

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 628

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-307, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING PARENT-STUDENT ON-ROAD DRIVER'S TRAINING; AND  
3 DECLARING AN EMERGENCY.  
4

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

6 SECTION 1. That Section 49-307, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SU-  
9 PERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE  
10 -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D  
11 driver's training course shall be allowed to attend classes or participate  
12 in driving instruction unless he has obtained a class D driver's training in-  
13 struction permit or a class D instruction permit as provided in subsection  
14 (4) of this section.

15 (2) Every enrollee of a class D driver's training course shall pay  
16 a nonrefundable fee of fifteen dollars (\$15.00), except that a pupil who  
17 participates in parent-student on-road driver's training pursuant to sub-  
18 section (6) of this section shall pay a nonrefundable fee of ten dollars  
19 (\$10.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in  
20 the state highway account and five dollars (\$5.00) shall be deposited in the  
21 county current expense fund. The additional five dollars (\$5.00) for every  
22 class D driver's training course enrollee shall be:

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

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

35 (3) Each enrollee of a class D driver's training course shall provide  
36 the type of information required for a driver's license or instruction per-  
37 mit. If an enrollee of a class D driver's training course cannot provide a  
38 certified copy of his birth certificate at the time of application for a per-  
39 mit, the department may issue a class D driver's training instruction permit  
40 or a class D instruction permit upon receipt of identification acceptable to  
41 the department. The certified copy of an applicant's birth certificate or  
42 another government-issued identity document and documentation to establish

1 the applicant's relationship to a person who is willing to assume responsi-  
2 bility for such applicant shall be required before a class D driver's license  
3 will be issued.

4 (4) The class D driver's training instruction permit shall expire five  
5 (5) days after the permittee's eighteenth birthday for permittees fourteen  
6 and one-half (14 1/2) years of age through seventeen and one-half (17 1/2)  
7 years of age. The class D driver's training instruction permit shall ex-  
8 pire one hundred eighty (180) days from the date of issue for persons sev-  
9 enteen and one-half (17 1/2) years of age or older. Persons aged seventeen  
10 (17) years or older may attend classes or participate in driver's training  
11 instruction while operating with a class D instruction permit or a class D  
12 driver's training instruction permit.

13 (5) The class D driver's training instruction permit shall be issued to  
14 the instructor of the course or to the qualifying parent or legal guardian  
15 pursuant to subsection (6) of this section.

16 (6) (a) An eligible student may satisfy the requirements of section  
17 33-1702, Idaho Code, regarding driver's training courses through par-  
18 ent-student on-road driver's training pursuant to this subsection.  
19 Notwithstanding any other provision of law to the contrary, students  
20 eligible for driver's training pursuant to section 33-1703, Idaho Code,  
21 may receive the in-car observation and behind-the-wheel instruction  
22 components of a driver's training course from a qualifying parent or  
23 legal guardian instead of a licensed instructor ~~only if the parent or~~  
24 ~~legal guardian and the student live in a rural school district as de-~~  
25 ~~scribed in section 33-319, Idaho Code, or in a school district that does~~  
26 ~~not offer a driver's training course.~~

27 (b) A student participating in parent-student on-road driver's train-  
28 ing pursuant to this subsection shall enroll and successfully complete  
29 the thirty (30) hours of classroom instruction for driver's training  
30 required under section 33-1702, Idaho Code, through ~~the Idaho digital~~  
31 ~~learning alliance online driver education course or through any other~~  
32 online driver's training course approved by the state department of  
33 education. ~~The Idaho digital learning alliance and any other approved~~  
34 online driver's training program shall make online driver's training  
35 courses available to all students eligible for driver's training. The  
36 state department of education shall publish a list of all approved on-  
37 line driver's training programs on the department's website and such  
38 list shall also be made available at each county driver's license of-  
39 fice.

40 (c) A parent or legal guardian who is qualified to provide parent-stu-  
41 dent on-road driver's training pursuant to this subsection may teach  
42 the driving portion of a driver's training course, including the six (6)  
43 hours of in-car observation and the six (6) hours of behind-the-wheel  
44 instruction required under section 33-1702, Idaho Code. Such training  
45 shall be done concurrently with the classroom component of the driver's  
46 training course. The in-car observation and behind-the-wheel instruc-  
47 tion components shall satisfy all content standards and benchmarks of  
48 the Idaho driver education curriculum approved by the state department  
49 of education. More than one (1) qualifying parent or legal guardian may  
50 provide the parent-student on-road driver's training to a student.

1 (d) A parent or legal guardian qualifies to provide parent-student  
2 on-road driver's training pursuant to this subsection if:

3 (i) The parent or legal guardian possesses a valid Idaho driver's  
4 license that permits unaccompanied driving; and

5 (ii) The parent or legal guardian has not had a license suspended,  
6 revoked, or canceled and has not been disqualified from holding an  
7 Idaho driver's license for the previous two (2) years. A parent or  
8 legal guardian shall no longer be qualified if a license becomes  
9 suspended, revoked, or canceled or if a parent or legal guardian  
10 becomes disqualified from holding an Idaho driver's license dur-  
11 ing the student's education.

12 (e) A qualifying parent or legal guardian who provides parent-student  
13 on-road driver's training pursuant to this subsection shall fill out a  
14 driving log containing the date, time, location, and skills practiced  
15 for each driving session. Upon completion, the parent or legal guardian  
16 shall submit the driving log to the county driver's license office and  
17 comply with the requirements of subsection (7) of this section.

18 (f) A student must meet the requirements of subsection (8) of this sec-  
19 tion relating to the class D supervised instruction permit before ap-  
20 plying for a class D driver's license.

21 (7) (a) Upon successful completion of the class D driver's training  
22 course, the driver's training instructor shall submit the student log  
23 to the county driver's license office and give the class D driver's  
24 training instruction permit to the parent or legal guardian of the per-  
25 mittee unless the permit has been issued pursuant to subsection (6) of  
26 this section. The parent or legal guardian shall assume responsibil-  
27 ity for ensuring that the permittee complies with the requirements of  
28 operating a vehicle with a class D supervised instruction permit. The  
29 class D driver's training instruction permit shall then serve as a class  
30 D supervised instruction permit.

31 (b) In the event the permittee reaches seventeen (17) years of age while  
32 operating a class D vehicle with a class D supervised instruction per-  
33 mit, the supervised instruction permit shall become a class D instruc-  
34 tion permit.

35 (8) No permittee may apply for a class D driver's license sooner than  
36 fifteen (15) years of age and no sooner than six (6) months after completing a  
37 class D driver's training course, during which time the permittee shall sat-  
38 isfy all requirements for operation of a class D vehicle with a class D super-  
39 vised instruction permit as follows:

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

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

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

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

4 (e) The permittee is subject to the provisions of sections 18-1502 and  
5 18-8004, Idaho Code, relating to violation of age restrictions on con-  
6 sumption of beer, wine, and alcohol and driving under the influence of  
7 alcohol, drugs or any other intoxicating substances, respectively.

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

16 (g) If the permittee is under seventeen (17) years of age and is con-  
17 victed of a violation of any traffic law, or section 18-1502, 18-8004  
18 or 23-949, Idaho Code, or is found to be in violation of any of the re-  
19 strictions on the class D supervised instruction permit, the department  
20 shall cancel the class D supervised instruction permit, and the cancel-  
21 lation shall not be used to establish rates of motor vehicle insurance  
22 charged by a casualty insurer. If the permittee is under seventeen (17)  
23 years of age, the permittee may reapply for and be issued a new class D  
24 supervised instruction permit upon payment of the appropriate fee and  
25 shall again be required to operate with the class D supervised instruc-  
26 tion permit for at least six (6) months from the date of reissue with-  
27 out a conviction or suspension, accumulate the required hours of driv-  
28 ing time, and adhere to the requirements as specified in paragraphs (a)  
29 through (f) of this subsection.

30 (9) Upon completion of the requirements in subsection (8) of this sec-  
31 tion, the permittee shall take the knowledge test and skills test adminis-  
32 tered by a person certified by the Idaho transportation department to admin-  
33 ister knowledge and skills tests.

34 (10) (a) Upon passage of the knowledge and skills tests, the permittee  
35 may apply for a class D driver's license with driving privileges re-  
36 stricted to daylight hours only for persons under sixteen (16) years of  
37 age and with full privileges at sixteen (16) years of age or older.

38 (b) For purposes of this subsection, "daylight hours only" means the  
39 period of time between 5:00 a.m. and 10:00 p.m. local time.

40 (c) The restriction on daylight hours only driving privileges for per-  
41 sons under sixteen (16) years of age shall not apply if:

42 (i) The person under sixteen (16) years of age has a valid class D  
43 driver's license;

44 (ii) The person under sixteen (16) years of age is accompanied by  
45 a driver who holds a valid driver's license and is twenty-one (21)  
46 years of age or older and is actually occupying a seat beside the  
47 licensee who is under sixteen (16) years of age; and

48 (iii) The two (2) licensed drivers are the only occupants of the  
49 front passenger section of the vehicle.

1           (11) Upon passage of the knowledge and skills tests, the permittee may  
2 apply for a class D driver's license. Any such licensee who is under seven-  
3 teen (17) years of age shall be required, during the first six (6) months from  
4 the date of issue of the class D driver's license, to limit the number of pas-  
5 sengers in the vehicle who are under seventeen (17) years of age to not more  
6 than one (1) such passenger. Provided however, the limit of one (1) passen-  
7 ger under seventeen (17) years of age shall not apply to passengers who are  
8 related to the driver by blood, adoption or marriage.

9           SECTION 2. An emergency existing therefor, which emergency is hereby  
10 declared to exist, this act shall be in full force and effect on and after its  
11 passage and approval.