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## Document (1)

1. [1991 Ida. SB 1187](#)

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## 1991 Ida. SB 1187

Enacted, March 27, 1991


### Reporter

1991 Ida. ALS 89; 1991 Ida. Ch. 89; 1991 Ida. SB 1187

IDAHO ADVANCE LEGISLATIVE SERVICE > LEGISLATURE OF THE STATE OF IDAHO FIFTY-FIRST  
LEGISLATURE FIRST REGULAR SESSION - 1991 IN THE SENATE > CHAPTER 89 > SENATE BILL NO. 1187

## Notice

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## Synopsis

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AN ACT RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-105, IDAHO CODE, TO DELETE THE DEFINITION OF "SPECIAL CLASS D" DRIVER'S LICENSE; AMENDING SECTION 49-302, IDAHO CODE, TO CLARIFY UNDER WHAT CONDITIONS A NONRESIDENT IS EXEMPT FROM LICENSING; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE THAT NO PERSON UNDER AGE SEVENTEEN SHALL BE LICENSED AND TO PROVIDE FOR THE ISSUANCE OF A LICENSE TO ANY PERSON FIFTEEN OR SIXTEEN YEARS OF AGE UNDER CERTAIN CONDITIONS; AMENDING SECTION 49-305, IDAHO CODE, TO DELETE THE PROVISION FOR THE ISSUANCE OF A SPECIAL CLASS D DRIVER'S LICENSE AND TO PROVIDE FOR THE ISSUANCE OF A LICENSE TO PERSONS FIFTEEN AND SIXTEEN YEARS OF AGE UNDER CERTAIN CONDITIONS; AMENDING SECTION 49-313, IDAHO CODE, TO PROVIDE FOR THE RETESTING OF DRIVER SKILLS FOR CERTAIN PERSONS UPON APPLICATION FOR A DRIVER'S LICENSE; AND PROVIDING AN EFFECTIVE DATE.

## Text

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

SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby amended to read as follows:

49-105. DEFINITIONS -- D.

(1) "Dealer" means every person in the business of buying, selling or exchanging three (3) or more new or used vehicles, new or used motorcycles or motorscooters, manufactured homes, travel trailers or motor homes in any calendar year, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, or who has an established place of business for the sale, lease, trade, or display of these vehicles. No insurance company, bank, finance company, public utilities company, or other person coming into possession of any vehicle, as an incident to its regular business, who shall sell that vehicle under any contractual rights it may have, shall be considered a dealer. See also "salvage pool", section 49-120, Idaho Code.

(2) "Dealer's selling agreement." (See "Franchise", section 49-107, Idaho Code)

(3) "Department" means the Idaho transportation department acting directly or through its duly authorized officers and agents, except in chapters 6 and 9, title 49, Idaho Code, where the term means the Idaho department of law enforcement, except as otherwise specifically provided.

(4) "Department" means the Idaho transportation department acting directly or through its duly authorized officers and agents, except in chapters 6 and 9, title 49, Idaho Code, where the term means the Idaho department of law enforcement, except as otherwise specifically provided.

(4) "Designated family member" means the spouse, child, grandchild, parent, brother or sister of the owner of a vehicle dealership who, in the event of the owner's death, is entitled to inherit the ownership interest in the dealership under the same terms of the owner's will, or who has been nominated in any other written instrument, or who, in the case of an incapacitated owner of a dealership, has been appointed by a court as the legal representative of the dealer's property.

(5) "Director" means the director of the Idaho transportation department, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term means the director of the Idaho department of law enforcement.

(6) "Disqualification" means withdrawal by the department of commercial vehicle driving privileges.

(7) "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who has a franchise from a manufacturer of vehicles to distribute vehicles in this state, and who in whole or in part sells or distributes new vehicles to dealers or who maintains distributor representatives.

(8) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.

(9) "Distributor representative" means any person, firm, association, corporation or trust, and each officer and employee thereof engaged as a representative of a distributor or distributor branch of vehicles for the purpose of making or promoting the sale of vehicles, or for supervising or contacting dealers or prospective dealers.

(10) "District" means:

(a) Business district. The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

(b) Residential district. The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences, or residences and buildings in use for business.

(c) Urban district. The territory contiguous to and including any highway which is built up with structures devoted to business, industry or dwelling houses.

(11) "Documented vessel" means a vessel having a valid marine document as a vessel of the United States.

(12) "Drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicles within a certain distance or time limit.

(13) "Driver" means every person who drives or is in actual physical control of a vehicle.

(14) "Driver's license" means a license issued by the department or by any other jurisdiction to an individual which authorizes the individual to operate a motor vehicle or commercial motor vehicle on the highways in accordance with the requirements of title 49, Idaho Code.

(15) "Driver's license - classes of" are issued for the operation of a vehicle based on the size of the vehicle or the type of load and mean:

(a) Class A. This license shall be issued and valid for the operation of any combination of motor vehicles with a gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds, provided the gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of ten thousand (10,000) pounds. Recreational vehicles are exempted from this class of license. Persons holding a valid class A license may also operate vehicles requiring a class B, C, or D license for operation, with any appropriate endorsements.

(b) Class B. This license shall be issued and valid for the operation of any single vehicle with a GVWR in excess of twenty-six thousand (26,000) pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds GVWR. Recreational vehicles are exempt from this class of license. Persons holding a valid class B license may also operate vehicles requiring a class C license, with any appropriate endorsements, and vehicles requiring a class D license.

(c) Class C. This license shall be issued and valid for the operation of vehicles designed to transport sixteen (16) or more persons, including the driver, or vehicles placarded for hazardous materials; provided that the vehicle is a single vehicle less than twenty-six thousand and one (26,001) pounds GVWR or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds GVWR. Recreational vehicles are exempt from this class of license. Persons holding a valid class C license may also operate vehicles requiring a class D license.

(d) Class D. This license shall be issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in **[A> SECTION <A]** 49-123, Idaho Code.

**[D>** (e) Special class D. This license shall be issued and be valid for the operation of a motor vehicle that is not a commercial vehicle and use of the license is restricted according to the provisions of section 49-305, Idaho Code. The fee is the same as for a class D license. **<D]**

(16) "Driver's license endorsements" mean special authorizations that are required to be displayed on a driver's license which permit the driver to operate certain types of commercial vehicles or commercial vehicles hauling certain types of cargo.

(a) "Endorsement T - Double/triple trailer" means this endorsement is required on a class A license to permit the licensee to operate a vehicle authorized to tow more than one (1) trailer.

(b) "Endorsement H - Hazardous material" means this endorsement is required on a class A, B or C license if the driver is operating a vehicle transporting a hazardous material that is required to be placarded under the hazardous materials transportation act and by rules and regulations of the U.S. department of transportation.

(c) "Endorsement P - Passenger" means this endorsement is required on a class A, B or C license to permit the licensee to transport sixteen (16) or more persons, including the driver.

(d) "Endorsement N - Tank vehicle" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle which is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle. This definition does not include portable tanks having a rated capacity under one thousand (1,000) gallons.

(17) "Driveway" means a private road giving access from a public way to a building on abutting grounds.

(18) "Dromedary tractor" means every motor vehicle designed and used primarily for drawing a semitrailer and so constructed as to carry manifested cargo in addition to a part of the weight of the semitrailer.

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

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

- (1) Any person while driving or operating any special mobile equipment, farm tractor, or implement of husbandry moved on a highway.
- (2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a commercial motor vehicle which is:
  - (a) Controlled and operated by a farmer; and
  - (b) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm; and
  - (c) Not used in the operations of a common or contract motor carrier; and
  - (d) Used within one hundred fifty (150) miles of the person's farm.
- (3) Any person is exempt from obtaining a class A, B or C driver's license for the operation of fire fighting or other emergency equipment used in response to emergencies involving the preservation of life or property.
- (4) Any person is exempt from obtaining a class A, B or C license to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness purposes.
- (5) A nonresident who is at least [D> fourteen <D] [A> FIFTEEN <A] (1 [D> 4 <D] [A> 5 <A]) years of age and who has in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in Idaho only as a class D operator [A> WITH DRIVING PRIVILEGES RESTRICTED TO DAYLIGHT HOURS ONLY, AND WITH FULL PRIVILEGES AT SIXTEEN (16) YEARS OF AGE, <A] and only if Idaho residency is not established.
- (6) A nonresident who has in his immediate possession a valid commercial driver's license issued to him in his home state or country may operate a motor vehicle in Idaho.
- (7) A nonresident who is at least eighteen (18) years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as a class D operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle is currently registered in the home state or country of the nonresident.
- (8) A nonresident on active duty in the armed forces of the United States who has a valid driver's license issued by his home jurisdiction, and such nonresident's spouse or dependent son or daughter who has a valid driver's license issued by such person's home jurisdiction.
- (9) Any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full time national guard duty, personnel on part-time training and national guard military technicians who as civilians are required to wear military uniforms and are subject to the code of military justice, are exempt from obtaining a commercial driver's license to operate military vehicles.

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

49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not issue any driver's license, and if issued, may revoke or cancel the driver's license of a person who:

- (1) As an operator of a vehicle requiring a class D driver's license, is under the age of [D> sixteen <D] [A> SEVENTEEN <A] (1 [D> 6 <D] [A> 7 <A]) years, except that the department may issue a [D> special <D] driver's license to any person who [A> HAS SUCCESSFULLY COMPLETED AN APPROVED DRIVER TRAINING COURSE AND WHO <A] is at least [D> fourteen <D] [A> FIFTEEN <A] (1 [D> 4 <D] [A> 5 <A]) years of age [D> upon meeting the requirements of section 49-305, Idaho Code <D] [A> , WITH DRIVING PRIVILEGES

RESTRICTED TO DAYLIGHT HOURS ONLY, AND WITH FULL PRIVILEGES AT SIXTEEN (16) YEARS OF AGE. ~~<A]~~

(2) As an operator of a vehicle requiring a class D driver's license, is under the age of ~~[D>~~ sixteen ~~<D]~~ ~~[A>~~ SEVENTEEN ~~<A]~~ (1 ~~[D>~~ 6 ~~<D]~~ ~~[A>~~ 7 ~~<A]~~) years ~~[D>~~ and six (6) months ~~<D]~~ and has not successfully completed an approved driver training course.

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

(4) As a driver has had his license suspended for the duration of the suspension, nor to any person whose license has been revoked, until the expiration of one (1) year after the license was revoked.

(5) Is an habitual drunkard, or is addicted to the use of narcotic drugs.

(6) Has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

(7) Is required by the provisions of this chapter to take an examination, unless that person shall have successfully passed such examination.

(8) May be required under any law of this state to deposit proof of financial responsibility and who has not deposited that proof.

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

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

SECTION 4. That Section 49-305, Idaho Code, be, and the same is hereby amended to read as follows:

49-305. INSTRUCTION PERMITS ~~[D>~~ , ~~<D]~~ ~~[A>~~ AND ~~<A]~~ TEMPORARY ~~[D>~~ AND SPECIAL ~~<D]~~ LICENSES. (1) Upon passage of a knowledge test for the license class type, the department may issue an instruction permit for the type of vehicle(s) the person will be operating, entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the highways for a period of at least one hundred eighty (180) days. ~~[D>~~ Except when operating a motorcycle, t ~~<D]~~ ~~[A>~~ T ~~<A]~~ hat person must be accompanied by an adult licensed driver who holds at least the same class of driver's license and who is actually occupying a seat beside the driver.

(a) Any person who has reached the age of fifteen (15) years ~~[A>~~ , AND WHO HAS SUCCESSFULLY COMPLETED AN APPROVED DRIVER TRAINING COURSE ~~<A]~~ may apply for a class D instruction permit ~~[A>~~ WITH DRIVING PRIVILEGES RESTRICTED TO DAYLIGHT HOURS ONLY, AND WITH FULL PRIVILEGES AT SIXTEEN (16) YEARS OF AGE. ~~<A]~~

(b) Any person who has reached the age of eighteen (18) years may apply for a class A, B or C instruction permit.

(2) The department may, in its discretion, issue a temporary class D driver's license to an applicant for a class D driver's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary license must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused.

~~[D>~~ (3) The department may, in its discretion, issue a special class D license to any person who: ~~<D]~~

~~[D>~~ (a) Is over fourteen (14) years of age but under sixteen (16) years of age, and ~~<D]~~

**[D>** (b) Whose parent(s) or guardian(s) and employer have certified on a form furnished by the department that a special class D license is necessary for that person in order for that person to participate in work-related activities, or is issued to provide transportation to school, where public transportation is not provided, and **<D]**

**[D>** (c) Has successfully completed an approved driver's training course. Notwithstanding the provisions of section 49-319, Idaho Code, a special class D license shall expire when the holder of that license reaches sixteen (16) years of age. Such a special license shall be used only for the purpose issued, and for no other purpose if used for any other purpose, the license shall be subject to immediate cancellation. **<D]**

SECTION 5. 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 or deputy shall examine every applicant for an instruction permit or a driver's license, except as otherwise provided by law. It shall include a test of the applicant's eyesight and hearing, his ability to read and understand highway signs regulating, warning, and directing traffic. At the discretion of the examiner, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle for a class D driver's license may be required. In addition, the applicant's knowledge of traffic laws of this state 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 skill 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 skill test for a class A, B, C or D driver's license shall be given by the department or its authorized agents.

(4) **[A>** ANY PERSON WHO HAS SUCCESSFULLY COMPLETED AN APPROVED DRIVER TRAINING COURSE AND WHO APPLIES FOR A DRIVER'S LICENSE MORE THAN THREE (3) MONTHS AFTER COMPLETION OF THE DRIVER TRAINING COURSE SHALL BE REQUIRED TO RETAKE THE SKILL TEST IN ADDITION TO ANY OTHER TESTS REQUIRED UPON APPLICATION FOR A DRIVER'S LICENSE. **<A]**

**[A> 5 <A]** The department shall not issue a tank, double/triple trailer, or hazardous material endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge test. The department shall not issue a passenger endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge and skills test.

**[(D> 5 <D] [A> 6 <A]** Any person failing to pass a knowledge or skill test for a class A, B, C or D driver's license may not retake the test within one (1) week of the failure.

**[(D> 6 <D] [A> 7 <A]** Any person retaking a knowledge endorsement or skill test for a driver's license shall pay the appropriate testing fee as specified in section 49-306, Idaho Code.

**[(D> 7 <D] [A> 8 <A]** A skill examination for a class A, B or C driver's license may be waived for an applicant who certifies within the preceding two (2) years:

(a) He has not violated the single license provisions of 49 CFR part 383;

(b) He has not had any license suspension, revocation or cancellation;

(c) He has not had any conviction for any type of motor vehicle for any of the disqualification offenses contained in 49 CFR part 383.51;

(d) He has not had any violation of state or local laws relating to motor vehicle traffic control, arising in connection with any traffic accident, and has no record of an accident in which he was at fault; and

(e) He is regularly employed in a job requiring operation of a commercial motor vehicle; and

(f) He has previously taken and passed a skills test given by a state classified licensing and testing system and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or

(g) He has operated, for at least two (2) years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle he operates or expects to operate.

**[D> 8 <D] [A> 9 <A]** The department or its authorized agents may refuse to give an applicant a skills test if there are reasonable grounds to believe that the safety of the applicant, public, or the examiner would be jeopardized by doing so. Reasonable grounds would include, but not be limited to, the applicant's inability to pass the eye test, written tests, or a statement by a licensed physician stating the applicant is not physically able to drive a motor vehicle.

**[D> 9 <D] [A> 10 <A]** The department or its authorized agents may deny issuance or renewal of a driver's license to any applicant who does not meet the licensing requirements for the class of driver's license being renewed or issued.

SECTION 6. This act shall be in full force and effect on and after September 1, 1991. Special class D licenses issued under the provisions of section 49-305, Idaho Code, shall remain in effect until expiration at sixteen (16) years of age for those drivers who are at least fifteen (15) years of age prior to the effective date of this act. The special class D license shall be considered a class D license with driving privileges restricted to daylight hours only, until the age of sixteen (16) years, for any special class D driver who attains the age of fifteen (15) years on or after the effective date of this act. No license shall remain in effect if suspended or revoked by the department as otherwise required by law.

## History

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Approved by the Governor March 27, 1991

This Bill passed the Senate on the 5th day of March, 1991

This Bill passed the House of Representatives on the 20th day of March, 1991

### STATEMENT OF PURPOSE

Enactment of this bill would move the driving age to fifteen (15), for persons who have successfully completed an approved driver education course, with the restriction of daylight only until age sixteen (16); and move the driving age to seventeen (17), to obtain a license without taking the driver training course.

Under current law, at age 14 and 15 a person may obtain a special license for school transportation or for employment purposes. The issuance of these special licenses is not uniform throughout the State.

This bill will become effective September 1, 1991. For those with a Special Class D License who reach the age of 15 on or after September 1, 1991, the Special License will become equivalent to a Class D License with the restriction of daylight only until age 16.

### FISCAL IMPACT

None.

## Sponsor

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STATE AFFAIRS COMMITTEE



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