

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 473

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO DRIVER'S LICENSES AND IDENTIFICATION CARDS; AMENDING SECTION 49-313, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EXAMINATION; AMENDING SECTION 49-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPIRATION AND RENEWAL OF CERTAIN DRIVER'S LICENSES, TO REVISE PROVISIONS RELATING TO EXTENSION OF CERTAIN DRIVER'S LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPIRATION AND RENEWAL OF CERTAIN IDENTIFICATION CARDS, TO ESTABLISH PROVISIONS RELATING TO THE EXTENSION OF CERTAIN IDENTIFICATION CARDS, TO ESTABLISH PROVISIONS RELATING TO IDENTIFICATION CARDS FOR CERTAIN OUT-OF-STATE PERSONS AND TO ESTABLISH PROVISIONS REGARDING IDENTIFICATION CARDS ISSUED TO CERTAIN PERSONS RELATED TO ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES.

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

SECTION 1. That Section 49-313, Idaho Code, be, and the same is hereby amended to read as follows:

49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or authorized agents of the department shall examine every applicant for an instruction permit, restricted school attendance driving permit, seasonal driver's license, ~~or a driver's license~~ or a motorcycle endorsement, except as otherwise provided by law. The examination shall include a vision screening and a test of the applicant's eyesight, ~~his~~ ability to read and understand highway signs regulating, warning, and directing traffic. A skills test shall be required for an applicant who has not been previously licensed for the class of license requested, or who holds a license issued by another country unless a reciprocal agreement is in force. However, a skills test may be required for any and all other applicants at the discretion of the examiner or department for a class A, B, C or D driver's license or a motorcycle endorsement. In addition, the applicant's knowledge of traffic laws of this state and when a motorcycle endorsement is applied for, the applicant's knowledge of safe motorcycle operating practices and traffic laws specifically relating to motorcycle operation shall be tested by a written examination, except as provided in section 49-319, Idaho Code. At the discretion of the examiner, the prescribed written examination may be conducted orally.

(2) The knowledge and skills examinations for applicants for driver's licenses in class A, B or C shall be conducted in compliance with 49 CFR part 383.

(3) The skills test for a class A, B, C or D driver's license or for any endorsement shall be given by the department or its authorized agents. The skills examiner for a motorcycle endorsement shall be certified by the division of professional-technical education.

1 (4) The department shall not issue the following endorsements except as
2 provided:

3 (a) A tank, double/triple trailer, or hazardous material endorsement
4 unless the applicant, in addition to all other applicable qualifica-
5 tions, has passed an appropriate knowledge test.

6 (b) A passenger endorsement unless the applicant, in addition to all
7 other applicable qualifications, has passed an appropriate knowledge
8 and skills test.

9 (c) A school bus endorsement unless the applicant, in addition to all
10 other applicable qualifications, has passed appropriate knowledge and
11 skills tests. Until September 30, 2005, the department may waive the
12 school bus endorsement skills test requirement if the applicant meets
13 the conditions set forth in accordance with 49 CFR part 383.123.

14 (5) Any person failing to pass a knowledge or skills test for a class
15 A, B, C or D driver's license, or a knowledge test for a seasonal driver's
16 license, or any endorsement may not retake the test within three (3) business
17 days of the failure.

18 (6) Any person retaking a knowledge or skills test for a driver's li-
19 cense shall pay the appropriate testing fee as specified in section 49-306,
20 Idaho Code.

21 (7) The motorcycle skills test for a motorcycle endorsement shall be
22 waived by the department:

23 (a) On and after September 1, 1998, if the applicant presents satisfac-
24 tory evidence of successful completion of a recognized motorcycle rider
25 training course approved by the division of professional-technical ed-
26 ucation;

27 (b) On and after September 1, 1998, if the applicant presents evi-
28 dence of a motorcycle endorsement on his current license by a state or
29 province which requires a motorcycle skills test equivalent to that re-
30 quired by Idaho law as determined by the division of professional-tech-
31 nical education;

32 (c) Until September 1, 1998.

33 (8) At the discretion of the department, an alternate skills test for
34 the motorcycle endorsement may be administered when the endorsement is for
35 operation of a three-wheeled motorcycle only.

36 (9) The department or its authorized agents may refuse to give an appli-
37 cant a skills test if there are reasonable grounds to believe that the safety
38 of the applicant, public, or the examiner would be jeopardized by doing so.
39 Reasonable grounds would include, but not be limited to, the applicant's in-
40 ability to pass the ~~eye test~~ vision screening, written tests, or a statement
41 by a licensed physician stating the applicant is not physically able to drive
42 a motor vehicle.

43 (10) The department or its authorized agents may deny issuance or re-
44 newal of a driver's license or endorsement to any applicant who does not meet
45 the licensing requirements for the class of driver's license or endorsement
46 being renewed or issued.

47 (11) Skills examinations for seasonal driver's licenses shall be
48 waived.

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

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

4 (a) Twenty-one (21) years of age or older shall expire on the licensee's
 5 birthday in the fourth year following the issuance of the driver's li-
 6 cense.

7 (b) At the option of the applicant, for drivers twenty-one (21) years of
 8 age through sixty-two (62) years of age, the driver's license shall ex-
 9 pire either on the licensee's birthday in the fourth year or the eighth
 10 year following the issuance of the driver's license.

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

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

19 (e) ~~Except licenses issued to drivers under twenty-one (21) years of~~
 20 ~~age, e~~ Every driver's license that is not, as provided by law, sus-
 21 pended, revoked or disqualified in this state or any other jurisdiction
 22 shall be renewable on or before its expiration, but not more than ~~twelve~~
 23 twenty-five (1225) months before, upon application, payment of the
 24 required fee, and satisfactory completion of the required ~~eyesight ex-~~
 25 amination vision screening.

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

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

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

47 (5) No knowledge test shall be required for renewal of a driver's li-
 48 cense, except for renewal of a hazardous material endorsement. Appropriate
 49 knowledge and skill tests shall be required for an upgrade in a driver's li-
 50 cense class or an endorsement addition. In the case of a name change, the ap-

1 plicant shall provide legal documentation to verify the change in accordance
2 with department rules.

3 (6) Applicants for a hazardous material endorsement shall provide ei-
4 ther proof of United States citizenship or proof of lawful, permanent United
5 States residence and a valid federal bureau of citizenship and immigration
6 services alien registration number. A security background records check and
7 federal transportation security administration clearance shall be required
8 for issuance, renewal or transfer of a hazardous material endorsement in ac-
9 cordance with 49 CFR part 383, subject to procedures established by the fed-
10 eral transportation security administration.

11 (7) ~~Except for drivers under twenty-one (21) years of age, w~~When
12 a driver's license has been expired for fewer than ~~twelve~~ twenty-five
13 ~~(1225)~~ months, the renewal of the driver's license shall start from the
14 original date of expiration regardless of the year in which the applica-
15 tion for renewal is made. If the driver's license is expired for ~~twelve~~
16 ~~twenty-five (1225)~~ months or more, the applicant shall be required to take
17 the appropriate knowledge, test(s) and skills test(s) for the class of li-
18 cense or endorsement being applied for, and vision ~~tests and the application~~
19 screening. The license shall expire on the licensee's birthday in the fourth
20 year following issuance of the driver's license for drivers twenty-one (21)
21 years of age or older, except as otherwise provided in subsections (1) (e) and
22 (3) of this section. At the option of the applicant, for drivers twenty-one
23 (21) years of age through sixty-two (62) years of age, the renewed license
24 shall expire either on the licensee's birthday in the fourth year or the
25 eighth year following issuance, except as otherwise provided in subsections
26 (1) (e) and (3) of this section.

27 (8) (a) If a driver's license has expired or will expire and the li-
28 censee is temporarily ~~out-of-state~~ out of state, except on active mil-
29 itary duty, and the driver's license has not, as provided by law, been
30 suspended, revoked, canceled, denied, refused or disqualified, the li-
31 censee may request in writing on a form prescribed by the department an
32 extension of the driver's license. The request shall be accompanied by
33 the fee fixed in section 49-306, Idaho Code, and the extension shall be
34 ~~less no more~~ no more than a twelve (12) month period. If the department deter-
35 mines that an extension of the driver's license is necessary, it may is-
36 sue a ~~certificate of extension~~ license showing the date to which the ex-
37 pired driver's license is extended, ~~and this certificate shall be at-~~
38 ~~tached to the expired driver's license. Certificates of License exten-~~
39 sions are limited to two (2) consecutive extensions per licensee.

40 (b) Upon returning to the state of Idaho, the licensee shall, within
41 ten (10) days, apply for a renewal of the expired driver's license and
42 surrender the ~~certificate of extension~~ extended license and the expired
43 driver's license.

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

45 (9) An Idaho driver's license issued to any person prior to serving
46 on active duty in the armed forces of the United States, or a member of the
47 immediate family accompanying such a person, if valid and in full force and
48 effect upon entering active duty, shall remain in full force and effect and
49 shall, upon application, be extended for a period of four (4) years so long
50 as active duty continues, or shall be renewed upon application in person

1 without the requirement to take a knowledge or skills test if their Idaho
 2 driver's license expired while on active duty, if the driver's license is not
 3 suspended, denied, disqualified, canceled or revoked, as provided by law,
 4 during the active duty, and the driver's license shall remain in full force
 5 and effect sixty (60) days following the date the holder is released from
 6 active duty.

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

9 (11) A seasonal driver's license is only valid for a one hundred eighty
 10 (180) day period from the date of issuance. Only one (1) seasonal driver's
 11 license may be obtained in any twelve (12) month period, and may only be ob-
 12 tained twice in a driver's lifetime.

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

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

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

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

24 SECTION 3. That Section 49-2444, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1)
 27 The department shall issue a distinguishing identification card that shall
 28 set forth the information contained in the application, in a form as pre-
 29 scribed by the department. All identification cards issued on or after Jan-
 30 uary 1, 1993, shall not contain the applicant's social security number. An
 31 applicant's social security number shall be exempt from disclosure except
 32 for inquiries from agencies or institutions authorized to obtain such infor-
 33 mation by federal law or regulation, from peace officers or from jury com-
 34 missioners. Each card shall have printed on it the applicant's full name,
 35 date of birth, Idaho residence address, sex, weight, height, eye color, hair
 36 color, and shall be issued a distinguishing number assigned to the appli-
 37 cant. If an applicant has submitted an application pursuant to the provi-
 38 sions of chapter 58, title 19, Idaho Code, then the applicant's identifica-
 39 tion card shall contain his or her alternative Idaho mailing address in place
 40 of his or her Idaho residence address. Each card shall also have printed on
 41 it the name of this state, the date of issuance, and the date of expiration.
 42 An identification card shall not be valid until it has been signed on the sig-
 43 nature line by the applicant. Each card shall bear upon it a color photograph
 44 of the applicant which shall be taken by the examiner at the time of appli-
 45 cation. The photograph shall be taken without headgear or other clothing or
 46 device that disguises or otherwise conceals the face or head of the appli-
 47 cant. A waiver may be granted by the department allowing the applicant to
 48 wear headgear or other head covering for medical, religious or safety pur-
 49 poses so long as the face is not disguised or otherwise concealed. At the re-

quest of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four-year identification card issued to persons twenty-one (21) years of age or older shall be ten dollars (\$10.00) of which five dollars (\$5.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight-year identification card shall be twenty dollars (\$20.00) of which ten dollars (\$10.00) shall be retained by the county and credited to the current expense fund, and ten dollars (\$10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the cardholder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (3) of this section.

Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(2) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than ~~twelve~~ twenty-five (~~12~~25) months before, and upon application and payment of the required fee.

(3) Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland secu-

1 rity, provided however, that the expiration date shall not extend beyond the
 2 expiration date for the same category of identification card issued to citi-
 3 zens. Persons whose department of homeland security documents do not state
 4 an expiration date shall be issued an identification card with an expiration
 5 date of one (1) year from the date of issuance.

6 (4) When an identification card has been expired for less than ~~twelve~~
 7 ~~twenty-five~~ (1225) months, the renewal of the identification card shall
 8 start from the original date of expiration regardless of the year in which
 9 the application for renewal is made. If the identification card is expired
 10 for more than ~~twelve~~ ~~twenty-five~~ (1225) months, the application shall ex-
 11 pire, at the option of the applicant, on the applicant's birthday in the
 12 fourth year or the eighth year following reissuance of the identification
 13 card, except as otherwise provided in subsection (3) of this section.

14 (5) (a) If an Idaho identification card has expired or will expire and
 15 the identification cardholder is temporarily out of state except on ac-
 16 tive military duty, the identification cardholder may request in writ-
 17 ing on a form prescribed by the department an extension of the identifi-
 18 cation card. The request shall be accompanied by the fee fixed in sec-
 19 tion 49-306, Idaho Code, and the extension shall be no more than a twelve
 20 (12) month period. If the department determines that an extension of
 21 the identification card is necessary, it may issue an identification
 22 card showing the date to which the expired identification card is ex-
 23 tended. Identification card extensions are limited to two (2) consecu-
 24 tive extensions per identification cardholder.

25 (b) Upon returning to the state of Idaho, the identification cardholder
 26 shall, within ten (10) days, apply for a renewal of the expired iden-
 27 tification card and surrender the extended identification card and the
 28 expired identification card.

29 (6) An Idaho identification card issued to any person prior to serving
 30 on active duty in the armed forces of the United States, or a member of the
 31 immediate family accompanying such a person, if valid and in full force and
 32 effect upon entering active duty, shall remain in full force and effect and
 33 shall, upon application, be extended for a period of four (4) years so long
 34 as active duty continues, and the identification card shall remain in full
 35 force and effect sixty (60) days following the date the cardholder is re-
 36 leased from active duty.

37 (7) A person possessing an identification card who desires to donate
 38 any or all organs or tissue in the event of death, and who has completed a
 39 document of gift pursuant to the provisions for donation of anatomical gifts
 40 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the
 41 donor, indicate this desire on the identification card by the imprinting of
 42 the word "donor" on the identification card. The provisions of this subsec-
 43 tion shall apply to persons possessing an identification card who are six-
 44 teen (16) years of age or older but less than eighteen (18) years of age if
 45 the requirements provided in chapter 34, title 39, Idaho Code, have been com-
 46 plied with.

47 (68) A person possessing an identification card or an applicant for an
 48 identification card who is a person with a permanent disability may request
 49 that the notation "permanently disabled" be imprinted on the identification
 50 card, provided the person presents written certification from a licensed

1 physician verifying that the person's stated impairment qualifies as a per-
2 manent disability according to the provisions of section 49-117, Idaho Code.

3 (79) In the case of a name change, the applicant shall provide legal
4 documentation to verify the change in accordance with department rules.

5 (810) Whenever any person, after applying for or receiving an identifi-
6 cation card, shall move from the address shown on the application or on the
7 identification card issued, that person shall, within thirty (30) days, no-
8 tify the transportation department in writing of the old and new addresses.

9 (911) The department shall cancel any identification card upon deter-
10 mining that the person was not entitled to the issuance of the identification
11 card, or that the person failed to give the required and correct information
12 in his application or committed fraud in making the application. Upon can-
13 cellation, the person shall surrender the canceled identification card to
14 the department.

15 (102) If any person shall fail to return to the department the identifi-
16 cation card as required, the department may direct any peace officer to se-
17 cure its possession and return the identification card to the department.

18 (113) The department may issue a no-fee identification card to an indi-
19 vidual whose driver's license has been canceled and voluntarily surrendered
20 as provided in section 49-322(5), Idaho Code. The identification card may be
21 renewed at no cost to the applicant as long as the driver's license remains
22 canceled.

23 (124) It is an infraction for any person to fail to notify the department
24 of a change of address as required by the provisions of subsection (810) of
25 this section.