

TITLE 49  
MOTOR VEHICLES

CHAPTER 3  
MOTOR VEHICLE DRIVER'S LICENSES

49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a current and valid Idaho driver's license. Provided however, that those persons holding a restricted school attendance driving permit may drive upon a highway pursuant to the restrictions set forth in section [49-307A](#), Idaho Code.

(2) No person shall operate a motorcycle upon a highway unless he has a motorcycle endorsement on his valid driver's license. The provisions of this subsection shall not apply to persons operating autocycles.

(3) No person shall operate a motor vehicle in violation of any valid restriction identified on, or attached to, his valid driver's license.

(4) No person shall receive a class D driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction for use within the United States, or any identification cards issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess a driver's license or any identification cards.

(5) No person shall be permitted to have more than one (1) driver's license issued for use within the United States at any time.

(6) No person shall operate a commercial motor vehicle as defined in section [49-123](#), Idaho Code, upon a highway:

(a) Without obtaining a commercial driver's license.

(b) Without having the appropriate class A, B or C commercial driver's license in the operator's possession.

(c) Without the proper license class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

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

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

(7) Any holder of a class A, B or C commercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued commercial driver's license within thirty (30) days of establishing a domicile in Idaho. In accordance with the federal motor carrier safety regulations, no person shall receive a class A, B or C driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction.

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

[49-301, added 1988, ch. 265, sec. 35, p. 589; am. 1989, ch. 88, sec. 14, p. 171; am. 1990, ch. 45, sec. 14, p. 91; am. 1993, ch. 300, sec. 2, p. 1109; am. 1994, ch. 234, sec. 3, p. 733; am. 1996, ch. 371, sec. 5, p. 1253; am. 1998, ch. 100, sec. 1, p. 349; am. 1999, ch. 81, sec. 7, p. 247; am. 2000, ch. 327, sec. 2, p. 1102; am. 2002, ch. 235, sec. 1, p. 696; am. 2002, ch. 355, sec. 1, p. 1011; am. 2004, ch. 126, sec. 3, p. 430; am. 2006, ch. 164, sec. 4, p. 492; am. 2011, ch. 60, sec. 2, p. 127; am. 2015, ch. 230, sec. 2, p. 724; am. 2018, ch. 298, sec. 2, p. 706.]

49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons are exempt from licensing if driving privileges are not suspended, canceled, revoked, disqualified, denied or refused:

(1) Any person while driving or operating any farm tractor or implement of husbandry when incidentally operated on a highway.

(2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a commercial motor vehicle which is:

(a) Controlled and operated by a farmer, including operation by employees or family members; and

(b) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm; and

(c) Not used in the operations of a common or contract motor carrier; and

(d) Used within one hundred fifty (150) miles of the person's farm.

(3) Any person is exempt from obtaining a class A, B or C driver's license for the operation of commercial motor vehicles which are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulations.

(4) Any person is exempt from obtaining a class A, B or C license to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes.

(5) A nonresident who is at least fifteen (15) years of age and who has in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in Idaho only as a class D operator with driving privileges restricted to daylight hours only except as provided in section [49-307](#)(9), Idaho Code, and with full privileges at sixteen (16) years of age, and only if Idaho residency is not established.

(6) A nonresident who is at least fifteen (15) years of age and who has in his possession a valid driver's license with a motorcycle endorsement or who has a valid motorcycle driver's license issued to him in his home state or

country may operate a motorcycle in Idaho with driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years of age.

(7) A nonresident who has in his immediate possession a valid commercial driver's license issued to him in his home state or country may operate a motor vehicle in Idaho.

(8) A nonresident on active duty in the armed forces of the United States who has a valid driver's license issued by his home jurisdiction, and such nonresident's spouse or dependent son or daughter who has a valid driver's license issued by such person's home jurisdiction.

(9) Any active duty military personnel, active duty U.S. coast guard personnel, and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians who as civilians are required to wear military uniforms and are subject to the code of military justice, are exempt from obtaining a commercial driver's license to operate military vehicles. This exemption does not apply to U.S. reserve technicians.

(10) Any person with a valid driver's license issued in their name is exempt from the requirement to obtain a motorcycle endorsement on the license when operating a motorcycle on highways or sections of highways designated for unregistered motorcycle use under section [49-426](#)(3), Idaho Code.

(11) Any person under the age of sixteen (16) years when operating an ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or state land where the road is not part of the highway system of the state of Idaho or local road management authority and is supervised by a licensed adult operator eighteen (18) years of age or older, and the road is open for such use, subject to the following:

(a) Any unlicensed operators under the age of sixteen (16) years, on national forest roads must have completed a motorbike or ATV safety course approved by the Idaho department of parks and recreation, and a certificate or other proof of completion of such safety course shall be in the possession of the unlicensed operator of any ATV, UTV, specialty off-highway vehicle or motorbike, or shall be present in the vehicle at all times when the vehicle is operated on national forest roads. The certificate or proof of completion shall be provided for inspection to any peace officer upon request. No person shall be convicted of violating the provisions of this subsection if that person produces, at any time prior to conviction, the certificate or proof of completion of the approved safety course where the certificate shows completion of the course prior to the violation. In the event of a violation of the provisions of this subsection, the supervising adult may be charged with an infraction.

(b) For purposes of this subsection, "supervised" means that the supervising adult must be in a position, on another ATV, UTV, specialty off-highway vehicle or motorbike, or if on the ground, within three hundred (300) feet of the unlicensed operator, to provide close support, assistance or direction to the unlicensed operator.

[49-302, added 1988, ch. 265, sec. 36, p. 589; am 1989, ch. 88, sec. 15, p. 171; am. 1990, ch. 45, sec. 15, p. 92; am. 1991, ch. 89, sec. 2, p. 199; am. 1992, ch. 115, sec. 7, p. 358; am. 1994, ch. 234, sec. 4, p. 734; am. 1998, ch. 110, sec. 12, p. 392; am. 2000, ch. 315, sec. 1, p. 1060; am.

2003, ch. 47, sec. 1, p. 176; am. 2008, ch. 194, sec. 2, p. 610; am. 2009, ch. 157, sec. 6, p. 465; am. 2011, ch. 330, sec. 1, p. 966.]

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

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

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

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

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

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

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

(7) Has been adjudged by a licensed physician or by a court of competent jurisdiction to be afflicted with or suffering from any mental incompetence that would affect the person's ability to safely operate a motor vehi-

cle and who has not at the time of application been restored to competency by the methods provided by law, and such order has been received by the department.

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

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

(10) The department has good cause to believe that the operation of a motor vehicle on the highways by that person would be harmful to public safety or welfare.

(11) Is disqualified for a class A, B or C driver's license, except he may be issued a class D driver's license.

(12) Is under eighteen (18) years of age and is not enrolled in school, has not received a waiver pursuant to or has not satisfactorily completed school as provided in section [49-303A](#), Idaho Code.

(13) Is not a resident of the state of Idaho.

(14) Is not lawfully present in the United States.

[49-303, added 1988, ch. 265, sec. 37, p. 590; am. 1989, ch. 88, sec. 16, p. 172; am. 1989, ch. 426, sec. 1, p. 1054; am. 1990, ch. 45, sec. 16, p. 93; am. 1991, ch. 89, sec. 3, p. 200; am. 1992, ch. 115, sec. 8, p. 359; am. 1996, ch. 348, sec. 1, p. 1159; am. 1996, ch. 371, sec. 6, p. 1254; am. 1998, ch. 110, sec. 13, p. 394; am. 2000, ch. 214, sec. 4, p. 587; am. 2001, ch. 168, sec. 1, p. 580; am. 2002, ch. 235, sec. 2, p. 697; am. 2003, ch. 47, sec. 2, p. 177; am. 2007, ch. 110, sec. 1, p. 316; am. 2008, ch. 63, sec. 1, p. 155; am. 2008, ch. 194, sec. 3, p. 611.]

49-303A. DRIVER'S LICENSE OR PERMITS ISSUED TO CERTAIN PERSONS UNDER THE AGE OF EIGHTEEN YEARS. (1) Attendance requirements. The department may issue a driver's license, a class D driver's training instruction permit, a class D supervised instruction permit, or a class D instruction permit to a minor younger than eighteen (18) years of age if, at the time of application, the minor:

(a) Has received a high school diploma, a high school equivalency diploma, a special diploma or a certificate of high school completion;

(b) Is enrolled in a public or private school and satisfies relevant attendance requirements;

(c) Is enrolled in a study course in preparation for a test of general educational development and satisfies relevant attendance requirements;

(d) Is enrolled in a home education program and satisfies the requirements of rules of the state board of education and the state department of education for such programs; provided that students shall be in compliance with the requirements and have been enrolled in the home education program for at least one (1) school year prior to verification of the attendance request, unless documentation of meeting the requirements of this section in the school year contiguous to enrollment in the home education program can be provided;

(e) Is enrolled in an accredited college or university;

(f) Is enrolled in a postsecondary vocational program or a postsecondary adult vocational program and satisfying relevant attendance requirements;

(g) Is enrolled in a job training program pursuant to state or federal law and satisfying relevant attendance requirements; or

(h) Is enrolled in other educational activities approved by the board of trustees of the school district and satisfying relevant attendance requirements.

(2) (a) An applicant for a driver's license who is under the age of eighteen (18) shall provide written verification of compliance with the requirements of subsection (1) of this section or receipt of a waiver therefrom pursuant to subsection (3) of this section to the department. The necessary verification shall be obtained from the school district. If the applicant is enrolled in or has graduated from a private high school, the verification shall be obtained by the applicant from the governing body of the private school. A school district shall not refuse to provide written verification of compliance with the requirements of this section to the department.

(b) Schools may implement interventions designed to improve student attendance with their district policies and procedures.

(c) When applying for a license or any instruction permit, an applicant under age eighteen (18) must provide written verification to the department of compliance with the requirements of subsection (1) of this section or receipt of a waiver therefrom, pursuant to subsection (3) of this section. Written verification shall be obtained from the applicant's school. The applicant's school shall not refuse to provide written verification of compliance with the requirements of this section to the department.

(3) (a) A public school principal, or the principal's designee, or the designee of the governing body of a private school shall provide written notification to a minor and the minor's parent, guardian or custodian of the school district's or private school's intent to request that the department suspend the minor's driving privileges because the minor has dropped out of school and has failed to comply with the requirements of subsection (1) of this section.

(b) The minor or the parent, guardian or custodian of the minor shall have fifteen (15) calendar days from the date of receipt of this notice to request a hearing before the public school principal, or the principal's designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension. The hearing shall be conducted within thirty (30) calendar days after the public school principal, or the principal's designee, or the designee of the governing body of a private school receives the request.

(c) The public school principal, or the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) of this section for any minor under its jurisdiction for whom a personal or family hardship requires that the minor have a driver's license for his or her own or his or her family's employment or medical care. The public school principal, or the principal's designee, or the designee of the governing body of a private school shall take into account the recommendations of teachers, other school officials, guidance counselors or academic advisors prior to granting a waiver to the requirements of subsection (1) of this section.

(d) The hardship waiver provided in paragraph (c) of this section shall be requested, if desired by the minor or the minor's parent, guardian or custodian at the initial hearing.

(4) Any person denied a hardship waiver by a public school principal, or the principal's designee, or the designee of the governing body of a pri-

vate school may appeal the decision to the board of trustees of the school district or the governing body of the private school. The public or private school shall notify the department of all students not in compliance with subsection (1) of this section or who have been granted a hardship waiver pursuant to subsection (3) of this section.

(5) Upon receiving written verification that the reinstatement fees have been paid and the minor is again in compliance with the requirements of subsection (1) of this section, the department shall reinstate the minor's privilege to drive. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (1), the department shall suspend the minor's driving privilege until the minor is eighteen (18) years old or otherwise satisfies the requirements of subsection (1) of this section, whichever occurs first.

(6) The department shall report quarterly to each school district the disposition of all requests to suspend driver's licenses of students of that district. Beginning with the 1996-97 school year, each school district and each private school shall report the number of notifications issued of possible student driver's license suspensions based on nonattendance, requests to the department to suspend a driver's license and student driver's licenses actually suspended.

[49-303A, added 1996, ch. 348, sec. 2, p. 1160; am. 1998, ch. 110, sec. 14, p. 395; am. 2000, ch. 214, sec. 5, p. 588.]

49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcycle "M" endorsement on a driver's license to applicants who complete the requirements to operate a motorcycle.

(1) No person may operate a motorcycle upon a highway without a motorcycle "M" endorsement on a valid driver's license.

(2) Any person who applies for a driver's license or renewal of a license may also apply for a motorcycle "M" endorsement. The requirements for obtaining a motorcycle "M" endorsement are:

(a) The applicant shall be tested by written examination for his knowledge of safe motorcycle operating practices and traffic laws specific to the operation of motorcycles upon payment of the fee specified in section [49-306](#), Idaho Code.

(b) Upon successful completion of the knowledge test and upon payment of the fee required for an "M" endorsement, the applicant shall obtain a motorcycle "M" endorsement on his driver's license.

(3) No person under the age of twenty-one (21) years may apply for or obtain a motorcycle "M" endorsement on his driver's license unless he has successfully completed a motorcycle rider training course approved under the provisions of [chapter 49, title 33](#), Idaho Code, in addition to satisfying the requirements specified in subsection (2) of this section. The provisions of this subsection shall not be effective unless and until the motorcycle rider training course is fully implemented by the division of career technical education.

(4) Any person who applies for a motorcycle endorsement on a driver's license, in addition to the requirements specified in subsection (2) of this section, may also be required to pass the motorcycle "M" skills test before he can obtain the motorcycle "M" endorsement.

(5) The operation of a motorcycle upon a highway by any person who has failed to obtain a motorcycle "M" endorsement as provided in this section shall constitute an infraction.

(6) The provisions of this section shall not apply to persons operating autocycles.

[49-304, added 1994, ch. 234, sec. 5, p. 735; am. 1998, ch. 110, sec. 15, p. 397; am. 2002, ch. 355, sec. 2, p. 1012; am. 2005, ch. 25, sec. 56, p. 103; am. 2008, ch. 18, sec. 2, p. 26; am. 2009, ch. 30, sec. 7, p. 84; am. 2015, ch. 230, sec. 3, p. 725; am. 2016, ch. 25, sec. 40, p. 57.]

49-305. INSTRUCTION PERMITS -- COMMERCIAL LEARNER'S PERMIT -- TEMPORARY LICENSES -- MOTORCYCLE ENDORSEMENT INSTRUCTION PERMIT. (1) Upon passage of the required knowledge tests appropriate for the vehicle being operated, the department may issue a commercial learner's permit for the type of vehicle(s) the person will be operating, or a class D instruction permit for a class D motor vehicle, entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the highways for a period of up to one hundred eighty (180) days or as provided in paragraph (b) of this subsection (1) for certain class D instruction permits. That person must be accompanied by an adult driver eighteen (18) years of age or older who holds a valid driver's license appropriate for the vehicle being operated and who is actually occupying a seat beside the driver. Unless otherwise provided, a commercial learner's permit or class D instruction permit will be valid for one hundred eighty (180) days and may be renewed one (1) time without requiring the permit holder to retake and pass the required knowledge tests for that class of permit, provided the knowledge tests are less than one (1) year old.

(a) Any person under the age of seventeen (17) years who has successfully completed an approved driver's training course and has satisfied the requirements of a class D supervised instruction permit, or any person who has reached the age of seventeen (17) years may apply for a class D instruction permit. Any person applying for any class D instruction permit or driving privileges who is under the age of eighteen (18) years shall be in compliance with school attendance requirements of section [49-303A](#), Idaho Code.

(b) If a person reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, and such class D supervised instruction permit becomes a class D instruction permit as provided in section [49-307](#), Idaho Code, then such class D instruction permit shall expire five (5) days after the permittee's eighteenth birthday.

(c) Any person who has reached the age of eighteen (18) years, holds a valid Idaho class D driver's license and has at least one (1) year of driving experience, may apply for a commercial learner's permit.

(d) The department shall not issue a hazardous material endorsement on any commercial learner's permit.

(2) The department may, at its discretion, issue a temporary class D driver's license to an applicant for a class D driver's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary license may be canceled at the department's discretion at any time after issuance. The temporary license must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused.



(3) A certified copy of an applicant's birth certificate shall be required before a class D driver's license or class D instruction permit will be issued.

(4) The department may issue a motorcycle endorsement instruction permit to an applicant who has a valid driver's license and who has successfully completed the motorcycle rider's knowledge test and paid the appropriate fees. The permit entitles the applicant, while having the permit in his immediate possession, to operate a motorcycle upon the highways for a period not to exceed one hundred eighty (180) days. The motorcycle endorsement instruction permit may be renewed one (1) time without the requirement to retake and pass the motorcycle rider's knowledge test if the test is less than one (1) year old. If the permittee passes the skills test for a motorcycle endorsement within one hundred eighty (180) days of issuance of the motorcycle endorsement instruction permit, he shall not be required to pay the motorcycle endorsement fee. A person holding a motorcycle instruction permit shall not carry any passenger while operating a motorcycle, shall not operate a motorcycle except during the hours of daylight only and shall not operate a motorcycle upon any interstate highway system.

A violation of the conditions of a motorcycle endorsement instruction permit is an infraction. The department shall cancel the permit whether or not such violation results in conviction of the infraction.

[49-305, added 1988, ch. 265, sec. 39, p. 591; am. 1989, ch. 88, sec. 18, p. 173; am. 1989, ch. 426, sec. 2, p. 1055; am. 1990, ch. 45, sec. 17, p. 93; am. 1991, ch. 89, sec. 4, p. 201; am. 1991, ch. 286, sec. 1, p. 737; am. 1992, ch. 115, sec. 9, p. 360; am. 1992, ch. 117, sec. 1, p. 390; am. 1994, ch. 234, sec. 6, p. 735; am. 1994, ch. 347, sec. 2, p. 1099; am. 1996, ch. 348, sec. 4, p. 1164; am. 1996, ch. 371, sec. 7, p. 1255; am. 1998, ch. 110, sec. 16, p. 397; am. 1999, ch. 81, sec. 8, p. 248; am. 2000, ch. 214, sec. 6, p. 590; am. 2000, ch. 327, sec. 3, p. 1103; am. 2004, ch. 297, sec. 1, p. 827; am. 2008, ch. 194, sec. 4, p. 612; am. 2010, ch. 16, sec. 2, p. 22; am. 2015, ch. 54, sec. 4, p. 131.]

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 .....	\$25.00
(e) Class D (3-year) license -- age 18 to 21 years .....	\$25.00
(f) Class D (1-year) license -- age 17 years or age 20 years ....	\$15.00
(g) Four-year Class D license -- age 21 years and older .....	\$30.00
(h) Eight-year Class D license -- age 21 to 63 years .....	\$55.00

(i) Commercial learner's permit .....	\$29.00
(j) Class D instruction permit or supervised instruction permit .....	\$15.00
(k) Duplicate driver's license or permit issued under section <a href="#">49-318</a> , Idaho Code .....	\$15.00
(l) Driver's license extension issued under section <a href="#">49-319</a> , Idaho Code .....	\$10.00
(m) License classification change (upgrade) .....	\$25.00
(n) Endorsement addition .....	\$15.00
(o) Class A, B, C skills tests not more than .....	\$200.00
(p) Class D skills test not more than .....	\$35.00
(q) Motorcycle endorsement skills test not more than .....	\$25.00
(r) Knowledge test .....	\$ 3.00
(s) Seasonal driver's license .....	\$39.00
(t) Onetime 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 pursuant to the provisions of [chapter 58, title 19](#), Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address. Notwithstanding the provisions of section [49-303](#)(13), Idaho Code, an applicant for a nondomiciled class A, B or C driver's license or nondomiciled commercial learner's permit having residency in a state that is prohibited from issuing class A, B or C driver's licenses or commercial learner's permits, as provided in 49 CFR 384, is exempted 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 administration that the applicant has not been assigned a social security number; and
- (ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and
- (iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license, commercial learner's permit or any instruction permit issued on and after January 1, 1993, shall not contain an 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 transportation or operations excepted by the federal motor carrier safety administration from all or parts of the qualification requirements of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate;

(iii) Non-excepted intrastate. The applicant operates only in intrastate commerce and is subject to and meets all Idaho driver qualification requirements and the applicable parts of federal motor carrier safety regulation 49, part 391, and is required to provide a medical examiner's certificate; or

(iv) Excepted intrastate. The applicant operates in intrastate commerce, but engages exclusively in exempted transportation or operations as listed in section [67-2901B\(2\)](#), Idaho Code, and the applicable parts of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate.

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

(d) The applicant must submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government-issued document may be submitted that provides satisfactory evidence of a person's full legal name and 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 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 ten dollars (\$10.00) from each eight-year class D driver's license, in the current expense fund;

(b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle endorsement and motorcycle endorsement instruction permit fee in the current expense fund;

(c) Deposit an amount equal to three dollars (\$3.00) from each fee for a knowledge test in the current expense fund;

(d) Deposit an amount up to twenty-five dollars (\$25.00) from each fee for a motorcycle endorsement skills test in the current expense fund; provided however, if a contractor administers the skills test he shall be entitled to the entire fee;

(e) Remit the remainder to the state treasurer; and

(f) Deposit up to twenty-eight dollars and fifty cents (\$28.50) from each fee for a class D skills test into the county current expense fund, unless the test is administered by a department-approved contractor, in which case the contractor shall be entitled to up to twenty-eight 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 licenses 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.

[49-306, added 1988, ch. 265, sec. 40, p. 591; am. 1989, ch. 88, sec. 19, p. 173; am. 1992, ch. 115, sec. 10, p. 361; am. 1992, ch. 118, sec. 1, p. 391; am. 1993, ch. 300, sec. 3, p. 1109; am. 1993, ch. 304, sec. 1, p. 1126; am. 1994, ch. 234, sec. 7, p. 737; am. 1994, ch. 347, sec. 3, p. 1100; am. 1995, ch. 339, sec. 2, p. 1121; am. 1996, ch. 371, sec. 8, p. 1257; am. 1997, ch. 80, sec. 11, p. 188; am. 1997, ch. 357, sec. 1, p. 1053; am. 1998, ch. 110, sec. 17, p. 399; am. 1998, ch. 248, sec. 2, p. 810; am. 1998, ch. 394, sec. 1, p. 1236; am. 1999, ch. 81, sec. 9, p. 249; am. 1999, ch. 317, sec. 1, p. 797; am. 1999, ch. 318, sec. 1, p. 804; am. 1999, ch. 319, sec. 1, p. 811; am. 1999, ch. 360, sec. 2, p. 952; am. 2000, ch. 56, sec. 1, p. 112; am. 2000, ch. 214, sec. 7, p. 592; am. 2001, ch. 74, sec. 1, p. 171; am. 2001, ch. 110, sec. 49, p. 395; am. 2001, ch. 347, sec. 1, p. 1220; am. 2002, ch. 161, sec. 1, p. 474; am. 2002, ch. 235, sec. 3, p. 698; am. 2005, ch. 352, sec. 5, p. 1100; am. 2008, ch. 63, sec. 2, p. 156; am. 2009, ch. 331, sec. 3, p. 951; am. 2010, ch. 16, sec. 3, p. 24; am. 2010, ch. 225, sec. 3, p. 506; am. 2011, ch. 60, sec. 3, p. 128; am. 2013, ch. 354, sec. 2, p. 963; am. 2015, ch. 54, sec. 5, p. 132; am. 2015, ch. 54, sec. 6, p. 137; am. 2017, ch. 216, sec. 1, p. 522; am. 2017, ch. 216, sec. 2, p. 527; am. 2018, ch. 113, sec. 1, p. 230; am. 2018, ch. 113, sec. 2, p. 235; am. 2020, ch. 38, sec. 2, p. 79.]

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

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the state highway account, five dollars (\$5.00) shall be deposited in the county current expense fund, and five dollars (\$5.00) shall be:

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

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

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a class D driver's training instruction permit

or a class D instruction permit upon receipt of identification acceptable to the department. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

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

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

(6) Class D supervised instruction permit.

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

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

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

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

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

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

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

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

(f) The permittee shall not have been convicted of any moving traffic violation, or have had driving privileges suspended by the department or the court for any offense, or found to be in violation of any of the



restrictions on the class D supervised instruction permit, for a period of at least six (6) months from the date the driver's training instructor gave the permit to the parent or legal guardian, or from the date a canceled class D supervised instruction permit was reissued, or until the permittee reaches seventeen (17) years of age.

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section [18-1502](#), [18-8004](#) or [23-949](#), Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17) years of age, the permittee may reapply for and be issued a new class D supervised instruction permit upon payment of the appropriate fee, and shall again be required to operate with the class D supervised instruction permit for at least six (6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection.

(8) Upon completion of the requirements in subsection (7) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(9) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

- (a) The person under sixteen (16) years of age has a valid class D driver's license; and
- (b) Is accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and
- (c) The two (2) licensed drivers are the only occupants of the front passenger section of the vehicle.

The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

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

[49-307, added 1988, ch. 265, sec. 41, p. 593; am. 1989, ch. 88, sec. 20, p. 176; am. 1990, ch. 45, sec. 18, p. 71; am. 1994, ch. 347, sec. 4, p. 1098; am. 1998, ch. 110, sec. 18, p. 375; am. 2000, ch. 214, sec. 8, p. 583; am. 2003, ch. 47, sec. 3, p. 176; am. 2007, ch. 249, sec. 2, p. 730; am. 2008, ch. 194, sec. 5, p. 613; am. 2010, ch. 16, sec. 4, p. 28; am. 2014, ch. 92, sec. 1, p. 249; am. 2015, ch. 252, sec. 1, p. 1054.]

49-307A. RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. Notwithstanding any other provision of this chapter applying to licenses or permits, and notwithstanding the minimum age requirement for a driver training course specified in section [33-1703](#), Idaho Code, other than those provisions specifically applying to restricted school attendance driving permits:

(1) The department may issue a restricted school attendance driving permit to a minor fourteen (14) years of age, but less than sixteen (16) years of age, provided the following:

(a) The minor resides in an Idaho school district with a population of less than one hundred fifty (150) people;

(b) The minor attends an educational program as identified in section [49-303A](#), Idaho Code, and complies with the provisions of section [49-303A](#), Idaho Code, including submission of verification of attendance compliance by the school district to the department; and

(c) There is no school bus service provided to transport the minor to and from school, as verified by the school district to the department.

(2) The permit, if issued, shall only entitle the minor to drive to and from school, and school sponsored activities occurring at the school where enrolled, between the hours of 6:00 a.m. and 9:00 p.m.

(3) The minor must have completed a driver training course and comply with section [49-310](#), Idaho Code, as a condition of issuance of a permit pursuant to the provisions of this section.

(4) The restricted school attendance driving permit shall be canceled for conviction of any traffic offense and shall not be reissued.

(5) In the event the student terminates their school enrollment in the district in which they have qualified for a restricted school attendance driving permit, the permit shall be canceled.

[49-307A, added 2002, ch. 235, sec. 4, p. 703.]

49-308. DRIVER TRAINING ACCOUNT ESTABLISHED. The driver training account is established in the office of the state treasury, which account is continuously appropriated for the purpose of driver training. All disbursements for driver training purposes made under certificate of the state board of education shall be made from the driver training account.

[49-308, added 1988, ch. 265, sec. 42, p. 593.]

49-310. APPLICATIONS OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS. (1) The application of any person under the age of eighteen (18) years for any class D instruction permit, restricted driver's license, restricted school attendance driving permit, driver training instruction permit or driver's license shall be signed and verified before a person authorized to administer oaths by either the father or mother of the applicant, if both are living and have custody of him; or if either be dead, then by the surviving parent who has custody of him; or by the Idaho resident host of a foreign exchange student, or in the event neither parent is living, or if living and does not have the custody of the applicant, then by the person or guardian having such custody, with verifiable custody or guardianship documents, or by an employer of the applicant. In the event there is no guardian or employer, then some other responsible person willing to assume the obligation for the applicant may sign the application. Any person who signs the applicant's application shall attest that the applicant is in compliance with the school attendance provisions of section [49-303A](#), Idaho Code. When the minor person

applies for a class D driver's license, a parent or guardian or a person authorized by the parent or guardian shall attest that the minor person has satisfied the requirements and conditions applicable to the class D supervised instruction permit pursuant to section [49-307](#), Idaho Code. The person willing to assume responsibility for the applicant must be at least eighteen (18) years of age. When signing for a restricted school attendance driving permit, the person signing the applicant's application shall attest that the conditions set forth within section [49-307A](#), Idaho Code, are met. Each application for a restricted school attendance driving permit shall also be signed by the local county sheriff, the president of the board of trustees of the local school district, and the school principal of the applicant's school, verifying that the conditions set forth within section [49-307A](#), Idaho Code, are met.

(2) Any negligence or willful misconduct of a person under the age of eighteen (18) years when operating a motor vehicle upon a highway shall be imputed to the person who signed the application of that person for a permit or driver's license, and that person shall be jointly and severally liable with the permit or driver's license holder for any damage caused by negligence or willful misconduct, except as otherwise provided by law.

(3) In the event a permit or driver's license holder under the age of eighteen (18) years maintains, or there is maintained upon his behalf, proof of financial responsibility as required under the motor vehicle financial responsibility laws of this state, or by the director if the form and amount is not fixed by law, then the department may accept the application when signed by one (1) parent or guardian of the applicant, and while that proof is maintained, the parent or guardian shall not be subject to liability for the negligence or willful misconduct of the person under the age of eighteen (18) years, as imposed under subsection (2) of this section.

(4) Any person who has signed the application of a minor for a permit or driver's license shall be liable civilly for the payment of any court penalty imposed because the minor has been found to have committed an infraction violation. The provisions of this section shall not apply or create any civil liability for the person signing the application in connection with any pedestrian, bicycle, or electric-assisted bicycle infraction, and provided this subsection shall not apply to any civil action where the plaintiff is other than the state of Idaho.

[49-310, added 1988, ch. 265, sec. 44, p. 594; am. 1989, ch. 88, sec. 22, p. 176; am. 1992, ch. 115, sec. 11, p. 363; am. 1996, ch. 348, sec. 5, p. 1166; am. 1999, ch. 81, sec. 10, p. 252; am. 2000, ch. 214, sec. 9, p. 597; am. 2002, ch. 235, sec. 5, p. 703; am. 2002, ch. 357, sec. 1, p. 1014; am. 2014, ch. 92, sec. 2, p. 251; am. 2019, ch. 84, sec. 5, p. 208.]

49-311. RELEASE FROM LIABILITY. Any person who has signed the application for a driver's license of a person under the age of eighteen (18) years may file with the department a verified written request that the driver's license so granted be cancelled and the department shall cancel the driver's license. The person who signed the application shall be relieved from the liability imposed by reason of having signed the application, of any subsequent negligence or willful misconduct of the person signed for in operating a motor vehicle.

[49-311, added 1988, ch. 265, sec. 45, p. 595; am. 1989, ch. 88, sec. 23, p. 177.]

49-312. DEATH OF PERSON SIGNING APPLICATION FOR PERSON UNDER EIGHTEEN YEARS OF AGE. The department, upon receipt of satisfactory evidence of the death of the person(s) who signed the application of a person under the age of eighteen (18) years for a driver's license, shall cancel the driver's license and shall not issue a new driver's license until a new application, duly signed and verified, is made. This provision shall not apply in the event the licensee has attained the age of eighteen (18) years.

[49-312, added 1988, ch. 265, sec. 46, p. 595; am. 1989, ch. 88, sec. 24, p. 177.]

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

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

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

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

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

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

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

(5) Any person failing to pass a knowledge or skills test for a class A, B, C or D driver's license, or a knowledge test for a seasonal driver's license, or any endorsement may not retake the test within three (3) calendar days of the failure.

(6) Any person retaking a knowledge or skills test for a driver's license shall pay the appropriate testing fee as specified in section [49-306](#), Idaho Code.

(7) The motorcycle skills test for a motorcycle endorsement shall be waived by the department:

(a) On and after September 1, 1998, if the applicant presents satisfactory evidence of successful completion of a recognized motorcycle rider training course approved by the division of career technical education;

(b) On and after September 1, 1998, if the applicant presents evidence of a motorcycle endorsement on his current license by a state or province which requires a motorcycle skills test equivalent to that required by Idaho law as determined by the division of career technical education;

(c) Until September 1, 1998.

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

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

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

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

[49-313, added 1988, ch. 265, sec. 47, p. 595; am. 1989, ch. 88, sec. 25, p. 177; am. 1990, ch. 45, sec. 19, p. 95; am. 1991, ch. 89, sec. 5, p. 202; am. 1993, ch. 300, sec. 4, p. 1112; am. 1994, ch. 234, sec. 8, p. 740; am. 1995, ch. 339, sec. 3, p. 1124; am. 1996, ch. 371, sec. 9, p. 1260; am. 1997, ch. 357, sec. 2, p. 1056; am. 1998, ch. 110, sec. 19, p. 402; am. 2000, ch. 214, sec. 10, p. 598; am. 2002, ch. 235, sec. 6, p. 704; am. 2005, ch. 352, sec. 6, p. 1104; am. 2009, ch. 30, sec. 8, p. 85; am. 2012, ch. 32, sec. 1, p. 96; am. 2014, ch. 92, sec. 3, p. 252; am. 2015, ch. 54, sec. 7, p. 141; am. 2016, ch. 25, sec. 41, p. 57.]

49-314. LOCAL EXAMINERS APPOINTED BY DEPARTMENT. (1) The department shall appoint the sheriff in each county and may appoint any deputy sheriff, chief of police, or other officials or private citizens whom the department deems qualified as examiners, who shall be agents of the department and shall perform duties prescribed in this title.

(2) The department shall appoint at least one (1) employee in the department who shall be skilled and highly qualified in the method of giving driver's license examinations, who shall have authority, and it shall be this person's duty to instruct the examiners appointed by the department in the method of giving driver's license examinations and acquaint them with the use of equipment and forms needed in examining applicants for licensure.

(3) Agents of the department appointed to administer skills tests for class A, B or C driver's licenses must be certified according to 49 CFR part 383.

(4) Agents of the department appointed to administer the skills test for a motorcycle endorsement shall be certified by the division of career technical education.

(5) Agents of the department to administer skills tests for class D driver's licenses shall be certified by the department.

[49-314, added 1988, ch. 265, sec. 48, p. 596; am. 1989, ch. 88, sec. 26, p. 178; am. 1990, ch. 45, sec. 20, p. 96; am. 1994, ch. 234, sec. 9, p. 742; am. 1997, ch. 357, sec. 3, p. 1058; am. 2009, ch. 30, sec. 9, p. 86; am. 2016, ch. 25, sec. 42, p. 59.]

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.

(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 pro-

vided in [chapter 34, title 39](#), Idaho Code, have been complied with and the donor indicates this desire be placed on the license.

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

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

[49-315, added 1988, ch. 265, sec. 49, p. 596; am. 1989, ch. 88, sec. 27, p. 179; am. 1991, ch. 203, sec. 1, p. 482; am. 1992, ch. 115, sec. 12, p. 364; am. 1994, ch. 85, sec. 1, p. 200; am. 1998, ch. 110, sec. 20, p. 404; am. 1999, ch. 318, sec. 2, p. 807; am. 2001, ch. 74, sec. 2, p. 176; am. 2001, ch. 332, sec. 2, p. 1168; am. 2002, ch. 171, sec. 17, p. 503; am. 2004, ch. 297, sec. 2, p. 828; am. 2006, ch. 164, sec. 5, p. 493; am. 2006, ch. 265, sec. 4, p. 823; am. 2010, ch. 225, sec. 4, p. 510; am. 2013, ch. 92, sec. 1, p. 225; am. 2019, ch. 48, sec. 1, p. 129.]

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

[49-316, added 1988, ch. 265, sec. 50, p. 597; am. 1989, ch. 88, sec. 28, p. 179.]

49-317. RESTRICTED DRIVER'S LICENSES. (1) The department, upon issuing a driver's license, shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to:

- (a) The type of or special mechanical control devices required or not permitted on a motor vehicle which the licensee may operate;
- (b) Medical variances as determined by the federal motor carrier safety administration; or

(c) Other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) The department may either issue a special restricted driver's license or may set forth restrictions upon the usual driver's license form.

(3) The department shall, upon receiving satisfactory evidence of any violation of the restrictions of a driver's license, suspend the driver's license or privileges for a period of thirty (30) days but the licensee shall be entitled to a hearing as provided in section [49-326](#), Idaho Code.

[49-317, added 1988, ch. 265, sec. 51, p. 597, am. 1989, ch. 88, sec. 29, p. 179; am. 1992, ch. 115, sec. 13, p. 365; am. 2011, ch. 60, sec. 4, p. 133.]

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

(a) Payment of the fee as provided in section [49-306](#), Idaho Code;

(b) Furnishing satisfactory proof that the permit, class A, B, C or D, restricted school attendance driving permit, or seasonal driver's license has been lost or destroyed, or that the licensee's name has been legally changed; and

(c) Furnishing proof of the applicant's identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate when obtainable, or another document which provides evidence of a person's date of birth acceptable to the examiner or department. In the case of a name change, the applicant shall provide legal documentation acceptable to the department to verify the change.

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

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

(a) The person has a permanent disability; and

(b) The person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability as provided in section [49-117](#), Idaho Code; and

(c) The department determines that the person meets the requirements for issuance of a permit or license as specified in section [49-313](#), Idaho Code.

[49-318, added 1988, ch. 265, sec. 52, p. 597; am. 1989, ch. 88, sec. 30, p. 180; am. 1990, ch. 45, sec. 21, p. 96; am. 1992, ch. 115, sec. 14, p. 365; am. 1993, ch. 300, sec. 5, p. 1113; am. 1995, ch. 339, sec. 4, p.



1126; am. 1996, ch. 371, sec. 10, p. 1262; am. 1998, ch. 110, sec. 21, p. 405; am. 1999, ch. 81, sec. 11, p. 253; am. 2001, ch. 332, sec. 3, p. 1169; am. 2002, ch. 235, sec. 7, p. 706.]

49-319. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE. (1) Every noncommercial Idaho driver's license issued to a driver shall expire and be renewable as follows:

(a) Twenty-one (21) years of age or older shall expire on the licensee's birthday in the fourth year following the issuance of the driver's license.

(b) At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the driver's license shall expire either on the licensee's birthday in the fourth year or the eighth year following the issuance of the driver's license.

(c) Except for the provisions found in subsections (1)(e) and (3) of this section, every driver's license issued to a driver under eighteen (18) years of age shall expire five (5) days after the licensee's eighteenth birthday.

(d) Except for the provisions found in subsections (1)(e) and (3) of this section, every driver's license issued to a driver eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the licensee's twenty-first birthday.

(e) Every driver's license that is not, as provided by law, suspended, revoked or disqualified in this state or any other jurisdiction shall be renewable on or before its expiration, but not more than twenty-five (25) months before, upon application, payment of the required fee, and satisfactory completion of the required vision screening.

(2) Except for the provisions found in subsection (3) of this section, every commercial driver's license issued to a person twenty-one (21) years of age or older shall expire on the licensee's birthday in the fourth year following issuance of the license, and any class A, B or C license issued to a person eighteen (18), nineteen (19) or twenty (20) years of age shall expire five (5) days after the licensee's twenty-first birthday. There shall be no option for an eight-year class A, B or C license.

(3) Every driver's license 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 license issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued a driver's license with an expiration date of one (1) year from the date of issuance. Fees shall be in accordance with the expiration periods and classes listed in section [49-306](#)(1), Idaho Code.

(4) An applicant who is issued a driver's license in another jurisdiction after an Idaho driver's license has been issued is not eligible for renewal or a duplicate of the Idaho driver's license. The applicant may apply for a new Idaho driver's license as provided in section [49-306](#), Idaho Code.

(5) No knowledge test shall be required for renewal of a driver's license, except for renewal of a hazardous material endorsement. Appropriate knowledge and skill tests shall be required for an upgrade in a driver's license class or an endorsement addition. In the case of a name change, the

applicant shall provide legal documentation to verify the change in accordance with department rules.

(6) Applicants for a hazardous material endorsement shall provide either proof of United States citizenship or proof of lawful, permanent United States residence and a valid federal bureau of citizenship and immigration services alien registration number. A security background records check and federal transportation security administration clearance shall be required for issuance, renewal or transfer of a hazardous material endorsement in accordance with 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(7) When a driver's license has been expired for fewer than twenty-five (25) months, the renewal of the driver's license shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the driver's license is expired for twenty-five (25) months or more, the applicant shall be required to take the appropriate knowledge test(s) and skills test(s) for the class of license or endorsement being applied for, and vision screening. The license shall expire on the licensee's birthday in the fourth year following issuance of the driver's license for drivers twenty-one (21) years of age or older, except as otherwise provided in subsections (1) (e) and (3) of this section. At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the renewed license shall expire either on the licensee's birthday in the fourth year or the eighth year following issuance, except as otherwise provided in subsections (1) (e) and (3) of this section.

(8) (a) If a driver's license has expired or will expire and the licensee is temporarily out of state, except on active military duty, and the driver's license has not, as provided by law, been suspended, revoked, canceled, denied, refused or disqualified, the licensee may request in writing on a form prescribed by the department an extension of the driver's license. 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 driver's license is necessary, it may issue a license showing the date to which the expired driver's license is extended. License extensions are limited to two (2) consecutive extensions per licensee.

(b) Upon returning to the state of Idaho, the licensee shall, within ten (10) days, apply for a renewal of the expired driver's license and surrender the extended license and the expired driver's license.

(c) A hazardous material endorsement cannot be extended.

(9) An Idaho driver's license 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 so long as active duty continues, or shall be renewed upon application in person without the requirement to take a knowledge or skills test if their Idaho driver's license expired while on active duty, if the driver's license is not suspended, denied, disqualified, canceled or revoked, as provided by law, during the active duty, and the driver's license shall remain in full force and effect sixty (60) days following the date the holder is released from active duty.

(10) The department may use a mail renewal process for four-year class D licenses based on criteria established by rule.

(11) A seasonal driver's license is only valid for a one hundred eighty (180) day period from the date of issuance. Only one (1) seasonal driver's license may be obtained in any twelve (12) month period, and may only be obtained twice in a driver's lifetime.

(12) A person who applies for renewal of a license may request that the notation "permanently disabled" be imprinted on the license and the department shall imprint "permanently disabled" on the license if:

(a) The person has a permanent disability; and

(b) The person presents written certification from a licensed physician, licensed physician assistant, or licensed advanced practice professional nurse verifying that the person's stated impairment qualifies as a permanent disability as provided in section [49-117](#), Idaho Code; and

(c) The department determines that the person meets the requirements for issuance of a license as specified in section [49-313](#), Idaho Code.

[49-319, added 1988, ch. 265, sec. 53, p. 598; am. 1989, ch. 88, sec. 31, p. 180; am. 1990, ch. 45, sec. 22, p. 97; am. 1992, ch. 115, sec. 15, p. 365; am. 1993, ch. 300, sec. 6, p. 1113; am. 1996, ch. 371, sec. 11, p. 1262; am. 1998, ch. 110, sec. 22, p. 405; am. 1999, ch. 81, sec. 12, p. 253; am. 1999, ch. 317, sec. 2, p. 800; am. 1999, ch. 318, sec. 3, p. 808; am. 2000, ch. 56, sec. 2, p. 116; am. 2001, ch. 332, sec. 4, p. 1169; am. 2004, ch. 126, sec. 4, p. 431; am. 2004, ch. 297, sec. 3, p. 829; am. 2004, ch. 339, sec. 1, p. 1012; am. 2008, ch. 63, sec. 3, p. 161; am. 2012, ch. 32, sec. 2, p. 98.]

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

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

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

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

[49-320, added 1988, ch. 265, sec. 54, p. 599; am. 1989, ch. 88, sec. 32, p. 181; am. 1996, ch. 371, sec. 12, p. 1263; am. 1998, ch. 110, sec. 23, p. 406; am. 2000, ch. 304, sec. 1, p. 1036; am. 2003, ch. 157, sec. 2, p. 445.]

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 maintain suitable indices containing:

(a) All applications denied and on each note the reason for denial;

(b) All applications granted;

(c) The name of every licensee whose driver's license has been suspended, revoked, canceled, denied or disqualified by the department and after each name note the reasons for the action;

(d) The driver's license number for the applicant; and

(e) The social security number of the applicant.

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

(3) The department shall also file all accident reports and abstracts of court records of convictions received by it under the law from any jurisdiction and is authorized to forward records of convictions, suspensions or disqualifications to any jurisdiction. Records may be in either paper or electronic form. The department shall maintain convenient records or make suitable notations in order that an individual record of each licensee showing 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 day of each month shall, upon the request of the department, furnish the department a listing showing the name, age, county of residence, and residence address of each Idaho resident who has died during the preceding month. The listing shall be used only for purposes of updating the driver's license 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.

[49-321, added 1988, ch. 265, sec. 55, p. 599; am. 1989, ch. 88, sec. 33, p. 181; am. 1990, ch. 45, sec. 23, p. 98; am. 1990, ch. 213, sec. 69, p. 537; am. 1998, ch. 110, sec. 24, p. 407; am. 2000, ch. 52, sec. 2, p. 102; am. 2006, ch. 164, sec. 6, p. 494; am. 2011, ch. 60, sec. 5, p. 133; am. 2015, ch. 141, sec. 127, p. 474; am. 2016, ch. 359, sec. 2, p. 1053.]

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

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

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

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

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

[49-322, added 1988, ch. 265, sec. 56, p. 600; am. 1989, ch. 88, sec. 34, p. 182; am. 1992, ch. 115, sec. 16, p. 366; am. 1999, ch. 79, sec. 1, p. 225; am. 2000, ch. 214, sec. 11, p. 600; am. 2002, ch. 235, sec. 8, p. 706; am. 2011, ch. 60, sec. 6, p. 134.]

49-323. SUSPENDING PRIVILEGES OF NONRESIDENTS AND REPORTING CONVICTIONS. (1) The privilege of driving a motor vehicle on the highways given to a nonresident shall be subject to suspension, disqualification or revocation by the department in a like manner and for a like cause as a driver's license issued to a resident may be suspended, disqualified or revoked.

(2) Upon receipt of a record of the conviction, suspension, disqualification or revocation in this state of a nonresident driver for any offense under the motor vehicle laws, the department shall forward a certified copy or electronic transfer of the record of the conviction, suspension, disqualification or revocation and its cause to the motor vehicle administrator in the state wherein the person so convicted is a resident and to the national driver register.

[49-323, added 1988, ch. 265, sec. 57, p. 600; am. 1989, ch. 88, sec. 35, p. 182; am. 1990, ch. 45, sec. 24, p. 98; am. 2006, ch. 164, sec. 7, p. 494.]

49-324. SUSPENDING RESIDENT'S LICENSE AND PRIVILEGES UPON CONVICTION, ADMINISTRATIVE ACTION OR COURT ORDER IN ANOTHER STATE OR JURISDICTION. The department shall suspend, disqualify or revoke the driver's license or privilege of any resident of this state or the privilege of a nonresident to operate a motor vehicle in this state upon receiving notice of the conviction, administrative action or court order of that person in another state or jurisdiction of an offense which, if committed in this state, would be grounds for the suspension, disqualification or revocation of the driver's license

and privileges of the driver. The department shall forward a certified copy or electronic transfer to the national driver register.

[49-324, added 1988, ch. 265, sec. 58, p. 600; am. 1989, ch. 88, sec. 36, p. 182; am. 1990, ch. 45, sec. 25, p. 99; am. 1992, ch. 115, sec. 17, p. 367; am. 1998, ch. 110, sec. 25, p. 407; am. 2004, ch. 126, sec. 5, p. 433.]

49-325. MANDATORY REVOCATION BY DEPARTMENT -- TEMPORARY RESTRICTED PERMIT. (1) The department shall revoke the operating privilege of any driver upon receiving a record of the person's conviction of any of the following offenses, when the conviction has become final, if the court has not ordered the suspension or revocation of the privilege:

- (a) Vehicular manslaughter;
- (b) Any felony in the commission of which a motor vehicle is used, except that a court of competent jurisdiction shall have exclusive authority to suspend or revoke operating privileges upon conviction of a violation of the provisions of section [18-8004](#) or [18-8006](#), Idaho Code;
- (c) Perjury or the making of a false affidavit or statement under oath to the department under any law relating to the ownership or operation of motor vehicles;
- (d) Conviction, or forfeiture of bail, upon three (3) charges of reckless driving committed within a period of twelve (12) months;
- (e) Conviction of a violation of the provisions of section [49-1301](#), Idaho Code. Revocation in this event shall be for a period of not less than one (1) year.

(2) Whenever any driver's license, permit or operating privilege has been revoked by the department on the basis of subsections (1) (b) through (1) (e) of this section, the department may issue a temporary restricted permit, except when restricted operating privileges are specifically prohibited by other provisions of law.

- (a) A temporary restricted permit shall specify the restrictions as to time and area of use and any further restrictions as the department, in its discretion, may impose.
- (b) A temporary restricted permit may be issued to grant noncommercial driving privileges, but no temporary restricted permit shall be issued which grants driving privileges to operate a commercial motor vehicle.

[49-325, added 1988, ch. 265, sec. 59, p. 601; am. 1989, ch. 88, sec. 37, p. 183; am. 2005, ch. 352, sec. 7, p. 1106.]

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

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

- (c) Is incompetent to drive a motor vehicle;
1. Any person who in the opinion of the department, based upon recommendation of the person's personal physician, is afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic, or when the person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the streets and highways, or any person who is unable to understand highway signs, warning, regulating or directing traffic, is incompetent to drive a motor vehicle.
  2. Any person who shall not have minimum visual acuity with or without corrective lenses of 20/40 in at least one (1) eye as determined by the Snellen system or other available systems is incompetent to operate a motor vehicle, however, the department shall have the authority to license such person upon the recommendation of an ophthalmologist or qualified physician and upon passage of a skills test. At 20/70 or more in both eyes with or without corrective lenses the department may suspend the driver's license and privileges. Any person who applies for or receives any type of tax, welfare or other benefits or exemptions for the blind shall be presumed incompetent to operate a motor vehicle. This presumption can be overcome by any person whose vision can be corrected to a visual acuity of 20/40 or better in one (1) eye as documented by a licensed ophthalmologist or optometrist.
  3. Any person, department, or political subdivision of the state of Idaho who receives an application for any type of tax, welfare, aid or other benefits or exemptions for the blind shall immediately forward the name, address, sex, date of birth, and date of application of the applicant to the department.
  4. Any physician who has reason to believe that a patient is incompetent to drive a motor vehicle as defined in this subsection, may submit a report to the department. Before submitting a report, a physician should notify the patient or the patient's family of the physician's concerns about the patient's ability to drive. If the physician submits a report, the physician shall provide a copy of the report to the patient or to a member of the patient's family. If a physician submits a report in good faith, no professional disciplinary procedure, no monetary liability and no cause of action may arise against the physician for submission of the report;
- (d) Has permitted an unlawful or fraudulent use of a driver's license;
- (e) Has committed an offense in another state or jurisdiction as evidenced by a conviction, court order or administrative action, which if committed in Idaho would be grounds for suspension, disqualification or revocation;
- (f) Has been convicted of the offense of reckless driving, or fleeing or attempting to elude a peace officer, and providing that the operating privilege shall be suspended for a period of thirty (30) days upon conviction and providing further, that if a second conviction occurs within a two (2) year period of time from the time of the first conviction, the suspension shall be for ninety (90) days, and if a third conviction shall occur within a three (3) year period of time from the time

of the first conviction, the period of suspension shall be for one (1) year;

(g) Has failed to satisfy a judgment as set forth in [chapter 12, title 49](#), Idaho Code;

(h) Has failed to maintain proof of financial responsibility as set forth in [chapter 12, title 49](#), Idaho Code;

(i) Has a driving record which shows a violation point count of twelve (12) or more points in any consecutive twelve (12) month period;

(j) Is an habitual violator of traffic laws;

(k) Has been convicted of the offense of violation of a restricted license and providing the driver's license and privileges be suspended for a period of thirty (30) days;

(l) Has been convicted for the offense of leaving the scene of an accident involving damages to a vehicle, the period of revocation shall be one (1) year;

(m) Has been convicted for the offense of leaving the scene of an accident resulting in injury or death, the period of revocation shall be one (1) year;

(n) Is under the age of eighteen (18) years and is not satisfactorily enrolled in school, has not received a waiver pursuant to or has not completed school as provided in section [49-303A](#), Idaho Code;

(o) Was cited under the age of seventeen (17) years and subsequently received a conviction involving a moving traffic violation arising out of the operation of a motor vehicle, and providing the driver shall be sent a written warning from the Idaho transportation department for a first conviction; the driver's license shall be suspended for a period of thirty (30) days for a second conviction; and the driver's license shall be suspended for a period of sixty (60) days for a third or subsequent conviction; and providing further that no restricted driving privileges shall be issued during any period of suspension hereunder.

(2) A violation point is assessed for conviction of any charge or with proof of any infraction involving a moving traffic violation. A value of one (1) point shall be given for a less serious violation and up to four (4) points for a more serious violation. Conviction or proof of infraction for only one (1) violation arising from one (1) occasion of arrest or citation shall be counted in determining the violation point count.

(3) The department is authorized and directed to establish a violation point count system for various moving traffic violations and infractions occurring either within or without the state of Idaho, affecting all holders of driver's licenses issued by the department.

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



witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon the hearing, the department shall either rescind its order or, with good cause, may affirm or extend the suspension or disqualification of the driver's license or revoke the driver's license.

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

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

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

[49-326, added 1988, ch. 265, sec. 60, p. 601; am. 1989, ch. 88, sec. 38, p. 183; am. 1990, ch. 45, sec. 26, p. 99; am. 1992, ch. 115, sec. 18, p. 367; am. 1994, ch. 357, sec. 2, p. 1122; am. 1996, ch. 348, sec. 3, p. 1162; am. 1996, ch. 371, sec. 13, p. 1263; am. 1997, ch. 238, sec. 4, p. 696; am. 1998, ch. 110, sec. 26, p. 408; am. 1998, ch. 152, sec. 2, p. 523; am. 1999, ch. 81, sec. 13, p. 255; am. 2000, ch. 214, sec. 12, p. 600; am. 2004, ch. 126, sec. 6, p. 433; am. 2005, ch. 352, sec. 8, p. 1106; am. 2011, ch. 124, sec. 1, p. 348; am. 2013, ch. 129, sec. 1, p. 296.]

49-326A. ADMINISTRATION BY DEPARTMENT OF JUDICIAL SUSPENSIONS OF DRIVER'S LICENSES OR PRIVILEGES TO BECOME EFFECTIVE AFTER RELEASE FROM CONFINEMENT. When a court's judgment or order provides that the suspension of an individual's driver's license or driving privileges shall begin after the individual is released from confinement or imprisonment, the department, for purposes of administering the ordered suspension, shall consider the driver's license or driving privileges as suspended effective as of the end of the last day of the fixed portion of the ordered sentence, as shown by the judgment or sentencing order of the court.

(1) Unless otherwise ordered by the court, the suspension shall remain in effect until the individual applies for reinstatement of his or her driver's license or driving privileges and can provide verifiable documentation to establish the date of release from confinement or imprisonment and show that the court-ordered suspension period has expired since the individual's release. Upon such a showing, the department will reinstate the individual's driver's license or driving privileges as provided by law.

(2) Where the department is notified of the release of the individual, either by the court or the agency having custody over the individual during the period of confinement or imprisonment, the department shall amend its records to reflect the actual court-ordered period of suspension.

(3) No time credit against the court-ordered period of suspension will be given while the individual is incarcerated or if the individual is reincarcerated. The entire period of the court-ordered suspension must run after the individual is released from confinement or imprisonment.

[49-326A, added 1998, ch. 152, sec. 3, p. 526; am. 2008, ch. 45, sec. 1, p. 118.]

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

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

[49-327, added 1988, ch. 265, sec. 61, p. 604; am. 1989, ch. 88, sec. 39, p. 185; am. 1992, ch. 115, sec. 19, p. 369; am. 2008, ch. 18, sec. 3, p. 27.]

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

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

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

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

(5) In addition to any other fees required in this section to be collected, the department shall collect two hundred dollars (\$200) for reinstating a driver's license after a suspension imposed under the provisions of section [18-8002](#) or section [18-8002A](#), Idaho Code, or after a revocation, disqualification or suspension arising out of any alcohol or drug-related offense, other than a suspension imposed upon a person under eighteen (18) years of age pursuant to section [18-1502](#)(d), Idaho Code. Funds collected pursuant to this subsection shall be deposited in the state highway account.

(6) When there is more than one (1) reason why a driver's license was revoked or suspended or why a driver was disqualified, the department shall

not collect multiple fees for reinstatement, but shall only collect one (1) reinstatement fee, which shall be the greater reinstatement fee, provided however, the department shall collect a reinstatement fee for each revocation, disqualification or suspension under [chapter 80, title 18](#), Idaho Code.

[49-328, added 1988, ch. 265, sec. 62, p. 604; am. 1989, ch. 88, sec. 40, p. 185; am. 1990, ch. 45, sec. 27, p. 101; am. 1990, ch. 216, sec. 3, p. 582; am. 1990, ch. 432, sec. 2, p. 1198; am. 1992, ch. 115, sec. 20, p. 370; am. 1993, ch. 413, sec. 3, p. 1523; am. 1994, ch. 357, sec. 3, p. 1125; am. 1997, ch. 227, sec. 2, p. 665; am. 1997, ch. 238, sec. 5, p. 699; am. 1999, ch. 81, sec. 14, p. 257; am. 2008, ch. 18, sec. 4, p. 27; am. 2009, ch. 331, sec. 4, p. 955; am. 2018, ch. 298, sec. 3, p. 707.]

49-329. NO OPERATION UNDER FOREIGN LICENSE DURING SUSPENSION OR REVOCATION IN IDAHO. No resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in Idaho has been suspended or revoked shall operate a motor vehicle in this state under a driver's license, permit, or registration certificate issued by any other jurisdiction or otherwise during the suspension or after revocation until a new driver's license is obtained when and as permitted under this chapter.

[49-329, added 1988, ch. 265, sec. 63, p. 604; am. 1989, ch. 88, sec. 41, p. 186.]

49-330. RIGHT OF APPEAL TO COURT. Any person denied a driver's license by the department or whose driver's license has been cancelled, suspended, disqualified, revoked, or restricted by the department shall have the right to file a petition for judicial review pursuant to [chapter 52, title 67](#), Idaho Code.

[49-330, added 1988, ch. 265, sec. 64, p. 605; am. 1989, ch. 88, sec. 42, p. 186; am. 1990, ch. 45, sec. 28, p. 101; am. 1997, ch. 238, sec. 6, p. 700.]

49-331. UNLAWFUL USE OF DRIVER'S LICENSE. It is a misdemeanor for any person:

- (1) To display or cause or permit to be displayed or have in his possession any mutilated or illegible, cancelled, revoked, suspended, disqualified, fictitious or fraudulently altered driver's license;
- (2) To lend his driver's license to any other person or knowingly permit the use of his driver's license by another;
- (3) To display or represent as one's own a driver's license not issued to him;
- (4) To fail or refuse to surrender to the department, upon its lawful demand, any driver's license which has been suspended, revoked, disqualified or cancelled;
- (5) To use a false or fictitious name in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in any application;
- (6) To permit any unlawful use of a driver's license issued to him; or
- (7) To manufacture, produce, sell, offer for sale or transfer to another person any document purporting to be a certificate of birth or driver's license.

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

[49-331, added 1988, ch. 265, sec. 65, p. 605, am. 1989, ch. 88, sec. 43, p. 186; am. 1989, ch. 342, sec. 1, p. 866; am. 1990, ch. 45, sec. 29, p. 101; am. 1992, ch. 115, sec. 21, p. 370; am. 2000, ch. 327, sec. 4, p. 1104.]

49-332. MAKING FALSE AFFIDAVIT PERJURY. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the provisions of this chapter to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punished as provided by law.

[49-332, added 1988, ch. 265, sec. 66, p. 605.]

49-333. PROHIBITIONS. No person shall:

(1) Cause or knowingly permit his child or ward under the age of eighteen (18) years to operate a motor vehicle upon any highway when the child or ward is not authorized under or is in violation of any of the provisions of this chapter.

(2) Authorize or knowingly permit a motor vehicle owned by him or under his control to be operated upon any highway by any person who is not authorized under or is in violation of any of the provisions of this chapter.

(3) Employ as a chauffeur of a motor vehicle any person not then licensed as provided in this chapter.

[49-333, added 1988, ch. 265, sec. 67, p. 605.]

49-334. RENTING MOTOR VEHICLE TO ANOTHER. (1) No person shall rent a motor vehicle to any other person unless the latter person is then licensed or, in the case of a nonresident, then licensed under the laws of the state or country of his residence, except a nonresident whose home state or country does not require that any operator be licensed.

(2) No person shall rent a motor vehicle to another until he has inspected the driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of the person written in his presence.

(3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. This record shall be open to inspection by any peace officer or officer or employee of the department.

[49-334, added 1988, ch. 265, sec. 68, p. 606, am. 1989, ch. 88, sec. 44, p. 187.]

49-335. DISQUALIFICATIONS AND PENALTIES -- COMMERCIAL DRIVER'S LICENSE. (1) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if convicted in the form of a judgment or withheld judgment of a first violation under any state or federal law of:

(a) Operating a motor vehicle while under the influence of alcohol or a controlled substance;

(b) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or bodily substance is 0.04 or more;

(c) Leaving the scene of an accident involving a motor vehicle driven by the person;

(d) Using a motor vehicle in the commission of any felony;

(e) Operating a commercial motor vehicle when the person's class A, B or C commercial driver's license driving privileges were revoked, suspended or canceled, or during a time when such person was disqualified from operating a commercial motor vehicle, if the reason for such revocation, suspension, cancellation or disqualification was the result of a violation that occurred while the person was operating a commercial motor vehicle;

(f) Causing a fatality through negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

(2) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if the person refuses to submit to or submits to and fails a test to determine the driver's alcohol, drug or other intoxicating substances concentration while operating a motor vehicle.

(3) If any of the offenses specified in subsection (1) or (2) of this section occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three (3) years.

(4) A person is disqualified for the period of time specified in 49 CFR part 383 if found to have committed two (2) or more of any of the offenses specified in subsection (1) or (2) of this section, or any combination of those offenses, arising from two (2) or more separate incidents.

(5) A person is disqualified for the period of time specified in 49 CFR part 383 from operating a commercial motor vehicle who uses a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession of a controlled substance with the intent to manufacture, distribute or dispense such controlled substance.

(6) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three (3) year period. A conviction for reckless driving shall be considered a serious traffic violation if committed while operating a commercial motor vehicle or a noncommercial motor vehicle, as specified in 49 CFR part 383.

(7) A person who drives, operates, or is in physical control of a commercial motor vehicle within this state while having any detectable amount

of alcohol in his system or who refuses to submit to an alcohol test must be placed out of service for twenty-four (24) hours and be subject to the provisions of section [18-8002](#), Idaho Code.

(8) It is unlawful to violate an out-of-service order. A person who is convicted in the form of a judgment or withheld judgment of a violation of an out-of-service order while driving a commercial motor vehicle is disqualified for not less than:

(a) One hundred eighty (180) days nor more than one (1) year for a first conviction;

(b) Two (2) years nor more than five (5) years for a second conviction arising from separate incidents during any ten (10) year period;

(c) Three (3) years nor more than five (5) years for three (3) or more convictions arising from separate incidents during any ten (10) year period.

(9) A person who is convicted in the form of a judgment or withheld judgment of a violation of an out-of-service order while driving a commercial motor vehicle and while transporting hazardous materials required to be placarded under the hazardous materials transportation act, or while operating motor vehicles designed to transport sixteen (16) or more people including the driver, is disqualified for not less than:

(a) One hundred eighty (180) days nor more than two (2) years for a first conviction;

(b) Three (3) years nor more than five (5) years for subsequent convictions arising from separate incidents in any ten (10) year period.

(10) A person is disqualified from operating a commercial motor vehicle if convicted of a railroad grade crossing violation as specified in 49 CFR part 383 or applicable state laws while operating a commercial motor vehicle. The disqualification shall be for a period of:

(a) Sixty (60) days for a first conviction;

(b) One hundred twenty (120) days for a second conviction during any three (3) year period;

(c) One (1) year for a third or subsequent conviction during any three (3) year period.

(11) A person is disqualified from operating a commercial motor vehicle if the federal motor carrier administration has determined the person's driving constitutes an imminent hazard, as defined in 49 CFR 383.5.

(a) An imminent hazard disqualification may not exceed one (1) year in duration. The driver, or a representative on his or her behalf, may file an appeal of the disqualification with the assistant administrator, adjudications counsel, federal motor carrier safety administration.

(b) Any imminent hazard disqualification transmitted by the federal motor carrier safety administration shall become a part of the driver's record.

(c) The imminent hazard disqualification shall run concurrent to any other existing disqualification.

(12) In addition to the disqualification periods in subsections (8) and (9) of this section, a driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than two thousand five hundred dollars (\$2,500) for the first conviction and not less than five thousand dollars (\$5,000) for any subsequent conviction.

[49-335, added 1989, ch. 88, sec. 45, p. 187; am. 1990, ch. 45, sec. 30, p. 102; am. 1993, ch. 300, sec. 7, p. 1115; am. 1996, ch. 371, sec. 14, p. 1266; am. 1998, ch. 110, sec. 27, p. 410; am. 1999, ch. 81, sec. 15, p.

258; am. 2002, ch. 181, sec. 1, p. 528; am. 2005, ch. 352, sec. 9, p. 1109; am. 2006, ch. 164, sec. 8, p. 495; am. 2007, ch. 100, sec. 1, p. 303; am. 2009, ch. 155, sec. 1, p. 453; am. 2010, ch. 49, sec. 3, p. 91.]

49-336. NONRESIDENT COMMERCIAL DRIVER'S LICENSE. (1) The department shall issue a license in class A, B, or C or any endorsement, only to a person who is domiciled in this state; however, an applicant who is domiciled in a foreign country where the commercial motor vehicle operator testing and licensing standards do not meet the standards in accordance with 49 CFR part 383 may obtain a nonresident driver's license from this state which meets such standards. The applicant for a nonresident driver's license shall be required to comply with all provisions of this chapter, in the same manner as an Idaho resident.

(2) The department shall add the word nonresident to the face of the commercial driver's license of the nonresident driver.

[49-336, added 1989, ch. 88, sec. 45, p. 188; am. 1990, ch. 45, sec. 31, p. 104.]

49-337. EMPLOYEE AND EMPLOYER RESPONSIBILITIES. (1) Any operator of a commercial motor vehicle or any person who holds a class A, B or C driver's license issued by this state, and who is convicted of violating any state law or local ordinance in any other state relating to motor vehicle traffic control, other than parking violations, such person shall notify the department of the conviction in the manner specified by the department within thirty (30) days of the date of conviction.

(2) Any operator of a commercial motor vehicle or any person who holds a class A, B or C driver's license issued by this state, and who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, other than parking violations, such person shall notify his employer in writing of the conviction within thirty (30) days of the date of conviction.

(3) Each employee whose class A, B or C driver's license is suspended, revoked, denied, refused or canceled by this state or who loses the privilege to operate a commercial motor vehicle in any state for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify his employer of that fact before the end of the business day following the day the employee received notice of that fact.

(4) Each person who applies for employment as an operator of a commercial motor vehicle with an employer shall provide notification to the employer, at the time of application, of his previous employment as an operator of a commercial motor vehicle. The period of previous employment of which notification must be given shall be the ten (10) year period ending on the date of application for employment.

(5) No employer shall knowingly allow, permit, require or authorize an employee to operate a commercial motor vehicle in the United States during any period:

(a) In which the employee has a driver's license suspended, revoked or canceled by a state, has lost the privilege to operate a commercial motor vehicle in a state or has been disqualified from operating a commercial motor vehicle; or

(b) In which the employee has more than one (1) driver's license; or

(c) In which the employee, or the motor vehicle being driven, or the motor carrier operation, is subject to an out-of-service order.

(6) An employer who is convicted of a violation of subsection (5) (c) of this section shall be subject to a civil penalty of not less than two thousand seven hundred fifty dollars (\$2,750) nor more than twenty-five thousand dollars (\$25,000).

(7) No employer shall knowingly allow, permit, require or authorize an employee to operate a commercial motor vehicle in the United States in violation of any federal, state or local law or federal regulation pertaining to railroad grade crossings. An employer who is convicted of a violation of this subsection (7) shall, in addition to the general penalties provided for in this title, be subject to a civil penalty of not more than ten thousand dollars (\$10,000).

(8) Each employer shall require the information specified in subsection (4) of this section to be provided by the employee.

[49-337, added 1989, ch. 88, sec. 45, p. 188; am. 1996, ch. 371, sec. 15, p. 1267; am. 1999, ch. 81, sec. 16, p. 260; am. 2002, ch. 181, sec. 2, p. 529; am. 2006, ch. 164, sec. 9, p. 497; am. 2009, ch. 155, sec. 2, p. 455.]