

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 791

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO TRAFFIC INFRACTIONS; AMENDING SECTION 49-328, IDAHO CODE, TO
2 PROVIDE FOR REINSTATEMENT OF A DRIVER'S LICENSE THAT HAS BEEN SUS-
3 PENDED; AMENDING CHAPTER 15, TITLE 49, IDAHO CODE, BY THE ADDITION OF
4 A NEW SECTION 49-1505, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
5 SUSPENSION OF DRIVER'S LICENSES AND PRIVILEGES FOR FAILURE TO PAY UN-
6 DERLYING TRAFFIC INFRACTION PENALTIES AND TO PROVIDE FOR APPEALS; AND
7 DECLARING AN EMERGENCY.
8

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

10 SECTION 1. That Section 49-328, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S
13 LICENSE -- FEE -- WHEN REINSTATEMENT PROHIBITED. (1) When the period of re-
14 vocation, disqualification or suspension of a driver's license has expired,
15 or the reason for the revocation, disqualification or suspension no longer
16 exists, the department shall reinstate the driver's license or driving priv-
17 ileges on application of the driver.

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

21 ~~(3) A driver's license shall not be suspended for failure to pay an in-~~
22 ~~fraction penalty. All driver's licenses suspended prior to July 1, 2018, for~~
23 ~~failure to pay an infraction penalty shall be reinstated upon application~~
24 ~~and without charge to the applicant. A driver's license that has been sus-~~
25 ~~pended pursuant to section 49-1505, Idaho Code, for failure to pay an infrac-~~
26 ~~tion penalty shall not be reinstated until the licensee provides proof that~~
27 ~~the infraction penalty has been paid to the court.~~

28 (4) In addition to any other fees required in this section to be col-
29 lected, the department shall collect sixty dollars (\$60.00) for reinstating
30 a driver's license after conviction for driving under the influence, without
31 privileges, and after conviction or other violation of any other traffic-re-
32 lated misdemeanor or infraction, of which fees forty dollars (\$40.00) shall
33 be paid over to the county treasurer of the county in which the conviction
34 occurred for support of that county's justice fund, or the current expense
35 fund if no county justice fund has been established, and the twenty dollars
36 (\$20.00) shall be deposited in the state highway account.

37 (5) In addition to any other fees required in this section to be col-
38 lected, the department shall collect two hundred dollars (\$200) for rein-
39 stating a driver's license after a suspension imposed under the provisions
40 of section 18-8002 or section 18-8002A, Idaho Code, or after a revocation,
41 disqualification or suspension arising out of any alcohol or drug-related
42 offense, other than a suspension imposed upon a person under eighteen (18)

1 years of age pursuant to section 18-1502(d), Idaho Code. Funds collected
2 pursuant to this subsection shall be deposited in the state highway account.

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

9 SECTION 2. That Chapter 15, Title 49, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 49-1505, Idaho Code, and to read as follows:

12 49-1505. SUSPENSION OF DRIVER'S LICENSE AND PRIVILEGES FOR FAILURE TO
13 PAY UNDERLYING TRAFFIC INFRACTION PENALTY -- APPEAL. (1) Beginning on Jan-
14 uary 1, 2027, the department shall suspend the driver's license, permit, and
15 operating privileges of any driver who has unpaid fines for infractions upon
16 receiving notice from any court of the state that such person is thirty (30)
17 days or more delinquent in paying the penalty for a traffic infraction judg-
18 ment. The notice may be sent to the department by any court, which shall cer-
19 tify that a judgment for an infraction from a moving violation, not includ-
20 ing citations issued to a pedestrian or a bicyclist or for those involving a
21 parking violation, has been entered against the person and that he has failed
22 to pay the penalty after notice and hearing, or opportunity for hearing, as
23 prescribed by rule of the supreme court. In lieu of sending notice to the de-
24 partment, the court may, in its discretion, establish a payment plan for the
25 person failing to pay the penalty pursuant to section 49-1207, Idaho Code,
26 and no notice of nonpayment of an infraction penalty shall be sent to the de-
27 partment if the court finds that the person failing to pay the penalty has a
28 complete and continuing financial inability to pay the penalty.

29 (2) The suspension shall be processed by the department in the same man-
30 ner as other suspensions under section 49-326, Idaho Code, except that no
31 hearing shall be held by the department. Upon receipt of the notice of non-
32 payment of the penalty from the court, the department shall perform the min-
33 isterial duty of giving official notification of suspension or nonrenewal of
34 the driver's license and operating privileges.

35 (3) The department shall reinstate a driver's license, permit, or priv-
36 ileges that have been suspended pursuant to this section upon proper appli-
37 cation and payment of any required fees with proof of payment of the infrac-
38 tion penalty. Upon payment of the infraction penalty, the court shall issue
39 a receipt of proof of payment, which may be filed with the department.

40 (4) A driver's license, permit, or driving privileges that were sus-
41 pended pursuant to this section shall not be reinstated under the provisions
42 of section 49-328, Idaho Code, until the penalty for the infraction has been
43 paid to the court in the county in which the citation was issued.

44 (5) Any person operating a motor vehicle during a suspension issued
45 pursuant to the provisions of this section, whose driver's license, per-
46 mit, or privileges have not been reinstated under the provisions of section
47 49-328, Idaho Code, shall be in violation of the provisions of section
48 49-301, Idaho Code, for operating a motor vehicle without a driver's li-
49 cense.

1 (6) Any person whose driver's license, permit, or privileges have been
2 suspended under this section may appeal to the district court in the county
3 where the infraction judgment was entered within the time and in the man-
4 ner provided for criminal appeals from the magistrate division to the dis-
5 trict court. The appeal shall be expedited as provided by rule of the supreme
6 court. If the district court finds that the notice of nonpayment of the in-
7 fraction penalty should not have been sent to the department for suspension
8 of the driver's license, permit, or privileges, the district court shall or-
9 der the privileges be reinstated by the department, and upon receipt of a
10 copy of such order, the department shall reinstate the privileges without
11 the payment of a fee.

12 (7) For a person whose driver's license, permit, or operating priv-
13 ileges were suspended pursuant to this section, the department may, in
14 its discretion, issue a temporary restricted permit to allow the person to
15 travel to and from his place of employment only.

16 (8) It shall not be a violation of this section for a person to operate a
17 motor vehicle during a suspension issued pursuant to this section for medi-
18 cal emergencies.

19 (9) Beginning July 1, 2026, the court shall provide the department in-
20 formation regarding persons with unpaid fines for infractions, considered
21 by this section, that are thirty (30) days or more delinquent. The depart-
22 ment shall send notices to such persons prior to January 1, 2027, of future
23 enforcement of the penalties of this section.

24 SECTION 3. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.