
30 an electronic identification card maintains the data security and privacy of
31 the individual.

32 (4) A person or entity that seeks to view an individual's electronic
33 identification card for identity or age verification purposes shall access
34 only the identity elements necessary for the transaction or purpose prompt-
35 ing the request through an authenticator that validates these elements
36 against AAMVA's digital trust service.

37 (5) The department is authorized to promulgate rules, subject to leg-
38 islative approval, to implement the provisions of this section.

39 SECTION 8. An emergency existing therefor, which emergency is hereby
40 declared to exist, Sections 3 and 7 of this act shall be in full force and ef-
41 fect on and after July 1, 2025. Sections 1, 2, 4, 5, and 6 of this act shall be
42 in full force and effect on and after July 1, 2026.