

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 531

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 ON-ROAD TRAINING BY A QUALIFYING PARENT
3 OR LEGAL GUARDIAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
4 TION 49-302, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING
5 SECTION 49-303, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND
6 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 49-307, 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
19 a nonrefundable fee of fifteen dollars (\$15.00), except that a pupil who
20 participates in parent-student on-road driver's training pursuant to sub-
21 section (7) of this section shall pay a nonrefundable fee of ten dollars
22 (\$10.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in
23 the state highway account, and five dollars (\$5.00) shall be deposited in the
24 county current expense fund, and. The additional five dollars (\$5.00) for
25 every class 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 division of occupational and professional licenses
29 and deposited in the state treasury to the credit of the occupational
30 licenses fund if the person is taking driver's training from a private
31 driver's training program. The amount to be remitted to the division
32 of occupational and professional licenses shall be annually calculated
33 and paid. To calculate such amount, the total number of public driver's
34 training students as submitted to the state department of education
35 shall be subtracted from the total number of permits sold as reported by
36 the Idaho transportation department, and the resulting number shall be
37 multiplied by five dollars (\$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
15 pursuant to 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 provision of law to the contrary,
31 pupils eligible for driver's training pursuant to section 33-1703,
32 Idaho Code, may receive driver's training instruction from a qualifying
33 parent or legal guardian. The driver's training provided for in this
34 subsection shall be known as parent-student on-road driver's training.
35 A parent or legal guardian qualifies to provide parent-student on-road
36 driver's training pursuant to this subsection as long as:

37 (i) The parent or legal guardian possesses a valid Idaho driver's
38 license that permits unaccompanied driving;

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

46 (iii) The parent or legal guardian and the student live in a rural
47 school district as defined by section 33-319, Idaho Code, or in a
48 school district that does not offer driver education courses.

1 (b) Parent-student on-road driver's training shall include ninety-two
 2 (92) total hours, over a period of no less than six (6) months, of
 3 on-road driver's training provided to the student, including:

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

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

8 (c) A qualifying parent or legal guardian who provides parent-student
 9 on-road driver's training pursuant to this subsection shall maintain
 10 and submit a log to the county driver's license office at the completion
 11 of the student's training. The log shall include the dates the lessons
 12 were conducted and details regarding what was included in the lesson.

13 (d) A student may receive parent-student on-road driver's training
 14 from more than one (1) qualifying parent or legal guardian.

15 (e) The parent or legal guardian must teach the student the accepted
 16 Idaho driver's education curriculum. The student must enroll and
 17 successfully complete the Idaho digital learning alliance driver ed-
 18 ucation online class, which is aligned to the state department of
 19 education's driver education online content requirements. IDLA shall
 20 make the online class available to any public or nonpublic student in
 21 the state of Idaho who wishes to enroll in such class to fulfill the re-
 22 quirements of this subsection.

23 (f) A student must meet the requirements of subsection (8) of this sec-
 24 tion before applying for a class D driver's license.

25 ~~(7)~~ (8) No permittee may apply for a class D driver's license sooner
 26 than fifteen (15) years of age and no sooner than six (6) months after com-
 27 pleting a class D driver's training course, during which time the permit-
 28 tee shall satisfy all requirements for operation of a class D vehicle with a
 29 class D supervised instruction permit as follows:

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

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

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

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

43 (e) The permittee is subject to the provisions of sections 18-1502 and
 44 18-8004, Idaho Code, relating to violation of age restrictions on con-
 45 sumption of beer, wine, and alcohol and driving under the influence of
 46 alcohol, drugs or any other intoxicating substances, respectively.

47 (f) The permittee shall not have been convicted of any moving traffic
 48 violation, have had driving privileges suspended by the department or
 49 the court for any offense, or have been found to be in violation of any
 50 of the restrictions on the class D supervised instruction permit for a

1 period of at least six (6) months from the date the driver's training in-
 2 structor gave the permit to the parent or legal guardian, or from the
 3 date a canceled class D supervised instruction permit was reissued, or
 4 until the permittee reaches seventeen (17) years of age.

5 (g) If the permittee is under seventeen (17) years of age and is con-
 6 victed of a violation of any traffic law, or section 18-1502, 18-8004
 7 or 23-949, Idaho Code, or is found to be in violation of any of the re-
 8 strictions on the class D supervised instruction permit, the department
 9 shall cancel the class D supervised instruction permit, and the cancel-
 10 lation shall not be used to establish rates of motor vehicle insurance
 11 charged by a casualty insurer. If the permittee is under seventeen (17)
 12 years of age, the permittee may reapply for and be issued a new class D
 13 supervised instruction permit upon payment of the appropriate fee and
 14 shall again be required to operate with the class D supervised instruc-
 15 tion permit for at least six (6) months from the date of reissue with-
 16 out a conviction or suspension, accumulate the required hours of driv-
 17 ing time, and adhere to the requirements as specified in paragraphs (a)
 18 through (f) of this subsection.

19 ~~(8)~~ (9) Upon completion of the requirements in subsection ~~(7)~~ (8) of
 20 this section, the permittee shall take the knowledge test and skills test ad-
 21 ministered by a person certified by the Idaho transportation department to
 22 administer knowledge and skills tests.

23 ~~(9)~~ (10) (a) Upon passage of the knowledge and skills tests, the permit-
 24 tee may apply for a class D driver's license with driving privileges re-
 25 stricted to daylight hours only for persons under sixteen (16) years of
 26 age and with full privileges at sixteen (16) years of age or older.

27 (b) For purposes of this subsection, "daylight hours only" means the
 28 period of time between 5:00 a.m. and 10:00 p.m. local time.

29 (c) The restriction on daylight hours only driving privileges for per-
 30 sons under sixteen (16) years of age shall not apply if:

31 (i) The person under sixteen (16) years of age has a valid class D
 32 driver's license;

33 (ii) The person under sixteen (16) years of age is accompanied by
 34 a driver who holds a valid driver's license and is twenty-one (21)
 35 years of age or older and is actually occupying a seat beside the
 36 licensee who is under sixteen (16) years of age; and

37 (iii) The two (2) licensed drivers are the only occupants of the
 38 front passenger section of the vehicle.

39 ~~(10)~~ (11) Upon passage of the knowledge and skills tests, the permit-
 40 tee may apply for a class D driver's license. Any such licensee who is under
 41 the age of seventeen (17) years shall be required, during the first six (6)
 42 months from the date of issue of the class D driver's license, to limit the
 43 number of passengers in the vehicle who are under the age of seventeen (17)
 44 years to not more than one (1) such passenger. Provided however, the limit
 45 of one (1) passenger under the age of seventeen (17) years shall not apply to
 46 passengers who are related to the driver by blood, adoption or marriage.

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

1 49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons
2 are exempt from licensing if driving privileges are not suspended, canceled,
3 revoked, disqualified, denied or refused:

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

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

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

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

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

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

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

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

23 (5) A nonresident who is at least fifteen (15) years of age and who has
24 in his immediate possession a valid driver's license issued to him in his
25 home state or country may operate a motor vehicle in Idaho only as a class
26 D operator with driving privileges restricted to daylight hours only pur-
27 suant to section ~~49-307(9)~~ 49-307(10), Idaho Code, and with full privileges
28 at sixteen (16) years of age, and only if Idaho residency is not established.

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

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

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

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

49 (10) Any person with a valid driver's license issued in their name is ex-
50 empt from the requirement to obtain a motorcycle endorsement on the license

1 when operating a motorcycle on highways or sections of highways designated
2 for unregistered motorcycle use under section 49-426(3), Idaho Code.

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

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

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

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

31 49-303. WHICH PERSONS SHALL NOT BE LICENSED. The department shall not
32 issue any driver's license, any instruction permit, privileges or right to
33 drive and, if issued, may revoke or cancel the driver's license of a person
34 who:

35 (1) As an operator of a vehicle requiring a class D driver's license, is
36 under the age of seventeen (17) years, except that the department may issue
37 a driver's license to any person who has successfully completed an approved
38 driver's training course, who has completed the requirements of a class D su-
39 pervised instruction permit, and who is at least fifteen (15) years of age,
40 with driving privileges restricted to daylight hours only pursuant to sec-
41 tion ~~49-307(9)~~ 49-307(10), Idaho Code, and with full privileges at sixteen
42 (16) years of age. If a person who is at least fifteen (15) years but is under
43 seventeen (17) years of age has successfully completed an approved driver's
44 training course and has been issued a driver's license in another state, he
45 may be issued a class D driver's license in this state. Provided however,
46 that a restricted school attendance driving permit may be issued to those
47 persons meeting the criteria set forth in section 49-307A, Idaho Code.

48 (2) As an operator of a vehicle requiring a class D driver's license,
49 is under the age of seventeen (17) years and has not successfully completed

1 an approved driver's training course and has not satisfied the requirements
2 of a class D supervised instruction permit. Provided however, that a re-
3 stricted school attendance driving permit may be issued to those persons
4 meeting the criteria set forth in section 49-307A, Idaho Code.

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

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

10 (5) As a driver, has had his license, class D instruction permit, re-
11 stricted school attendance driving permit, privileges or right to drive
12 suspended for the duration of the suspension, nor to any person who has had
13 his class D driver's training instruction permit or class D supervised in-
14 struction permit canceled for the duration of the cancellation, nor to any
15 person whose license has been revoked, suspended, canceled or disqualified
16 by this state or any other jurisdiction; provided however, where a driver's
17 license has been revoked, suspended, canceled or disqualified in any other
18 jurisdiction, and the driver has completed the period of revocation, suspen-
19 sion, cancellation or disqualification as specified by the jurisdiction,
20 that person may be granted a class D driver's license in this state if five
21 (5) years have elapsed from the time of eligibility for reinstatement in
22 the other jurisdiction, even though the driver has not fulfilled the re-
23 quirements for reinstatement in the other jurisdiction. Notwithstanding
24 the provisions of this section, a person who has had his noncommercial Idaho
25 driver's license suspended may renew his driver's license as provided in
26 section 49-319, Idaho Code, which renewal shall be subject to the suspen-
27 sion.

28 (6) Has been adjudged by a court of competent jurisdiction to be a ha-
29 bitual drunkard or addicted to the use of narcotic drugs and such order has
30 been received by the department.

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

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

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

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

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

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

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

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

1 SECTION 4. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.