

**DATE: April 16, 2015**

**TO: ALL COUNTY SHERIFFS, DRIVER LICENSING EXAMINERS  
AND DRIVER SERVICES EMPLOYEES**

**FROM: EDWARD R. PEMBLE  
DRIVER SERVICES MANAGER**

**SUBJECT: 2015 LEGISLATION**

This year a number of legislative proposals passed that will have impact on ITD and driver licensing and/or Driver Services operations. This bulletin is to highlight these changes, and make you aware of upcoming effective dates. Some bills listed here, are merely for information purposes. All of the 2015 legislation can be viewed at the following link: <http://www.legislature.idaho.gov/legislation/2015/legIndex.htm>

### **H0017A – AUTOCYCLES; EFFECTIVE 04/03/2015**

#### Background:

Prior to this legislation, Idaho Law did not specifically address "Autocycles". This type of vehicle is a relatively new three-wheeled vehicle which has a steering wheel and a non-straddle seat for the driver. Some types enclose the passengers, contains safety features such as roll cage, airbags and safety belts for each occupant.

#### This legislation:

- Adds a definition of an autocycle: "Autocycle means a motor vehicle designed to travel on not more than three (3) wheels in contact with the ground that has a steering wheel and seating that does not require the operator to straddle or sit astride."
- Exempts autocycle riders from having a motorcycle endorsement on their driver license.
- Exempts the riders from motorcycle helmet requirements.
- Provides that autocycles are registered as motorcycles.
- Prior to registration, 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 is required.
- Provides that autocycle insurance requirements are the same as motorcycle insurance requirements.

## **H0096 – DRIVER’S LICENSES AND ID CARDS; EFFECTIVE: 03/11/2015**

### Background:

The REAL ID Act of 2005 was passed by the US Congress and signed into law at the recommendation of the 9/11 Commission to improve national security. At that time, Idaho implementation costs were estimated at around \$40M. No federal funding was provided to implement the provisions of the act, so it was viewed as an unfunded mandate. Additionally, some saw the federal law as being overly intrusive, and there was fear of government collection of personally identifiable information.

In 2008, Idaho passed into law HB 606 which prohibited the department from implementing REAL ID, but at the same time did not prohibit security enhancements to the driver's license program. Since the original cost estimate was made, an independent study conducted by IBM estimated the cost to implement REAL ID at around \$25M. Much of the cost has to do with the new DMV system that will be needed if REAL ID data fields and data verification is implemented. Idaho received two DHS grants to improve DL security totaling about \$1.64 million. One of the more difficult requirements to achieve is "re-enrollment" which requires all REAL DL/ID applicants to present identity documentation to the department, even though the driver may have been licensed in Idaho for many years. Integration with verification databases will also be difficult to achieve. In fact, some of the verification databases are still not developed. Idaho received one extension request prior to enactment of HB 606, which allowed Idaho's licenses and IDs to be accepted for official purposes defined within the REAL ID Act. The extension has since expired. On January 19, 2015, the DHS phased enforcement of REAL ID affected entrance requirements at INL. Future phases will include security levels 3, 4, 5 at federal and military facilities (October 10, 2015) and boarding federally regulated commercial aircraft (no sooner than 2016). DHS Limitations on one year extension requests have been removed and can be submitted each federal fiscal year. If extension requests are approved by DHS, Idaho's licenses and ID cards can be accepted for all official purposes (defined in the REAL ID ACT) expiring every year on October 10th.

This legislation:

- Allows the Idaho Transportation Board and the Idaho Transportation Department to take reasonable and necessary steps to enhance the security of Idaho state driver's licenses and identification cards to ensure their acceptance for commercial airline travel within the United States.
- Allows the department to file extension requests to DHS along with status reports. The house and senate transportation committees will also receive annual updates on acceptance of extension requests and associated status reports as a part of the annual legislative report on modernization progress.

**H0129 – OFF-HIGHWAY VEHICLES; EFFECTIVE: 07/01/2015**

Background:

Prior to this legislation, 49-326 prevented operation of all-terrain vehicles, utility type vehicles and motorbikes on "controlled access highways". Because the entire state highway system has some level of access control, these vehicles were not allowed on the state highway system.

This legislation:

Allows off-road vehicles to travel on and cross the state highway system within city limits where speed limits are less than 45 mph unless the road has been closed to off-road vehicles by ordinance and the closure is posted.

**S1016 – CDL LEARNER'S PERMIT; EFFECTIVE 07/01/2015**

Background:

Idaho's CDL program and the underlying Idaho statutory basis comply with all FMCSA requirements until July 8, 2015, when new FMCSA regulations become effective. States must implement the new standards or face loss of federal highway funding after one full federal fiscal year of non-compliance. The new standards require Idaho statutes to be amended.

This Legislation:

- Implements new Commercial Learner's Permit standards to assure compliance with federal regulations: (Docket: FMCSA-2007-27659 Commercial Driver's License Testing and Commercial Learner's Permit Standards and as amended by FR Docket 2013-06760 on March 25, 2013.)

- Implements similar standards for non-commercial (Class D) instruction permits and motorcycle instruction permits for consistency across programs.
- Provides definitions for the terms “commercial learner’s permit”, “non-domiciled commercial learner’s permit” and “non-domiciled commercial driver’s license”.
- Provides a maximum validity period of 180 days for a CLP, a Class D instruction permit and a motorcycle endorsement instruction permit.
- Allows one renewal of the CLP, Class D or motorcycle endorsement instruction permit without having to retake the knowledge test.
- Provides that non-domiciled CDLs or CLPs may be issued to applicants who are residents of jurisdictions without CDL programs certified by the Federal Motor Carrier Safety Administration (FMCSA). As an example, this can occur if a state is not compliant with FMCSA regulations.
- Provides legal presence and/or lawful permanent residency documentation requirements for CDL and CLP applicants. This documentation would only be needed if the person’s driving record did not already have this documentation on file.
- Limits renewal of class D instruction permits and motorcycle instruction permits to provide program consistency with the proposed Commercial Learner’s Permit standard.

#### Upcoming Actions:

- Card design changes have been initiated to implement new card terminology.
- Programming changes on DataPoint have been initiated to require knowledge testing after two consecutive issuances of commercial learner’s permits, class D instruction permits or motorcycle instruction permits.

### **S1026 – DRIVING PRIVILEGES DUI; EFFECTIVE 07/01/2015**

#### Background:

Prior to the enactment of this legislation, for felony DUI convictions, Idaho Code required the person be suspended by the court for a minimum period of one (1) year after release from incarceration, up to a period of not more than five (5) years. During such time, the law specified that the person not have driving privileges of any kind. However, the statute also made allowance for a person to operate a motor vehicle with a functioning ignition interlock system following the mandatory one (1) year license suspension.

The language in Idaho Code 18-8005 made it hard to determine if only the first year of the license suspension is absolute and then restricted privileges are allowed, or if there is to be absolutely no driving privileges at all during the entire license suspension period ordered. When reading 18-8005(6)(d) by itself it would appear that the entire suspension period ordered is absolute of any driving privileges. However, the language in 18-8005(6)(e) implies that only the first year of license suspension is absolute.

This legislation:

Clarifies legislative intent for felony DUI convictions; specifically, allowance of court restricted permits under specific conditions after the absolute one year period of suspension.

**S1120 – DRIVER TRAINING COURSE FEES; EFFECTIVE 07/01/2015**

Background:

Currently, for driver training permit fees, the Driver Training Account receives \$5, the county receives \$5 and the State Highway Account receives \$5.

This legislation:

- Amends section 49-307, Idaho Code, to provide that part of a driver's training course fee is to be deposited in the Occupational Licenses Fund or the Driver Training Account depending on the type of driver's training selected/completed by the student.
- Provides a method for calculating the fees which is essentially \$5 times the number who attended private driver training. The \$5 distribution for each driver training permit will continue to be sent from ITD to SDE (State Department of Education). Based on the funding formula, SDE will deposit the appropriate amount in the Occupational Licenses Fund at the end of the year.