

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 320

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DRIVER'S EDUCATION; REPEALING CHAPTER 17, TITLE 33, IDAHO CODE,
2 RELATING TO DRIVER TRAINING COURSES; AMENDING SECTION 49-303, IDAHO
3 CODE, TO REVISE PROVISIONS REGARDING LICENSING PROHIBITIONS; REPEAL-
4 ING SECTION 49-307, IDAHO CODE, RELATING TO CLASS D DRIVER'S TRAINING
5 INSTRUCTION PERMITS, CLASS D SUPERVISED INSTRUCTION PERMITS, AND AP-
6 PPLICATIONS FOR CLASS D DRIVER'S LICENSES; AMENDING CHAPTER 3, TITLE
7 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-307, IDAHO CODE, TO
8 PROVIDE FOR CLASS D LEARNER'S PERMITS, CLASS D INTERMEDIATE LICENSES,
9 AND APPLICATIONS; AND AMENDING SECTION 49-307A, IDAHO CODE, TO REVISE
10 PROVISIONS REGARDING RESTRICTED SCHOOL ATTENDANCE DRIVING PERMITS.
11

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

13 SECTION 1. That Chapter 17, Title 33, Idaho Code, be, and the same is
14 hereby repealed.

15 SECTION 2. That Section 49-303, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not
18 issue any driver's license, any instruction permit, privileges or right to
19 drive and if issued, may revoke or cancel the driver's license of a person
20 who:

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

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

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

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

6 (54) As a driver has had his license, class D instruction permit, re-
7 stricted school attendance driving permit, privileges or right to drive
8 suspended for the duration of the suspension, nor to any person who has had
9 his class D driver's training instruction permit or class D supervised in-
10 struction permit canceled for the duration of the cancellation, nor to any
11 person whose license has been revoked, suspended, canceled or disqualified
12 by this state or any other jurisdiction; provided however, where a driver's
13 license has been revoked, suspended, canceled or disqualified in any other
14 jurisdiction, and the driver has completed the period of revocation, suspen-
15 sion, cancellation or disqualification as specified by the jurisdiction,
16 that person may be granted a class D driver's license in this state if five
17 (5) years have elapsed from the time of eligibility for reinstatement in the
18 other jurisdiction, even though the driver has not fulfilled the require-
19 ments for reinstatement in the other jurisdiction.

20 (65) Has been adjudged by a court of competent jurisdiction to be an ha-
21 bitual drunkard or addicted to the use of narcotic drugs, and such order has
22 been received by the department.

23 (76) Has been adjudged by a licensed physician or by a court of compe-
24 tent jurisdiction to be afflicted with or suffering from any mental incompe-
25 tence that would affect the person's ability to safely operate a motor vehi-
26 cle and who has not at the time of application been restored to competency by
27 the methods provided by law, and such order has been received by the depart-
28 ment.

29 (87) Is required by the provisions of this chapter to take an examina-
30 tion, unless that person shall have successfully passed such examination.

31 (98) May be required under any law of this state to furnish proof of fi-
32 nancial responsibility and who has not furnished that proof.

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

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

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

41 (132) Is not a resident of the state of Idaho.

42 (143) Is not lawfully present in the United States.

43 SECTION 3. That Section [49-307](#), Idaho Code, be, and the same is hereby
44 repealed.

45 SECTION 4. That Chapter 3, Title 49, Idaho Code, be, and the same is
46 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
47 ignated as Section 49-307, Idaho Code, and to read as follows:

1 49-307. CLASS D INSTRUCTION PERMIT -- CLASS D INTERMEDIATE LICENSE
 2 -- APPLICATION FOR A CLASS D DRIVER'S LICENSE. (1) A person who is fourteen
 3 (14) through fifteen (15) years of age may apply for a learner's permit. Both
 4 the applicant and his legal guardian must apply in person. The applicant
 5 must pass a written driver's knowledge test and a vision test to receive
 6 a learner's permit. Every applicant shall provide his full name, date of
 7 birth, sex, social security number, residence address, and a certified copy
 8 of his birth certificate.

9 (2) A learner's permit shall allow a person to drive with a parent or le-
 10 gal guardian. Each parent or legal guardian riding with a learner's permit
 11 holder shall document the learner's permit holder's hours of driving experi-
 12 ence.

13 (3) An intermediate license shall be issued upon the successful comple-
 14 tion of a written driver's knowledge test, a vision test, and the driving ex-
 15 amination provided for in section 49-313, Idaho Code, to:

16 (a) A learner's permit license holder over the age of sixteen (16) years
 17 who has obtained at least fifty (50) documented hours of supervised
 18 driving with one (1) or more parents or legal guardians and who has been
 19 crash-free and criminal conviction-free for six (6) months; or

20 (b) A person over the age of sixteen (16) years and under the age of
 21 eighteen (18) years who has not previously held a driver's license or
 22 a learner's permit but who has successfully completed a driver's educa-
 23 tion course.

24 (4) An intermediate license shall allow a person to drive without a
 25 parent or legal guardian; however, such license holder shall not drive
 26 between the hours of 11:00 p.m. and 4:00 a.m., unless accompanied by a
 27 licensed driver twenty-one (21) years of age or older. Drivers with an in-
 28 termediate license may not drive with more than one (1) nonfamily passenger
 29 under twenty-one (21) years of age, unless accompanied by a licensed driver
 30 twenty-one (21) years of age or older.

31 (5) Notwithstanding any other provision in this chapter, persons aged
 32 seventeen (17) years or older may become licensed upon the successful com-
 33 pletion of a written driver's knowledge test, a vision test, and the driving
 34 examination provided for in section 49-313, Idaho Code.

35 SECTION 5. That Section 49-307A, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 49-307A. RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. Notwithstand-
 38 ing any other provision of this chapter applying to licenses or permits, and
 39 notwithstanding the minimum age requirement for a driver training course
 40 specified in section 33-1703, Idaho Code, other than those provisions
 41 specifically applying to restricted school attendance driving permits:

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

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

47 (b) The minor attends an educational program as identified in sec-
 48 tion 49-303A, Idaho Code, and complies with the provisions of section

1 49-303A, Idaho Code, including submission of verification of atten-
2 dance compliance by the school district to the department; and

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

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

8 (3) The minor must ~~have completed a driver training course and~~ comply
9 with section 49-310, Idaho Code, as a condition of issuance of a permit pur-
10 suant to the provisions of this section.

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

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