

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 539

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-303, IDAHO CODE, TO  
2 PROVIDE FOR RENEWAL OF A SUSPENDED NONCOMMERCIAL DRIVER'S LICENSE IN  
3 CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
4 49-319, IDAHO CODE, TO PROVIDE FOR RENEWAL OF A SUSPENDED NONCOMMERCIAL  
5 DRIVER'S LICENSE IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORREC-  
6 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
7

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

9 SECTION 1. That Section 49-303, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 49-303. ~~WHAT~~ WHICH PERSONS SHALL NOT BE LICENSED. The department shall  
12 not issue any driver's license, any instruction permit, privileges or right  
13 to drive and if issued, may revoke or cancel the driver's license of a person  
14 who:

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

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

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

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

41 (5) As a driver, has had his license, class D instruction permit, re-  
42 stricted school attendance driving permit, privileges or right to drive

1 suspended for the duration of the suspension, nor to any person who has had  
 2 his class D driver's training instruction permit or class D supervised in-  
 3 struction permit canceled for the duration of the cancellation, nor to any  
 4 person whose license has been revoked, suspended, canceled or disqualified  
 5 by this state or any other jurisdiction; provided however, where a driver's  
 6 license has been revoked, suspended, canceled or disqualified in any other  
 7 jurisdiction, and the driver has completed the period of revocation, suspen-  
 8 sion, cancellation or disqualification as specified by the jurisdiction,  
 9 that person may be granted a class D driver's license in this state if five  
 10 (5) years have elapsed from the time of eligibility for reinstatement in  
 11 the other jurisdiction, even though the driver has not fulfilled the re-  
 12 quirements for reinstatement in the other jurisdiction. Notwithstanding  
 13 the provisions of this section, a person who has had his noncommercial Idaho  
 14 driver's license suspended may renew his driver's license as provided in  
 15 section 49-319, Idaho Code, which renewal shall be subject to the suspen-  
 16 sion.

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

20 (7) Has been adjudged by a licensed physician or by a court of competent  
 21 jurisdiction to be afflicted with or suffering from any mental incompetence  
 22 that would affect the person's ability to safely operate a motor vehicle and  
 23 who has not at the time of application been restored to competency by the  
 24 methods provided by law, and such order has been received by the department.

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

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

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

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

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

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

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

39 SECTION 2. That Section 49-319, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 49-319. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE. (1) Every noncom-  
 42 mercial Idaho driver's license issued to a driver shall expire and be renew-  
 43 able as follows:

44 (a) For drivers twenty-one (21) years of age or older, the driver's li-  
 45 cence shall expire on the licensee's birthday in the fourth year follow-  
 46 ing the issuance of the driver's license.

47 (b) At the option of the applicant, for drivers twenty-one (21) years of  
 48 age through sixty-two (62) years of age, the driver's license shall ex-

1       pire ~~either~~ on the licensee's birthday in either the fourth year or the  
2 eighth year following the issuance of the driver's license.

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

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

11       (e) Every driver's license that is not, as provided by law, sus-  
12 pended, revoked or disqualified in this state or any other jurisdiction  
13 shall be renewable on or before its expiration, but not more than  
14 twenty-five (25) months before, upon application, payment of the re-  
15 quired fee, and satisfactory completion of the required vision screen-  
16 ing. Notwithstanding the provisions of this section, a person who has  
17 had his noncommercial Idaho driver's license suspended may renew his  
18 driver's license as provided in this section, which renewal shall be  
19 subject to the suspension.

20       (2) Except for the provisions found in subsection (3) of this section,  
21 every commercial driver's license issued to a person twenty-one (21) years  
22 of age or older shall expire on the licensee's birthday in the fourth year  
23 following issuance of the license, and any class A, B or C license issued to a  
24 person eighteen (18), nineteen (19) or twenty (20) years of age shall expire  
25 five (5) days after the licensee's twenty-first birthday. There shall be no  
26 option for an ~~eight-year~~ eight (8) year class A, B or C license.

27       (3) Every driver's license issued to a person who is not a citizen or  
28 permanent legal resident of the United States shall have an expiration date  
29 that is the same date as the end of lawful stay in the United States as indi-  
30 cated on documents issued and verified by the department of homeland secu-  
31 rity, provided however, that the expiration date shall not extend beyond the  
32 expiration date for the same category of license issued to citizens. Persons  
33 whose department of homeland security documents do not state an expiration  
34 date shall be issued a driver's license with an expiration date of one (1)  
35 year from the date of issuance. Fees shall be in accordance with the expira-  
36 tion periods and classes listed in section 49-306(1), Idaho Code.

37       (4) An applicant who is issued a driver's license in another jurisdic-  
38 tion after an Idaho driver's license has been issued is not eligible for re-  
39 newal or a duplicate of the Idaho driver's license. The applicant may apply  
40 for a new Idaho driver's license as provided in section 49-306, Idaho Code.

41       (5) No knowledge test shall be required for renewal of a driver's li-  
42 cense, except for renewal of a hazardous material endorsement. Appropriate  
43 knowledge and skill tests shall be required for an upgrade in a driver's li-  
44 cense class or an endorsement addition. In the case of a name change, the ap-  
45 plicant shall provide legal documentation to verify the change in accordance  
46 with department rules.

47       (6) Applicants for a hazardous material endorsement shall provide ei-  
48 ther proof of United States citizenship or proof of lawful, permanent United  
49 States residence and a valid federal bureau of citizenship and immigration  
50 services alien registration number. A security background records check and

1 federal transportation security administration clearance shall be required  
2 for issuance, renewal or transfer of a hazardous material endorsement in ac-  
3 cordance with 49 CFR part 383, subject to procedures established by the fed-  
4 eral transportation security administration.

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

20 (8) (a) If a driver's license has expired or will expire and the licensee  
21 is temporarily out of state, except on active military duty, and the  
22 driver's license has not, as provided by law, been suspended, revoked,  
23 canceled, denied, refused or disqualified, the licensee may request  
24 in writing on a form prescribed by the department an extension of the  
25 driver's license. The request shall be accompanied by the fee fixed in  
26 section 49-306, Idaho Code, and the extension shall be no more than a  
27 twelve (12) month period. If the department determines that an exten-  
28 sion of the driver's license is necessary, it may issue a license show-  
29 ing the date to which the expired driver's license is extended. License  
30 extensions are limited to two (2) consecutive extensions per licensee.

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

34 (c) A hazardous material endorsement cannot be extended.

35 (9) An Idaho driver's license issued to any person prior to serving on  
36 active duty in the armed forces of the United States, or a member of the im-  
37 mediate family accompanying such a person, if valid and in full force and  
38 effect upon entering active duty, shall remain in full force and effect and  
39 shall, upon application, be extended for a period of four (4) years ~~so~~ as  
40 long as active duty continues, or shall be renewed upon application in person  
41 without the requirement to take a knowledge or skills test if ~~their~~ the Idaho  
42 driver's license expired while on active duty, if the driver's license is not  
43 suspended, denied, disqualified, canceled or revoked, as provided by law,  
44 during the active duty, and the driver's license shall remain in full force  
45 and effect sixty (60) days following the date the holder is released from ac-  
46 tive duty.

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

49 (11) A seasonal driver's license is only valid for a one hundred eighty  
50 (180) day period from the date of issuance. Only one (1) seasonal driver's

1 license may be obtained in any twelve (12) month period, and may only be ob-  
2 tained twice in a driver's lifetime.

3 (12) A person who applies for renewal of a license may request that the  
4 notation "permanently disabled" be imprinted on the license, and the depart-  
5 ment shall imprint "permanently disabled" on the license if:

6 (a) The person has a permanent disability; and

7 (b) The person presents written certification from a licensed physi-  
8 cian, licensed physician assistant, or licensed advanced practice  
9 professional nurse verifying that the person's stated impairment qual-  
10 ifies as a permanent disability as provided in section 49-117, Idaho  
11 Code; and

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

14 SECTION 3. An emergency existing therefor, which emergency is hereby  
15 declared to exist, this act shall be in full force and effect on and after  
16 July 1, 2022.