

TITLE 49
MOTOR VEHICLES

CHAPTER 24
MISCELLANEOUS

49-2401. MANUFACTURERS OR DISTRIBUTORS -- FINANCING AGREEMENTS INVOLVING RETAIL SALES PROHIBITED. It shall be unlawful for any person who is engaged, either directly or indirectly, in the manufacture or wholesale distribution only of motor vehicles to sell or enter into a contract to sell motor vehicles, whether patented or unpatented, to any person who is engaged or intends to engage in the business of selling those motor vehicles at retail in this state, on the condition or with an agreement or understanding, either express or implied, that a person engaged in selling motor vehicles at retail shall in any manner finance the purchase or sale of any one or a number of motor vehicles only with or through a designated person or class of persons, or shall sell and assign the conditional sales contracts, chattel mortgages or leases arising from the sale of motor vehicles or any one or a number of motor vehicles only to a designated person or class of persons, when the effect of the condition, agreement or understanding entered into may be to lessen or eliminate competition, or create or tend to create a monopoly in the person or class of persons who are designated by virtue of that condition, agreement, or understanding to finance the purchase or sale of motor vehicles, or to purchase conditional sales contracts, chattel mortgages or leases.

Any such condition, agreement or understanding is hereby declared to be void and against the public policy of this state.

[49-2401, added 1988, ch. 265, sec. 467, p. 820.]

49-2402. THREATS TO WITHDRAW AGENCY PROHIBITED. Any threat, expressed or implied, made directly or indirectly to any person engaged in the business of selling motor vehicles at retail in this state by any person engaged, either directly or indirectly in the manufacture or wholesale distribution only of motor vehicles, that the person will discontinue or cease to sell, or refuse to enter into a contract to sell, or will terminate a contract to sell motor vehicles, whether patented or unpatented, to a person who is engaged in the business of selling motor vehicles at retail, unless that person finances the purchase or sale of any one or a number of motor vehicles only with or through a designated person or class of persons, or sells and assigns the conditional sales contracts, chattel mortgages or leases arising from his retail sales of motor vehicles, or any one or a number of motor vehicles only to a designated person or class of persons, shall be prima facie evidence of the fact that a person engaged in the manufacture or wholesale distribution only of motor vehicles has sold or intends to sell the same on the condition or with the agreement or understanding prohibited in section [49-2401](#), Idaho Code.

[49-2402, added 1988, ch. 265, sec. 468, p. 821.]

49-2403. THREATS ON PART OF FINANCING COMPANY AFFILIATED WITH MANUFACTURER OR DEALER. Any threat, expressed or implied, made directly or indirectly, to any person engaged in the business of selling motor vehicles at retail in this state by any person, or any agent of any such person, who is en-

gaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles in this state, and is affiliated with or controlled by any person engaged, directly or indirectly in the manufacture or wholesale distribution only of motor vehicles, that the person engaged in the manufacture or distribution shall terminate his contract with or cease to sell motor vehicles to a person engaged in the sale of motor vehicles at retail in this state unless that person finances the purchase or sale of any one or any number of vehicles only with or through a designated person or class of persons, or sells and assigns the conditional sales contracts, chattel mortgages or leases arising from his retail sale of motor vehicles, or any one or any number thereof only to a person engaged in financing the purchase or sale of motor vehicles, or in buying conditional sales contracts, chattel mortgages or leases on motor vehicles, shall be presumed to be made at the direction of and with the authority of the person engaged in the manufacture or distribution of motor vehicles, and shall be prima facie evidence of the fact that the person engaged in the manufacture or wholesale distribution only of motor vehicles has sold or intends to sell them on the condition or with the agreement or understanding prohibited in section [49-2401](#), Idaho Code.

[49-2403, added 1988, ch. 265, sec. 469, p. 821.]

49-2404. PRACTICES OF MANUFACTURER OR DISTRIBUTOR LESSENING OR ELIMINATING COMPETITION PROHIBITED. It shall be unlawful for any person who is engaged, directly or indirectly in the manufacture or wholesale distribution only of motor vehicles, whether patented or unpatented, to pay or give, or contract to pay or give any thing or service of value to any person who is engaged in the business of financing the purchase or sale of motor vehicles, or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this state, if the effect of the payment or the giving of a thing or service of value may be to lessen or eliminate competition, or tend to create or create a monopoly in the person or class of persons who receive or accept such thing or service of value.

[49-2404, added 1988, ch. 265, sec. 470, p. 822.]

49-2405. PRACTICES OF FINANCE COMPANY LESSENING OR ELIMINATING COMPETITION PROHIBITED. It shall be unlawful for any person who is engaged in the business of financing the purchase or sale of motor vehicles, or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this state, to accept or receive, or contract or agree to accept or receive, either directly or indirectly, any payment, thing, or service of value from any person who is engaged, either directly or indirectly, in the manufacture or wholesale distribution only of motor vehicles, whether patented or unpatented, if the effect of the acceptance or receipt of a payment, thing, or service of value may be to lessen or eliminate competition, or to create or tend to create a monopoly in the person who accepts or receives the payment, thing, or service of value, or contracts or agrees to accept or receive that thing or service of value.

[49-2405, added 1988, ch. 265, sec. 471, p. 822.]

49-2406. ACCEPTANCE OR PAYMENT OF THING OR SERVICE OF VALUE PROHIBITED. It shall be unlawful for any person to accept or receive, either

directly or indirectly, any payment, thing or service of value, as set forth in section [49-2405](#), Idaho Code, or contracts, either directly or indirectly, to receive a payment or thing or service of value to finance or attempt to finance the purchase or sale of any motor vehicles, or buy or attempt to buy any conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail in this state.

[49-2406, added 1988, ch. 265, sec. 472, p. 822.]

49-2407. VIOLATION -- QUO WARRANTO PROCEEDINGS. For a violation of any of the provisions of sections [49-2401](#) through [49-2406](#), Idaho Code, by any corporation or association, it shall be the duty of the attorney general of Idaho to institute proper suits of quo warranto proceedings in any court of competent jurisdiction for the forfeiture of its charter rights, franchises or privileges and powers exercised by the corporation or association, and for the dissolution of them under the general statutes of this state.

[49-2407, added 1988, ch. 265, sec. 473, p. 823.]

49-2408. FOREIGN CORPORATIONS AMENABLE -- DUTY OF SECRETARY OF STATE. Every foreign corporation, as well as every foreign association, exercising any of the powers, franchises or functions of a corporation in Idaho, violating any of the provisions of sections [49-2401](#) through [49-2406](#), Idaho Code, is hereby denied the right and prohibited from doing any business in Idaho, and it shall be the duty of the attorney general to enforce this provision by bringing proper proceedings by injunction or otherwise. The secretary of state is authorized to revoke the license of any corporation or association previously authorized by him to do business in Idaho.

[49-2408, added 1988, ch. 265, sec. 474, p. 823.]

49-2409. CRIMINAL LIABILITY. Any person who shall violate any of the provisions of sections [49-2401](#) through [49-2406](#), Idaho Code, any person who is a party to any agreement or understanding, or to any contract prescribing any condition prohibited by law and any employee, agent or officer of any person who shall participate, in any manner, in making, executing, enforcing, performing or in urging, aiding, or abetting in the performance of such a contract, condition, agreement or understanding, and any person who shall pay or give or contract to pay or give any thing or service of value prohibited by law, and any person who shall receive or accept or contract to receive or accept any thing or service of value prohibited by law, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or be imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment. Each day's violation of this provision shall constitute a separate offense.

[49-2409, added 1988, ch. 265, sec. 475, p. 823.]

49-2410. CERTAIN CONTRACTS VOID. Any contract or agreement in violation of the provisions of sections [49-2401](#) through [49-2406](#), Idaho Code, shall be absolutely void and shall not be enforceable either in law or equity.

[49-2410, added 1988, ch. 265, sec. 476, p. 824.]

49-2411. PROVISIONS CUMULATIVE. The provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this state.

[49-2411, added 1988, ch. 265, sec. 477, p. 824.]

49-2412. PERSONS INJURED IN BUSINESS BY TRUST MAY SUE. In addition to the criminal and civil penalties provided, any person who shall be injured in his business or property by any other person by reason of anything forbidden or declared to be unlawful by the provisions of sections [49-2401](#) through [49-2406](#), Idaho Code, may sue therefor in any court having jurisdiction in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover twice the damages sustained, and the costs of the suit. Whenever it shall appear to the court before which proceedings may be pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where the action is pending, or not.

[49-2412, added 1988, ch. 265, sec. 478, p. 824.]

49-2416. OWNER LIABLE FOR NEGLIGENCE OF MINOR UNDER SIXTEEN. Every owner of a motor vehicle causing or knowingly permitting a minor under the age of sixteen (16) years to drive the vehicle upon a highway, and any person who gives or furnishes a motor vehicle to a minor under the age of sixteen (16) years, shall be jointly and severally liable with the minor for any damage caused by the negligence of the minor in driving the vehicle.

[49-2416, added 1988, ch. 265, sec. 480, p. 825; am. 1999, ch. 144, sec. 1, p. 415.]

49-2417. OWNER'S TORT LIABILITY FOR NEGLIGENCE OF ANOTHER -- SUBROGATION. (1) Every owner of a motor vehicle is liable and responsible for the death of or injury to a person or property resulting from negligence in the operation of his motor vehicle, in the business of the owner or otherwise, by any person using or operating the vehicle with the permission, expressed or implied, of the owner, and the negligence of the person shall be imputed to the owner for all purposes of civil damages.

(2) The liability of an owner for imputed negligence imposed by the provisions of this section and not arising through the relationship of principal and agent or master and servant is limited to the amounts set forth under "proof of financial responsibility" in section [49-117](#), Idaho Code, or the limits of the liability insurance maintained by the owner, whichever is greater.

(3) In any action against an owner for imputed negligence as imposed by the provisions of this section the operator of the vehicle whose negligence is imputed to the owner shall be made a defendant party if personal service of process can be had upon that operator within Idaho. Upon recovery of a judgment, recourse shall first be had against the property of the operator so served.

(4) In the event a recovery is had under the provisions of this section against an owner for imputed negligence the owner is subrogated to all the rights of the person injured and may recover from the operator the total amount of any judgment and costs recovered against the owner. If the bailee of an owner with the permission, expressed or implied, of the owner, permits another to operate the motor vehicle of the owner, then the bailee and the driver shall both be deemed operators of the vehicle of the owner, within the meaning of subsections (3) and (4) of this section.

(5) Where two (2) or more persons are injured or killed in one (1) accident, the owner may settle or pay any bona fide claim for damages arising out of personal injuries or death, whether reduced to a judgment or not, and the payments shall diminish to the extent of the owners' total liability on account of the accident. Payments so made, aggregating the full sum of fifty thousand dollars (\$50,000), shall extinguish all liability of the owner hereunder to the claimants and all other persons on account of the accident. Liability may exist by reason of imputed negligence, pursuant to this section, and not arising through the negligence of the owner nor through the relationship of principal and agent nor master and servant.

(6) If a motor vehicle is sold under a contract of conditional sale whereby the title to the motor vehicle remains in the vendor, the vendor or his assignee shall be deemed an owner within the provisions of this section.

(7) An owner that rents or leases a motor vehicle to a person shall not be liable under the laws of the state of Idaho or a political subdivision thereof, by reason of being the owner of the vehicle, for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease if:

- (a) The owner is engaged in the trade or business of renting or leasing motor vehicles; and
- (b) There is no negligence or criminal wrongdoing on the part of the owner.

[49-2417, added 1988, ch. 265, sec. 481, p. 825; am. 2007, ch. 307, sec. 2, p. 861.]

49-2420. GRANT OF PRIVILEGE OF USING HIGHWAYS. Subject to compliance with the motor vehicle laws of Idaho, nonresident owners, operators of, and persons riding in motor vehicles hereby are granted the privilege of using the highways of Idaho.

[49-2420, added 1988, ch. 265, sec. 482, p. 826.]

49-2421. SERVICE OF PROCESS ON RESIDENT AND NONRESIDENT MOTOR VEHICLE OPERATORS. The operation by any person, either as principal, master, agent, servant or otherwise, of any motor vehicle, whether registered or unregistered, and with or without a license to operate, on any highway in this state, shall be deemed equivalent to an appointment by that person of the secretary of state to be his true and lawful attorney, upon whom may be served all lawful summons and processes in any action or proceeding against him, growing out of any accident or collision in which he, either as principal, master, agent, servant, or otherwise, may be involved while operating, causing or permitting the operation of a motor vehicle upon a highway. The operation shall be signification of an agreement by the person that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within Idaho. Service of the pro-

cesses shall be made by leaving a copy of the process, with a fee of five dollars (\$5.00), in the hands of the secretary of state or in his office. The service shall be a sufficient and valid personal service upon that person; provided, notice of the service and a copy of the process is sent by registered mail by the plaintiff to the defendant, and the defendant's return receipt and plaintiff's affidavit of compliance are appended to the process and entered as a part of the return. Personal service outside of the state in accordance with the provisions of the laws of Idaho relating to personal service of summons outside of the state shall relieve a plaintiff from mailing copies of the summons or process by registered mail as provided in this section. Service of the process upon a defendant shall not be complete until it is either made by registered mail or by personal service outside of the state. The court in which the action is brought may order continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

[49-2421, added 1988, ch. 265, sec. 483, p. 826.]

49-2422. SERVICE FEE TAXED AS COSTS. The fee of five dollars (\$5.00) paid by the plaintiff to the secretary of state and the service shall be taxed in his costs if he prevails in the action.

[49-2422, added 1988, ch. 265, sec. 484, p. 827.]

49-2423. RECORD OF PROCESS KEPT BY SECRETARY OF STATE. The secretary of state shall keep a record of all processes, which shall show the day and hour of service.

[49-2423, added 1988, ch. 265, sec. 485, p. 827.]

49-2426. MARKING OF VEHICLES -- CERTAIN VEHICLES EXCEPTED. (1) Every motor vehicle owned by or under control and custody of the state of Idaho, except as provided in subsections (2) and (3) of this section, or in section [49-2427](#), Idaho Code, shall be indelibly and conspicuously lettered on each side, in plain letters not less than one and one-half (1 1/2) inches high, with the words "State of Idaho" or "Idaho" with the name of the proper department, as defined in section [67-2402](#), Idaho Code, in each case inserted following either of these words. The words shall be kept clear, distinct and visible at all times. The provisions of this section shall not be applicable to any motor vehicle in the personal service of the governor, except that upon the front doors of any motor vehicle in his personal service there shall be placed the Great Seal of the state of Idaho.

(2) Motor vehicles under the custody and control of the director of the Idaho state police and used for confidential investigative purposes when necessary to enforce the laws of this state or motor vehicles under the custody and control of the director of the department of health and welfare and used for official state business need not be marked as provided in subsection (1) of this section. Any other department, agency, or entity of the state shall apply in writing to the director for permission to use one (1) or more unmarked vehicles for confidential investigative purposes. Permission shall be granted only in writing and upon a finding of good cause.

(3) Motor vehicles under the custody and control of the director of the Idaho department of juvenile corrections, when used for official state business and to enforce laws of the juvenile corrections system, including in-

vestigation of juveniles under its purview, need not be marked as provided in subsection (1) of this section.

[49-2426, added 1988, ch. 265, sec. 486, p. 827; am. 1996, ch. 240, sec. 1, p. 771; am. 2000, ch. 469, sec. 122, p. 1583; am. 2002, ch. 29, sec. 1, p. 36.]

49-2427. IDENTIFICATION OF STATE POLICE VEHICLES USED FOR HIGHWAY PATROL. Every motor vehicle other than motorcycles, owned by the state of Idaho and used as a state police highway patrol vehicle shall be marked as provided by section [49-2426](#), Idaho Code, and shall in addition, be painted with a black body and shall be identified in one (1) of the following manners:

(1) By having a white stripe, at least six (6) inches in width, applied completely around the vehicle;

(2) By having a blue light mounted on the top of the vehicle which must be visible from any direction; or

(3) By having two (2) white stripes at least one and one-half (1 1/2) inches in width applied from the center point of the hood across the hood on each side and extending diagonally down to the bottom of the doors on each side of the vehicle. No other state agency, person, or local unit of government shall have any vehicle with a stripe or stripes from the center point of the hood across the hood on each side and extending diagonally down to the bottom of the doors on each side of the vehicles.

[49-2427, added 1988, ch. 265, sec. 487, p. 828; am. 2009, ch. 85, sec. 1, p. 235.]

49-2431. RIDESHARING EXEMPT FROM MOTOR CARRIER LAWS. The following laws and regulations shall not apply to any ridesharing arrangement using a motor vehicle with a seating capacity for not more than fifteen (15) persons, including the driver:

(1) [Title 49](#), Idaho Code, pertaining to the regulation of motor carriers of any kind or description;

(2) Laws and regulations containing insurance requirements that are specifically applicable to motor carriers or commercial vehicles;

(3) Laws imposing a greater standard of care on motor carriers or commercial vehicles than that imposed on other drivers or owners of motor vehicles;

(4) Laws and regulations with equipment requirements and special accident reporting requirements that are specifically applicable to motor carriers or commercial vehicles; and

(5) Laws imposing a tax on fuel purchased in another state by a motor carrier or highway use fees on commercial buses.

[49-2431, added 1988, ch. 265, sec. 488, p. 828; am. 1999, ch. 383, sec. 11, p. 1067.]

49-2432. RIDESHARING EXEMPT FROM WORKMEN'S COMPENSATION LAW. [Title 72](#), Idaho Code, providing compensation for workers injured during the course of their employment, shall not apply to a person injured while participating in a ridesharing arrangement between his place of residence and place of employment or termini near those places, provided that if the employer owns, leases or contracts for the motor vehicle used in the arrangement, the provisions of [title 72](#), Idaho Code, shall apply.

[49-2432, added 1988, ch. 265, sec. 489, p. 829.]

49-2433. NO LIABILITY OF EMPLOYER. (1) An employer shall not be liable for injuries to passengers and other persons resulting from the operation or use of a motor vehicle, not owned, leased or contracted for by the employer, in a ridesharing arrangement.

(2) An employer shall not be liable for injuries to passengers and other persons because he provides information, incentives or otherwise encourages his employees to participate in ridesharing arrangements.

[49-2433, added 1988, ch. 265, sec. 490, p. 829.]

49-2434. INSURANCE AVAILABILITY -- RATES -- POLICY EXCLUSIONS. (1) Insurers shall not increase any premium, cancel any policy, nor refuse to insure a vehicle solely because it is used in a ridesharing arrangement.

(2) Provisions in an insurance policy which deny coverage for any motor vehicle used for commercial purposes or as a public or livery conveyance shall not apply to a vehicle used in a ridesharing arrangement.

[49-2434, added 1988, ch. 265, sec. 491, p. 829.]

49-2435. RIDESHARING ARRANGEMENTS ARE NONPROFIT. Ridesharing arrangements using a motor vehicle with a seating capacity for not more than fifteen (15) persons, including the driver, shall be deemed nonprofit even though the driver, owner or lessee receives compensation for operating and maintaining the vehicle and a reasonable amount of compensation for the driver's services. No household shall operate more than one (1) vehicle with a capacity of seven (7) to fifteen (15) persons in a ridesharing arrangement at one (1) time.

[49-2435, added 1988, ch. 265, sec. 492, p. 830.]

49-2436. SALES TAX NOT APPLICABLE. Laws imposing a tax on the sale of goods and services shall not apply to money received by a driver as part of a ridesharing arrangement.

[49-2436, added 1988, ch. 265, sec. 493, p. 830.]

49-2437. MUNICIPAL LICENSES -- TAX. No county, city, or other municipal corporation may impose a tax on, or require a municipal license for a ridesharing arrangement.

[49-2437, added 1988, ch. 265, sec. 494, p. 830.]

49-2438. OVERTIME COMPENSATION -- MINIMUM WAGE LAWS. The mere fact that an employee participates in any kind of ridesharing arrangement shall not result in the application of [chapter 15, title 44](#), Idaho Code, laws requiring payment of a minimum wage, overtime pay or otherwise regulating the hours a person may work.

[49-2438, added 1988, ch. 265, sec. 495, p. 830.]

49-2439. USE OF PUBLIC MOTOR VEHICLES. Motor vehicles owned or operated by any state or local agency may be used in ridesharing arrangements.

Participants in any such ridesharing arrangement shall pay the actual total costs of using the vehicle in that arrangement.

[49-2439, added 1988, ch. 265, sec. 496, p. 830.]

49-2442. IDENTIFICATION CARDS AUTHORIZED. Any Idaho resident may apply to an authorized agent of the department for an identification card. It is prima facie evidence of age when the authorized holder of an identification card exhibits a card that contains information indicating that the person has attained a certain age.

[49-2442, added 1988, ch. 265, sec. 497, p. 831; am. 1990, ch. 45, sec. 38, p. 108; am. 2020, ch. 38, sec. 3, p. 84.]

49-2443. APPLICATION. Application for an identification card must be made in person before an authorized agent of the department. The authorized agent shall obtain the following from the applicant:

- (1) The true and full name and Idaho residence address and mailing address, if different, of the applicant;
- (2) The identity and date of birth of the applicant as set forth in a certified copy of his birth certificate and, subject to subsection (6) of this section, other satisfactory evidence of identity acceptable to the authorized agent or the department;
- (3) The height and weight of the applicant;
- (4) The color of eyes and hair of the applicant;
- (5) The applicant's signature; and
- (6) The applicant's social security number as verified by the social security administration.
 - (a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.
 - (b) An applicant who has not been assigned a social security number shall:
 - (i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and
 - (ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and
 - (iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

[49-2443, added 1988, ch. 265, sec. 498, p. 831; am. 1989, ch. 88, sec. 57, p. 197; am. 1990, ch. 45, sec. 39, p. 108; am. 1992, ch. 115, sec. 36, p. 378; am. 1992, ch. 118, sec. 2, p. 393; am. 1993, ch. 304, sec. 2, p. 1128; am. 1997, ch. 237, sec. 1, p. 688; am. 1998, ch. 110, sec. 31, p. 413; am. 1998, ch. 248, sec. 3, p. 813; am. 1999, ch. 319, sec. 2, p. 814; am. 2008, ch. 63, sec. 4, p. 163; am. 2020, ch. 38, sec. 4, p. 84.]

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card that sets forth the information contained in the application in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's

social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers, or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, and hair color and shall include a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of [chapter 58, title 19](#), Idaho Code, then the applicant's identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall include a color photograph of the applicant, which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

(2) 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.

(3) 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 (4) year identification card issued to persons twenty-one (21) years of age or older shall be fifteen dollars (\$15.00), of which ten dollars (\$10.00) 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 authorized issuing agent or, if issued by the county, shall be 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 (8) year identification card shall be twenty-five dollars (\$25.00), of which fifteen dollars (\$15.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be 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 card holder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (7) 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

(7) 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 (7) of this section.

(4) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. 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.

(5) 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 twenty-five (25) months before, and upon application and payment of the required fee.

(6) The applicant for an identification card must submit proof of identity and citizenship status acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government-issued document may be submitted that provides satisfactory evidence of a person's full legal name and date of birth acceptable to the examiner or the department.

(7) Every identification card issued to a person who is a citizen of the United States shall, where possible, include the notation "USA." 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 security; however, the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(8) When an identification card has been expired for less than twenty-five (25) months, the renewal of the identification card shall start from the original date of expiration, regardless of the year in which the application for renewal is made. If the identification card is expired for more than twenty-five (25) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (7) of this section.

(9) (a) If an Idaho identification card has expired or will expire and the identification card holder is temporarily out of state, except on active military duty, the identification card holder may request in writing on a form prescribed by the department an extension of the identification card. The request shall be accompanied by the fee fixed in section [49-306](#), Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the identification card is necessary, it may issue an identification card showing the date to which the expired identification card is extended. Identification card extensions are limited to two (2) consecutive extensions per identification card holder.

(b) Upon returning to the state of Idaho, the identification card holder shall, within ten (10) days, apply for a renewal of the expired identification card and surrender the extended identification card and the expired identification card.

(10) An Idaho identification card issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues, and the identification card shall remain in full force and effect sixty (60) days following the date the card holder is released from active duty.

(11) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in [chapter 34, title 39](#), Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsection shall apply to persons possessing an identification card who are fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in [chapter 34, title 39](#), Idaho Code, have been complied with.

(12) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section [49-117](#), Idaho Code.

(13) A person who is a veteran may request that his or her status as such be designated on an identification card at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any identification card issued pursuant to the provisions of this section. Such designation shall be made upon original issuance or renewal of an identification card. Designation shall also be made on any duplicate identification card issued, provided that the fee for such duplicate card is paid in accordance with this section.

(14) Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any identification card. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

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

(16) Whenever any person, after applying for or receiving an identification card, moves from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(17) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(18) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

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

(20) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (16) of this section.

(21) The department may issue an initial four (4) year no-fee identification card to an individual who is homeless. The department shall establish a form for verification of homelessness pursuant to this section. Such form shall require the signature of an outreach worker or service worker verifying that the individual is homeless and attesting to the individual's residency at an Idaho relief agency or shelter. An applicant issued an identification card under the provisions of this subsection shall be entitled to one (1) free replacement. Subsequent replacements and renewals of this identification card will be subject to the fees imposed in this section.

(22) The department shall issue a four (4) year no-fee identification card to any individual eighteen (18) years of age or older who indicates on the application that an identification card is needed to comply with voter registration or voting requirements. An applicant issued an identification card under this subsection shall be entitled to one (1) free replacement. Such applicants are entitled to no-fee renewals as long as the applicant meets the requirements of this subsection at the time of renewal.

[49-2444, added 1988, ch. 265, sec. 499, p. 831; am. 1989, ch. 310, sec. 30, p. 803; am. 1990, ch. 45, sec. 40, p. 109; am. 1991, ch. 203, sec. 2, p. 483; am. 1992, ch. 115, sec. 37, p. 378; am. 1992, ch. 118, sec. 3, p. 394; am. 1994, ch. 85, sec. 2, p. 201; am. 1998, ch. 110, sec. 32, p. 414; am. 1999, ch. 79, sec. 2, p. 226; am. 1999, ch. 81, sec. 21, p. 263; am. 1999, ch. 317, sec. 3, p. 802; am. 1999, ch. 318, sec. 4, p. 809; am. 2000, ch. 56, sec. 3, p. 118; am. 2000, ch. 304, sec. 3 and 4, p. 1037 and 1038; am. 2001, ch. 74, sec. 9, p. 179; am. 2001, ch. 332, sec. 5, p. 1171; am. 2002, ch. 161, sec. 2, p. 478; am. 2002, ch. 171, sec. 18, p. 503; am. 2006, ch. 265, sec. 5, p. 824; am. 2008, ch. 63, sec. 5, p. 164; am. 2009, ch. 331, sec. 8, p. 959; am. 2010, ch. 225, sec. 7, p. 514; am. 2011, ch. 60, sec. 7, p. 134; am. 2012, ch. 32, sec. 3, p. 100; am. 2013, ch. 92, sec. 2, p. 226; am. 2019, ch. 48, sec. 2, p. 131; am. 2020, ch. 38, sec. 5, p. 85; am. 2021, ch. 294, sec. 2, p. 891; am. 2022, ch. 53, sec. 1, p. 173; am. 2022, ch. 217, sec. 4, p. 706; am. 2023, ch. 218, sec. 14, p. 617; am. 2023, ch. 293, sec. 8, p. 892; am. 2024, ch. 31, sec. 1, p. 224.]

49-2445. LOST, STOLEN OR MUTILATED CARDS. Application for a duplicate identification card shall be made in the same manner as required in section

[49-2443](#), Idaho Code, and the fee for a duplicate shall be the same as provided for the original card.

[49-2445, added 1988, ch. 265, sec. 500, p. 831.]

49-2446. FRAUDULENT MISREPRESENTATION. It is unlawful for any person to fraudulently misrepresent his age to any dispenser of intoxicating or alcoholic beverages or to falsely procure an identification card, or to alter any of the statements contained in the identification card, or to manufacture, produce, sell, offer for sale, or transfer to another person any document purporting to be a certificate of birth or identification card.

In addition to the misdemeanor penalties that may be imposed for violation of the provisions of this section, the court upon conviction may enter an order directing the department to suspend the driver's license, a permit to drive, or any nonresident's driving privileges for a period of ninety (90) days. A conviction under this section shall not be used as a factor or considered in any manner for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer, nor shall such conviction be grounds for nonrenewal of any insurance policy as provided in section [41-2507](#), Idaho Code.

[49-2446, added 1988, ch. 265, sec. 501, p. 831; am. 1989, ch. 342, sec. 2, p. 866, am. 1990, ch. 45, sec. 41, p. 109.]

49-2447. ORGAN DONATION CONTRIBUTION FUND. (1) There is hereby created in the state treasury the organ donation contribution fund, the moneys of which shall be continuously appropriated.

(2) The Idaho transportation department through the division of motor vehicles shall:

(a) Administer the moneys deposited in the organ donation contribution fund;

(b) Distribute moneys in accordance with subsection (5) of this section;

(c) Make an annual report to the house of representatives and senate health and welfare committees on revenue collected for the fund and contributions made to the fund; and

(d) Promulgate rules for the distribution of moneys from the fund that are consistent with the purposes of this section.

(3) The organ donation contribution fund shall consist of:

(a) Private contributions;

(b) Donations or grants from public or private entities;

(c) Voluntary donations collected under the provisions of this title; and

(d) Any other moneys approved for the fund by law.

(4) Idle moneys in the fund shall be invested by the treasurer pursuant to section [67-1210](#), Idaho Code, and moneys earned from such investment shall be credited to the fund.

(5) The moneys in the organ donation contribution fund shall be distributed to intermountain donor services located in Salt Lake City, Utah, and shall be used to assist in maintaining and operating a statewide organ donation registry and provide organ donor awareness education in Idaho.

[49-2447, added 2013, ch. 354, sec. 1, p. 962; am. 2024, ch. 13, sec. 5, p. 127.]

49-2448. AUTOCYCLES. (1) The following provisions of law shall apply to autocycles:

(a) Motorcycle plate and registration tag requirements;

(b) Motorcycle registration requirements. Certification from the national highway traffic safety administration and a manufacturer's certificate of origin stating that the vehicle meets the federal specifications for a motorcycle shall be required for all autocycles prior to registration;

(c) Motorcycle insurance requirements.

(2) All persons operating autocycles shall be in compliance with the provisions of section [49-301](#), Idaho Code.

[49-2448, added 2015, ch. 230, sec. 5, p. 726.]