

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 639

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-307, IDAHO
2 CODE, TO PROVIDE FOR DRIVER'S TRAINING BY A QUALIFYING PARENT OR LEGAL
3 GUARDIAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-302,
4 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION
5 49-303, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING
6 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 49-307, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SU-
12 PERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE
13 -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D
14 driver's training course shall be allowed to attend classes or participate
15 in driving instruction unless he has obtained a class D driver's training in-
16 struction permit, or a class D instruction permit as provided in subsection
17 (4) of this section.

18 (2) Every enrollee of a class D driver's training course shall pay a
19 nonrefundable fee of fifteen dollars (\$15.00), except that a pupil who par-
20 ticipates in parent-student driver's training pursuant to subsection (7) of
21 this section shall pay a nonrefundable fee of ten dollars (\$10.00). Five
22 dollars (\$5.00) of each fee so imposed shall be deposited in the state high-
23 way account, and five dollars (\$5.00) shall be deposited in the county cur-
24 rent expense fund, and. The additional five dollars (\$5.00) for every class
25 D driver's training course enrollee shall be:

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

28 (b) Paid to the bureau of occupational licenses and deposited in the
29 state treasury to the credit of the occupational licenses fund if the
30 person is taking driver's training from a private driver's training
31 program. The amount to be remitted to the bureau of occupational li-
32 censes shall be annually calculated and paid. To calculate such amount,
33 the total number of public driver's training students as submitted to
34 the state department of education shall be subtracted from the total
35 number of permits sold as reported by the Idaho transportation de-
36 partment, and the resulting number shall be multiplied by five dollars
37 (\$5.00).

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

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

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

13 (5) The class D driver's training instruction permit shall be issued to
14 the instructor of the course or to the qualifying parent or legal guardian as
15 described in subsection (7) of this section.

16 (6) Class D supervised instruction permit.

17 (a) Upon successful completion of the class D driver's training course,
18 the driver's training instructor shall submit the student log to the
19 county driver's license office and give the class D driver's training
20 instruction permit to the parent or legal guardian of the permittee, and
21 the parent or legal guardian shall assume responsibility for ensuring
22 that the permittee complies with the requirements of operating a vehi-
23 cle with a class D supervised instruction permit. The class D driver's
24 training instruction permit shall then serve as a class D supervised
25 instruction permit.

26 (b) In the event the permittee reaches the age of seventeen (17) years
27 while operating a class D vehicle with a class D supervised instruction
28 permit, the supervised instruction permit shall become a class D in-
29 struction permit.

30 (7) (a) Notwithstanding any other provisions of law, pupils eligible
31 for driver's training pursuant to section 33-1703, Idaho Code, may
32 receive driver's training instruction from a qualifying parent or le-
33 gal guardian. The driver's training provided for in this subsection
34 shall be known as "parent-student driver's training." A parent or legal
35 guardian qualifies to provide parent-student driver's training under
36 this subsection as long as:

37 (i) The parent or guardian possesses a valid Idaho driver's li-
38 cence that permits unaccompanied driving; and

39 (ii) The parent or guardian has not had a license suspended, re-
40 voked, or canceled and has not been disqualified from holding an
41 Idaho driver's license for the previous two (2) years. A parent
42 or legal guardian will no longer be qualified if a license becomes
43 suspended, revoked, or canceled or if a parent or guardian becomes
44 disqualified from holding an Idaho driver's license during the
45 student's education.

46 (b) Parent-student driver's training shall include ninety-two (92) to-
47 tal hours of driver's training provided to the student, including:

48 (i) No less than fifty (50) hours of street or highway driving;
49 and

1 (ii) No less than ten (10) hours of driving after sunset or before
2 sunrise.

3 (c) A qualifying parent or legal guardian who provides driver's train-
4 ing under this section shall maintain and submit a log to the county
5 driver's license office at the completion of the student's training.
6 The log shall include the dates the lessons were conducted and details
7 regarding what was included in the lesson.

8 (d) A student may receive parent-student driver's training from more
9 than one (1) qualifying parent or legal guardian.

10 (e) Upon completion of parent-student driver's training, a student
11 must meet the requirements of subsection (8) of this section before ap-
12 plying for a class D driver's license.

13 (8) No permittee may apply for a class D driver's license sooner than
14 fifteen (15) years of age and no sooner than six (6) months after completing
15 a class D driver's training course or parent-student driver's training, dur-
16 ing which time the permittee shall satisfy all requirements for operation of
17 a class D vehicle with a class D supervised instruction permit as follows:

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

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

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

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

31 (e) The permittee is subject to the provisions of sections 18-1502 and
32 18-8004, Idaho Code, relating to violation of age restrictions on con-
33 sumption of beer, wine, and alcohol and driving under the influence of
34 alcohol, drugs or any other intoxicating substances, respectively.

35 (f) The permittee shall not have been convicted of any moving traffic
36 violation, or have had driving privileges suspended by the department
37 or the court for any offense, or found to be in violation of any of the
38 restrictions on the class D supervised instruction permit, for a period
39 of at least six (6) months from the date the driver's training instruc-
40 tor gave the permit to the parent or legal guardian, or from the date a
41 canceled class D supervised instruction permit was reissued, or until
42 the permittee reaches seventeen (17) years of age.

43 (g) If the permittee is under seventeen (17) years of age and is con-
44 victed of a violation of any traffic law, or section 18-1502, 18-8004
45 or 23-949, Idaho Code, or is found to be in violation of any of the re-
46 strictions on the class D supervised instruction permit, the department
47 shall cancel the class D supervised instruction permit, and the cancel-
48 lation shall not be used to establish rates of motor vehicle insurance
49 charged by a casualty insurer. If the permittee is under seventeen (17)
50 years of age, the permittee may reapply for and be issued a new class D

1 supervised instruction permit upon payment of the appropriate fee, and
 2 shall again be required to operate with the class D supervised instruc-
 3 tion permit for at least six (6) months from the date of reissue with-
 4 out a conviction or suspension, accumulate the required hours of driv-
 5 ing time, and adhere to the requirements as specified in paragraphs (a)
 6 through (f) of this subsection.

7 (~~8~~9) Upon completion of the requirements in subsection (~~7~~8) of this
 8 section, the permittee shall take the knowledge test and skills test ad-
 9 ministered by a person certified by the Idaho transportation department to
 10 administer knowledge and skills tests.

11 (~~9~~10) Upon passage of the knowledge and skills tests, the permittee may
 12 apply for a class D driver's license with driving privileges restricted to
 13 daylight hours for persons under sixteen (16) years of age, and with full
 14 privileges at sixteen (16) years of age or older. Provided however, the re-
 15 striction on daylight hours only driving privileges for persons under six-
 16 teen (16) years of age shall not apply if:

17 (a) The person under sixteen (16) years of age has a valid class D
 18 driver's license; and

19 (b) ~~Is~~ The person is accompanied by a driver who holds a valid driver's
 20 license and is twenty-one (21) years of age or older and is actually oc-
 21 cupping a seat beside the licensee who is under sixteen (16) years of
 22 age; and

23 (c) The two (2) licensed drivers are the only occupants of the front
 24 passenger section of the vehicle.

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

27 (~~10~~1) Upon passage of the knowledge and skills tests, the permittee may
 28 apply for a class D driver's license. Any such licensee who is under the age
 29 of seventeen (17) years shall be required, during the first six (6) months
 30 from the date of issue of the class D driver's license, to limit the number
 31 of passengers in the vehicle who are under the age of seventeen (17) years to
 32 not more than one (1) such passenger. Provided however, the limit of one (1)
 33 passenger under the age of seventeen (17) years shall not apply to passengers
 34 who are related to the driver by blood, adoption, or marriage.

35 SECTION 2. That Section 49-302, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons
 38 are exempt from licensing if driving privileges are not suspended, canceled,
 39 revoked, disqualified, denied or refused:

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

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

44 (a) Controlled and operated by a farmer, including operation by employ-
 45 ees or family members; and

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

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

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

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

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

10 (5) A nonresident who is at least fifteen (15) years of age and who has
11 in his immediate possession a valid driver's license issued to him in his
12 home state or country may operate a motor vehicle in Idaho only as a class
13 D operator with driving privileges restricted to daylight hours only except
14 as provided in section 49-307(910), Idaho Code, and with full privileges at
15 sixteen (16) years of age, and only if Idaho residency is not established.

16 (6) A nonresident who is at least fifteen (15) years of age and who has
17 in his possession a valid driver's license with a motorcycle endorsement or
18 who has a valid motorcycle driver's license issued to him in his home state or
19 country may operate a motorcycle in Idaho with driving privileges restricted
20 to daylight hours only, and with full privileges at sixteen (16) years of
21 age.

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

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

29 (9) Any active duty military personnel, active duty U.S. coast guard
30 personnel, and members of the reserves and national guard on active duty in-
31 cluding personnel on full-time national guard duty, personnel on part-time
32 training and national guard military technicians who as civilians are re-
33 quired to wear military uniforms and are subject to the code of military
34 justice, are exempt from obtaining a commercial driver's license to operate
35 military vehicles. This exemption does not apply to U.S. reserve techni-
36 cians.

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

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

47 (a) Any unlicensed operators under the age of sixteen (16) years, on
48 national forest roads must have completed a motorbike or ATV safety
49 course approved by the Idaho department of parks and recreation, and a
50 certificate or other proof of completion of such safety course shall be

1 in the possession of the unlicensed operator of any ATV, UTV, specialty
2 off-highway vehicle or motorbike, or shall be present in the vehicle at
3 all times when the vehicle is operated on national forest roads. The
4 certificate or proof of completion shall be provided for inspection to
5 any peace officer upon request. No person shall be convicted of violat-
6 ing the provisions of this subsection if that person produces, at any
7 time prior to conviction, the certificate or proof of completion of the
8 approved safety course where the certificate shows completion of the
9 course prior to the violation. In the event of a violation of the provi-
10 sions of this subsection, the supervising adult may be charged with an
11 infraction.

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

17 SECTION 3. That Section 49-303, Idaho Code, be, and the same is hereby
18 amended to read as follows:

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

23 (1) As an operator of a vehicle requiring a class D driver's license, is
24 under the age of seventeen (17) years, except that the department may issue
25 a driver's license to any person who has successfully completed an approved
26 driver's training course, has completed the requirements of a class D super-
27 vised instruction permit, and who is at least fifteen (15) years of age, with
28 driving privileges restricted to daylight hours only except as provided in
29 section 49-307(~~910~~), Idaho Code, and with full privileges at sixteen (16)
30 years of age. The restriction of daylight hours only shall mean that period
31 of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sun-
32 set. If a person who is at least fifteen (15) years but is under seventeen
33 (17) years of age has successfully completed an approved driver's training
34 course and has been issued a driver's license in another state, he may be
35 issued a class D driver's license in this state. Provided however, that a
36 restricted school attendance driving permit may be issued to those persons
37 meeting the criteria set forth in section 49-307A, Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 SECTION 4. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after
39 January 1, 2023.