

CHAPTER 8

HOW TO PROTECT YOUR DRIVING PRIVILEGE



Your driving privileges can be suspended, canceled, or revoked if you break certain laws or become a careless driver—even if you have not been issued a driver’s license. Your future driving privileges can be affected because driving records are maintained even for drivers who have not been issued a license. The Idaho Transportation Department keeps a record of your accidents and moving violations, including those occurring in other states.

The Driver License Compact

Idaho is a member of this compact, which is an agreement among states to promote driver compliance with driving laws, ordinances, and administrative actions in member states.

Membership is a major step necessary to maximize law enforcement efforts against drunk drivers and other serious traffic offenders. Under this compact, serious offenses and minor moving violations will be sent to a driver’s home state and action will be taken as if the violation occurred in the driver’s home state. If you are convicted of a traffic offense in another state, the information on that offense will be sent to Idaho and placed in your driving record. If it is a suspendible offense, your driving privileges will be suspended by the Idaho Transportation Department.

The Non-Resident Violator Compact

Idaho is also a member of this compact, which is an agreement among states to suspend drivers for failure to pay traffic citations issued by other member states. Under this compact, the issuing state will send a notice of non-compliance to the driver’s home state. The home state will suspend

the driver's privileges until the terms of the citation have been complied with.

The compact has several benefits for drivers. It allows them to be released on personal recognizance, and does not require them to appear before a judge or post a bond at the time citations are issued.

Graduated License Penalties

All drivers under 17 years of age are subject to the following penalties:

- A warning letter upon the first conviction for a moving traffic violation. (This letter provides warning that future violations may result in the suspension of your driving privileges.)
- A 30-day suspension of driving privileges for a second conviction for a moving traffic violation.
- A 60-day suspension of driving privileges for a third or subsequent conviction for a moving traffic violation

These penalties are in addition to the permit cancellation during the supervised instruction period, or any other suspension that may be ordered by a court or the department. The GDL penalty suspension periods are absolute, and allow NO DRIVING PRIVILEGES OF ANY KIND.

Suspension and Point System

Your driving record is evaluated by a point system in which you receive one to four points for each moving traffic violation on your record. For additional information about point violations, visit our web site at www.state.id.us/itd/dmv/index.htm.

Under the point system, the department may take the following action(s) against you:

<u>NUMBER OF POINTS</u>	<u>PENALTY</u>
8 to 11 in any 12 months	Warning letter
12 to 17 in any 12 months	30-day suspension
18 to 23 in any 24 months	90-day suspension
24 or more in any 36 months	6-month suspension

Once every three years, you may remove three points from your point total by completing an approved defensive-driving class. To receive a point reduction, the points must already be on your driving record before you complete the class. If you remove points from your record by completing one of these classes, you will not be able to do so again until three years after the date you completed the class. Completing a defensive-driving class will not remove a driving conviction from your record. If you want to

avoid suspension, you must take the class before you're suspended (once you lose your license, it's too late for the class to affect that suspension).

Defensive-driving classes are offered in several Idaho cities. Contact the Idaho Transportation Department in Boise for information at (208) 334-8736.

Other Reasons for Suspension

The Courts and the Idaho Transportation Department are authorized by law to suspend, disqualify, deny, cancel, or revoke the license of drivers convicted of breaking certain laws. Those violations include:

- Driving while under the influence of alcohol or other drugs.
- Using a motor vehicle to commit a felony.
- Leaving the scene of an accident in which you were involved, when the accident caused property damage.
- Making false statements—oral or written—to the Idaho Transportation Department while under oath.
- Reckless driving.
- Driving with a suspended license.
- Failing to pay a judgment for damages in an accident.
- Administrative license suspension (automatic license suspension for driving under the influence of drugs or alcohol at the time of the violation).
- Refusing to take an evidentiary test.
- Failing to pay a fine for conviction on an “infraction” charge. (Infractions include minor traffic violations and parking tickets.)
- Fleeing from or eluding a peace officer.
- Leaving the scene of an accident resulting in injury or death.
- Unlawful use of a driver’s license or identification card.
- Failure to carry motor vehicle insurance.
- Alcohol-age violation (possession, use, or procurement).
- Violation of restriction (daylight only, lenses, no freeway, etc.).
- Underage possession of marijuana or drug paraphernalia.
- Failure to attend school or comply with school requirements.
- Failure to pay child support, or comply with visitation rights, or failure to comply with a subpoena for a paternity suit.

Restricted Driving Permits

If your Idaho license is suspended, you may qualify for a restricted permit allowing you to drive to and from work, medical treatments, etc. If you were suspended by the department, you may apply for a restricted permit at the Idaho Transportation Department in Boise. If you are suspended by the

court, you must apply for restricted driving privileges from the court that convicted you.

Getting Your License Back

When your suspension or revocation period ends, you may get your license back by applying to the Idaho Transportation Department in Boise. You will be required to pay a reinstatement fee of \$15.00 to \$180.00, depending on the nature of the suspension. If your license was suspended for certain serious offenses, (reckless driving, driving under the influence, etc) you must also provide proof, for three years, that you are able to meet financial obligations arising from any accident. The acceptable form of proof of financial responsibility is a certified statement of liability insurance coverage from your insurer (an SR-22 certificate).

If you violate Idaho's no-insurance laws, you will—for a first offense—be required to provide proof of financial responsibility for one year. If you commit a second offense in a five-year period, you will be required to provide proof of financial responsibility for three years. For more information, contact the Idaho Transportation Department in Boise at (208) 334-8736.

Alcohol and Driving

Most adults drive and many adults drink. The combination of drinking and driving accounts for approximately half of all fatal traffic accidents. Alcohol kills over 25,000 people a year on U.S. highways.

In recent years, due to public demand, lawmakers have passed tougher laws on driving under the influence of alcohol. You can avoid an accident and serious legal problems by not driving when you have been drinking.

Don't Let Friends Drive Drunk

When you're out with friends or giving a party, be a good friend. If they drink too much, don't let them drive. Drive them yourself or call a taxi. You also have some legal responsibilities. If a person gets drunk at your house and has a traffic accident, you may be held liable in a lawsuit.

How Drinking Affects You

Alcohol passes directly through your stomach and small intestine into the bloodstream, where it flows to all parts of your body. On an empty stomach this process takes place almost immediately. On a full stomach, it takes somewhat longer. In either case, when the alcohol reaches your brain, it promotes relaxation. In large amounts, it dulls the parts of your brain that control inhibition, judgment, and self-control. As a result, you may feel stimulated, lively, and a bit giddy or foolish.

After two to four drinks, alcohol begins to impair your reaction time, coordination, and balance. Your vision and ability to judge distance suffers too, making it harder to react to dangers ahead.

In heavy doses, alcohol can be a mood changer producing sudden shifts in mood all the way from elation to anger. Studies show a combination of alcohol and anger is responsible for much of the reckless, aggressive driving that often causes fatal highway crashes.

Food can slow down the absorption of alcohol. This delaying action prevents large amounts of alcohol from going to your head immediately. But eating won't prevent the absorption of alcohol into your system.

Once alcohol is in your bloodstream, neither aspirin, black coffee, deep breathing, a slap in the face, exercise, nor eating will sober you up. Only time will return you to normal.

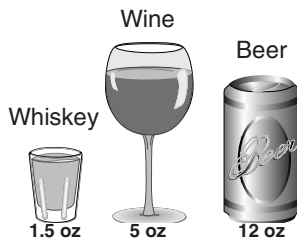
How Much is Too Much?

You cannot trust yourself or your friends to judge the quality of your driving after you've had a few drinks. Your ability to drive may be impaired long before you or anyone else notices outward signs.

If you drink enough to increase your alcohol concentration past .05, be careful. At slightly above .05, the risk of causing an accident doubles. At .10, the risk is six times as great. At .15, the risk is 25 times as great.

Is Beer Safer Than Whiskey?

A jigger (1.5 ounces) of 80-proof whiskey, five ounces of table wine, or 12 ounces of beer all contain approximately the same amount of alcohol—about an ounce each. Studies have found the greatest percentage of people arrested for driving under the influence had been drinking beer.



How Drinking Affects Driving

Drinking affects your thinking. It also slows your reaction time. By making you feel good, alcohol may also give you false confidence. Such factors affect your driving in ways that a trained law officer can detect. Some signs of drunken driving are:

- **Speeding:** Drinking drivers often think they can drive safely at high speeds.
- **Weaving:** Even though drivers may stay in their lane, they may have trouble steering straight.
- **Slow driving:** Drinking drivers may be overly cautious and drive slower than normal traffic.
- **Jerking motion:** Drinking drivers often have short mental lapses revealed by jerky steering or acceleration.
- **Quick stops:** Drinking drivers may make sudden stops at traffic signs or lights, rather than easing up to them.

Driving Under The Influence

Under Idaho law you are considered to be driving under the influence if your blood-alcohol concentration (BAC) is .02 or more if you are under 21 years of age, .04 or more if you are operating a commercial vehicle, and .08 or more if you are 21 or older. An alcohol concentration of .20 or more carries even stiffer penalties. Even if your BAC is less than .08, you may be convicted of driving under the influence of other intoxicating substances.

If you're convicted, the criminal penalties are:

- **For a first conviction:** Up to six months in jail; up to a \$1,000 fine; and mandatory driver's license suspension of at least 90 days and up to 180 days (one year if you are under 21), with absolutely no driving privileges for the first 30 days.
- **For a second conviction within five years:** Mandatory jail sentence from 10 days to one year (30 days if you are under 21); up to a \$2,000 fine; and a mandatory driver's license suspension of one year (two years if you are under 21).
- **For three or more convictions within five years:** Mandatory jail sentence of from 30 days to five years; up to a \$5,000 fine; and mandatory driver's license suspension from one to five years. This conviction is a felony.

Ignition Interlock Device

If you have been convicted of driving under the influence the court may order that an ignition interlock device be installed in any vehicle that you drive. This device requires the driver to provide a breath sample in order to start the vehicle. If the sample indicates an alcohol content at or above a preset level, the vehicle will not start.

The ignition interlock device is an option used by the court for first-time offenders. For those convicted of two or more DUIs within five years it becomes mandatory. The ignition interlock device must be installed at the end of any mandatory suspension period and through the probation period. The cost of installation and monthly fees are paid by the driver.

Alcohol Tests Refusal

If you are arrested for driving under the influence of intoxicating substances, you will be asked to take an evidentiary (breath, blood, or urine) test. If you refuse to take the test as requested, your license will be seized by the arresting officer.

The officer may issue you a temporary driving permit good for 30 days or until a hearing in court is held on the seizure of your license. If the court upholds the officer's findings, your license will be suspended for 180 days with absolutely no driving privileges of any kind for refusing to take the alcohol concentration test if it is your first offense.

A second refusal within five years will result in a one-year suspension. This penalty is in addition to any penalty you receive in court for the DUI conviction.

Administrative License Suspensions

If you are arrested for operating a motor vehicle while under the influence of alcohol or other intoxicating substances and you fail an evidentiary test by having an alcohol concentration over the legal limit, a peace officer will serve you with a Notice of Suspension. This notice is an Idaho Transportation Department imposed administrative driver's license suspension (ALS), that is issued in accordance with Section 18-8002A, Idaho Code. You have the right to request an administrative hearing on the suspension before a hearing officer designated by the department.

The Administrative License Suspension penalty is a civil penalty and is separate and apart from any criminal penalties imposed by the court system. If you receive an Administrative License Suspension, you must comply with the ALS requirements, and also appear in court on your appointed date regarding the criminal DUI charges brought against you.

Your notice of suspension becomes effective thirty (30) days after the date of service (the date you received the notice). For a first failure, your driving privileges will be suspended for a period of ninety (90) days. You will have absolutely no driving privileges during the first thirty (30) days of that ninety (90) day suspension. Your driving privileges will be suspended for one year with absolutely no driving privileges of any kind for a second failure of the test within five (5) years.

Drugs and Driving

If you have to drive, you should avoid taking any drug that might hamper your ability to operate your vehicle.

- **Prescription drugs:** When your doctor writes out a prescription, ask the doctor if it will make you drowsy or otherwise affect your driving. If so, let someone else drive while you are taking the drug.
- **Over-the-counter drugs:** Over-the-counter drugs include such things as pain relievers, lozenges, and cough and cold remedies. By law, these drugs must provide directions for use. Read the label. If driving is discouraged, don't get behind the wheel.

Illegal Drugs

Illegal drugs come in three varieties: stimulants that speed you up, depressants that slow you down, and hallucinogens that affect the way you see things. All three can be dangerous when mixed with driving. Here's a brief look at some common drugs and their effects:

- **Amphetamines** are stimulants. Fatigued people, including drivers, sometimes use them to stay awake. The danger is that amphetamines often give a false sense of alertness and increased self-confidence, which may increase a person's willingness to take risks.
- **Cocaine** is a stimulant. In moderate doses it may result in extreme stimulation and hallucination.
- **Tranquilizers** are depressants. They slow down the nervous system and cause drowsiness. Besides decreasing alertness, they can affect sight, coordination, and driver reaction.
- **Barbiturates** slow down the nervous system. They can make thinking difficult, affect emotions, and cause drowsiness. Alertness, attention, judgment, and reaction time may be affected for several hours after taking barbiturates.
- **Marijuana** is a mild hallucinogen that delays a driver's response to sights and sounds so it takes longer to react to a dangerous situation. Marijuana causes a severe loss of night vision that is compounded by vehicles with tinted windshields. Together, the two can cause a combined loss of up to 70% of night vision.

The ability to perform a series of tasks can also be affected by smoking marijuana. As a result, a marijuana smoker's biggest driving problems occur when faced with unexpected events, such as a car approaching from a side street or a child running out from between parked cars. The greater the demands of a driving situation, the less able the marijuana smoker will be able to cope.

Driving without Privileges

Driving without privileges is a misdemeanor. If you are convicted of driving without privileges because your license is suspended, revoked, or disqualified in any jurisdiction, you may be subject to the following penalties:

- Mandatory minimum jail sentence for a period of not less than two (2) days and not more than six (6) months.
- Fine not to exceed \$500.
- Six-month court-ordered driving privilege suspension (following the end of any current suspension).