

REVISED

STATEMENT OF PURPOSE

RS28453 / H0148

The purpose of this legislation is to correct an inherent inequity in the dual application of two statutes relating to the charges for a criminal DUI charge pursuant to Idaho Code 18-8004, 18-8004C, or 18-8006 and the contemporaneous suspension of a driver's license arising out of the same criminal DUI charge. Idaho Code 18-8002A (2). If the defendant driver is found innocent of the criminal DUI charge, which is vacated or dismissed, the current law requires that the defendant driver's license will continue to be suspended for the original time prescribed. The proposed legislation corrects this inequity by providing that if a person's license is suspended for a criminal DUI charge and the same criminal DUI charge is subsequently vacated or dismissed, then the suspension of the driver's license shall also be vacated. The defendant's driving privileges shall be restored on the effective date that the criminal DUI charges are vacated or dismissed.

FISCAL NOTE

The fiscal impact of this legislation is difficult to estimate. According to the Idaho Department in Transportation, in calendar year 2019 there were 1,732 instances where a driver had an administrative license suspension in effect, with no corresponding DUI conviction. Under this proposal, the Department will no longer receive a \$245 reinstatement fee for each of these administrative license suspensions. Based on these numbers, this could amount to an annual loss of \$424,340 in reinstatement fees to the State Highway Account. This amount is not static, as it is dependent on the number of cases that would be vacated or dismissed.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).