



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

First Regular Session - 2023

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-335, IDAHO CODE, TO PROVIDE FOR THE DISQUALIFICATION OF A DRIVER CONVICTED OF HUMAN TRAFFICKING, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-335, Idaho Code, be, and the same is hereby amended to read as follows:

49-335. DISQUALIFICATIONS AND PENALTIES -- COMMERCIAL DRIVER'S LICENSE. (1) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if convicted in the form of a judgment or withheld judgment of a first violation under any state or federal law of:

(a) Operating a motor vehicle while under the influence of alcohol or a controlled substance;

(b) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or bodily substance is 0.04 or more;

(c) Leaving the scene of an accident involving a motor vehicle driven by the person;

(d) Using a motor vehicle in the commission of any felony;

(e) Operating a commercial motor vehicle when the person's class A, B or C commercial driver's license driving privileges were revoked, suspended or canceled, or during a time when such person was disqualified from operating a commercial motor vehicle, if the reason for such revocation, suspension, cancellation or disqualification was the result of a violation that occurred while the person was operating a commercial motor vehicle;

(f) Causing a fatality through negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

(2) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if the person refuses to submit to or submits to and fails a test to determine the driver's alcohol, drug or other intoxicating substances concentration while operating a motor vehicle.

(3) If any of the offenses specified in subsection (1) or (2) of this section occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three (3) years.

1 (4) A person is disqualified for the period of time specified in 49 CFR  
2 ~~part~~ 383 if found to have committed two (2) or more of any of the offenses  
3 specified in subsection (1) or (2) of this section, or any combination of  
4 those offenses, arising from two (2) or more separate incidents.

5 (5) A person is disqualified for the period of time specified in 49 CFR  
6 ~~part~~ 383 from operating a commercial motor vehicle who uses a motor vehicle  
7 in the commission of any felony involving the manufacture, distribution,  
8 or dispensing of a controlled substance, or possession of a controlled  
9 substance with the intent to manufacture, distribute or dispense such con-  
10 trolled substance.

11 (6) A person who uses a commercial motor vehicle in the commission of a  
12 felony involving an act or practice of trafficking in persons, as described  
13 in 22 U.S.C. 7102 and section 18-8602(1) (a), Idaho Code, is disqualified for  
14 the period of time specified in 49 CFR 383 from operating a commercial motor  
15 vehicle.

16 ~~(6)~~ (7) A person is disqualified from operating a commercial motor ve-  
17 hicle for a period of not less than sixty (60) days if convicted of two (2)  
18 serious traffic violations, or one hundred twenty (120) days if convicted  
19 of three (3) or more serious traffic violations, committed in a commercial  
20 motor vehicle arising from separate incidents occurring within a three (3)  
21 year period. A conviction for reckless driving shall be considered a serious  
22 traffic violation if committed while operating a commercial motor vehicle or  
23 a noncommercial motor vehicle, as specified in 49 CFR ~~part~~ 383.

24 ~~(7)~~ (8) A person who drives, operates, or is in physical control of  
25 a commercial motor vehicle within this state while having any detectable  
26 amount of alcohol in his system or who refuses to submit to an alcohol test  
27 must be placed out of service for twenty-four (24) hours and be subject to the  
28 provisions of section 18-8002, Idaho Code.

29 ~~(8)~~ (9) It is unlawful to violate an out-of-service order. A person who  
30 is convicted in the form of a judgment or withheld judgment of a violation of  
31 an out-of-service order while driving a commercial motor vehicle is disqual-  
32 ified for not less than:

33 (a) One hundred eighty (180) days ~~not~~ or more than one (1) year for a  
34 first conviction;

35 (b) Two (2) years ~~not~~ or more than five (5) years for a second conviction  
36 arising from separate incidents during any ten (10) year period;

37 (c) Three (3) years ~~not~~ or more than five (5) years for three (3) or more  
38 convictions arising from separate incidents during any ten (10) year  
39 period.

40 ~~(9)~~ (10) A person who is convicted in the form of a judgment or withheld  
41 judgment of a violation of an out-of-service order while driving a commer-  
42 cial motor vehicle and ~~while~~ transporting hazardous materials required to be  
43 placarded under the hazardous materials transportation act, or while oper-  
44 ating motor vehicles designed to transport sixteen (16) or more people in-  
45 cluding the driver, is disqualified for not less than:

46 (a) One hundred eighty (180) days ~~not~~ or more than two (2) years for a  
47 first conviction;

48 (b) Three (3) years ~~not~~ or more than five (5) years for subsequent con-  
49 victions arising from separate incidents in any ten (10) year period.



1       ~~(10)~~ (11) A person is disqualified from operating a commercial motor ve-  
2 hicle if convicted of a railroad grade crossing violation as specified in 49  
3 CFR ~~part~~ 383 or applicable state laws while operating a commercial motor ve-  
4 hicle. The disqualification shall be for a period of:

5       (a) Sixty (60) days for a first conviction;

6       (b) One hundred twenty (120) days for a second conviction during any  
7 three (3) year period;

8       (c) One (1) year for a third or subsequent conviction during any three  
9 (3) year period.

10       ~~(11)~~ (12) A person is disqualified from operating a commercial motor ve-  
11 hicle if the federal motor carrier safety administration has determined the  
12 person's driving constitutes an imminent hazard, as defined in 49 CFR 383.5.

13       (a) An imminent hazard disqualification may not exceed one (1) year in  
14 duration. The driver, or a representative on his or her behalf, may file  
15 an appeal of the disqualification with the assistant administrator, ad-  
16 judications counsel, federal motor carrier safety administration.

17       (b) Any imminent hazard disqualification transmitted by the federal  
18 motor carrier safety administration shall become a part of the driver's  
19 record.

20       (c) The imminent hazard disqualification shall run concurrent to any  
21 other existing disqualification.

22       ~~(12)~~ (13) In addition to the disqualification periods in subsections  
23 ~~(8)~~ and (9) and (10) of this section, a driver who is convicted of violating  
24 an out-of-service order shall be subject to a civil penalty of not less than  
25 two thousand five hundred dollars (\$2,500) for the first conviction and not  
26 less than five thousand dollars (\$5,000) for any subsequent conviction.

27       ~~(13)~~ (14) A person who is disqualified from holding a commercial  
28 driver's license pursuant to 49 CFR 383.51 and subsection (4) of this section  
29 may make application to the department for reinstatement after a minimum ten  
30 (10) year period of disqualification.

31       (a) To be eligible for reinstatement following a lifetime disqualifi-  
32 cation under 49 CFR 383.51 and pursuant to subsection (4) of this sec-  
33 tion, a person shall:

34       (i) Have a valid class D driver's license from Idaho or any other  
35 jurisdiction for a minimum of three (3) consecutive years prior to  
36 the date of application, provided that during such three (3) year  
37 period the applicant has not been incarcerated;

38       (ii) Meet all statutory requirements for issuance of a commercial  
39 driver's license or commercial learner's permit as a new commer-  
40 cial driver applicant;

41       (iii) Voluntarily and successfully complete the national safety  
42 council four (4) hour defensive driving course and the profes-  
43 sional truck driver four (4) hour course and provide proof of  
44 completion of both courses to the department;

45       (iv) Submit a valid medical examiner's certificate, if applica-  
46 ble;

47       (v) Submit a criminal background check showing that the applicant  
48 has not been convicted of any alcohol or drug-related offenses for  
49 the ten (10) years prior to the date of application; and

- 1           (vi) If the lifetime disqualification was based on an alcohol or  
2           controlled substance conviction, submit proof of the applicant's  
3           successful completion of an appropriate rehabilitation program.
- 4           (b) A person who has been reinstated and issued a commercial driver's  
5           license under this subsection who subsequently is convicted of a dis-  
6           qualifying major offense under 49 CFR 383.51 shall not be eligible for  
7           future reinstatement of a commercial driver's license.
- 8           (c) The driving records for a person applying for reinstatement un-  
9           der this subsection shall be reviewed by the department. Such driving  
10          records shall include records regarding Idaho as well as any other  
11          jurisdiction. To be eligible for reinstatement as set forth in this  
12          subsection, such records for the ten (10) years preceding the date of  
13          application for reinstatement must be free of any convictions occurring  
14          in a commercial vehicle, any convictions or withdrawals related to al-  
15          cohol or drugs, and any felony convictions involving a motor vehicle.  
16          Within the three (3) years preceding the date of application for rein-  
17          statement, the person's driving record must be free of any convictions  
18          requiring a mandatory withdrawal of driving privileges, whether in this  
19          state or any other jurisdiction.
- 20          (d) If a person has moved from another jurisdiction that issued the  
21          lifetime disqualification, that jurisdiction must be willing to rein-  
22          state the disqualification or the person will remain ineligible for a  
23          commercial driver's license in Idaho.