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39.02.70 - RULES GOVERNING RESTRICTED DRIVING PERMITS

000. LEGAL AUTHORITY.

Under authority of Sections 49-325 and 49-326, Idaho Code, the Idaho Transportation Board adopts the following Rule for the issuance of Restricted Driving Permits for drivers licensed in Idaho who face certain suspension or revocation of driving privileges in the state of Idaho. (10-1-94)

001. TITLE AND SCOPE.

It is the purpose of this rule to provide restricted driving privileges for those individuals whose driving privileges have been suspended or revoked under authority of Idaho law. This rule establishes minimum standards for the issuance, denial and cancellation of Restricted Driving Permits. (10-1-94)

002.-- 099. (RESERVED).

100. ELIGIBILITY.

In establishing these standards, the Idaho Transportation Board has determined that individuals eligible for restricted driving privileges in the state of Idaho must meet three (3) general criteria: (8-31-89)

01. Need. It must be shown that driving privileges are essential to maintain a livelihood and/or to provide necessities of life; (8-31-89)

02. Safety. It must be shown that restricted driving privileges will not jeopardize the safety of the traveling public; and (8-31-89)

03. Rehabilitation. It must be shown that restrictions upon a person's driving privileges would improve the person's driving skills and habits. (8-31-89)

101. -- 199. (RESERVED).

200. DURATION AND EXPIRATION OF RESTRICTED DRIVING PERMIT.

01. Department Stay. The Department may stay the suspension or revocation of applicant's driving privileges for the duration of the suspension or revocation upon receipt and approval of all necessary requirements for a restricted driving permit. The Restricted Driving Permit shall remain in effect for the period of time the driver's privileges have been suspended or revoked unless cancelled by the department or otherwise provided by law. (10-1-94)

02. Reinstatement Action. Satisfactory completion of the terms and conditions of the Restricted Driving Permit will be noted in the driving records of the participant as maintained by the Department, and the Department shall reinstate the applicant's regular driving privileges at the expiration of the Restricted Driving Permit if he has complied with all conditions of the restricted driving permit and reinstatement requirements. Any convictions or notice of suspensions or revocations shall remain a part of the driver's file. (10-1-94)

201. -- 299. (RESERVED).

300. RESTRICTED DRIVING PERMITS MAY BE ISSUED.

The Department may only issue Restricted Driving Permits to individuals whose driving privileges have been suspended or revoked for: (10-1-94)

01. Reckless Driving. Conviction of reckless driving. Ref. Sections 49-1401 and 49-326(1)(f), Idaho Code. (10-1-94)

02. Fleeing or Eluding an Officer. Conviction of fleeing or attempting to elude a peace officer. Ref. Sections 49-1404 and 49-326(1) (f), Idaho Code. (9-14-92)

03. Points. Accumulation of excessive "point" violations. Sections 49-326(1)(i) and (j), Idaho Code. (8-31-89)
04. Leaving Scene of Accident. Conviction of leaving the scene of an accident involving damage to a vehicle. Ref. Section 49-1301, and 49-326(1)(l), Idaho Code. (9-14-92)
05. Using Motor Vehicle. Conviction of using a motor vehicle in the commission of a felony. Ref. Section 49-325(1)(b), Idaho Code. (8-31-89)
06. Offense in Another State. Conviction of an offense in another state that would be grounds for suspension/revocation in this state. Ref. Section 49-326(1)(e), Idaho Code. (8-31-89)
07. Restricted License. Conviction of violation of a restricted license. Ref. Section 49-317 and 49-326(1)(k), Idaho Code. (9-14-92)
08. Administrative License Suspension. An Administrative suspension of driving privileges for a first-time failure of an evidentiary test for the last sixty (60) days of that suspension. Ref. Section 18-8002A, Idaho Code. (10-1-94)

301. -- 399. (RESERVED).

400. RESTRICTED DRIVING PERMITS SHALL NOT BE ISSUED.

Restricted Driving Permits shall not be issued by the Department to: (8-31-89)

01. Non Residents. Non-residents, except for active military stationed in the state of Idaho. (8-31-89)
02. Privileges Suspended. Individuals who have had their driving privileges suspended or revoked by the Court and/or Department three (3) or more times during the three (3) year period prior to the effective date of the current suspension. (10-1-94)
03. Like Offense. Individuals who have been issued a Restricted Driving Permit by the Department or by an Idaho Court for a like offense within a previous two (2) year period prior to the effective date of the current suspension or revocation. (10-1-94)
04. Time Period. Any individual whose suspension/revocation period has less than twenty-one (21) days remaining. (10-1-94)
05. Violation of Restrictions. An individual found to be in violation of restrictions on a permit if the permit was issued by the Department pursuant to IDAPA 39.02.70 or if the restricted permit was issued by a Court. (9-14-92)
06. Revoked Out-Of-State Drivers. An individual who was an out-of-state resident at the time driving privileges were revoked or suspended in that state or any other state. (10-1-94)

401. -- 499. (RESERVED).

500. GENERAL APPLICATION PROCEDURE FOR A RESTRICTED DRIVING PERMIT.

01. Applicant Submissions. Applicant must submit the following before their suspension or revocation is stayed: (10-1-94)
- a. Completed Form No. ITD-3227, Application for Restricted Driving Permit; (8-31-89)
- b. Completed Form No. ITD-3208, Work Verification; (8-31-89)
- c. Proof of motor vehicle liability insurance coverage in the amount required by law to cover any and all vehicles to be used by the applicant. Additionally, an applicant operating a vehicles other than his own shall

provide a letter of permission from the owner to operate the vehicle and to verify the insurance coverage on that vehicle. (10-1-94)

d. Financial responsibility in the form of an SR-22 is required for Idaho or out-of-state convictions for driving under the influence of alcohol or other intoxicating substances, reckless driving, eluding a peace officer, driving without privileges, leaving the scene of an accident, or using a motor vehicle in the commission of a felony. Or other acceptable forms of insurance pursuant to Section 49-1209, Idaho Code. (10-1-94)

e. An application fee of thirty-five dollars (\$35); (10-1-94)

f. A reinstatement fee for regular driving privileges pursuant to Section to Section 49-328, Idaho Code. (10-1-94)

02. Written Agreement. If the Department determines that applicants are eligible for Restricted Driving Permits, the applicants must then sign written agreements, prepared by the Department, affirming that: (10-1-94)

a. Cause exists to suspend or revoke the driver's license or privileges of the applicant; (8-31-89)

b. The driver's license of the applicant is suspended or revoked but that such suspension or revocation shall be stayed pending completion of the Restricted Driving Permit and suspension; (10-1-94)

c. The applicant shall obey all motor vehicle laws; (10-1-94)

d. The applicant may be required to attend and complete defensive drivers courses or obtain an alcohol evaluation and follow the recommendations of the evaluator if the suspension is based upon conviction of an alcohol related offense. (9-14-92)

e. The applicant shall provide and maintain adequate motor vehicle liability insurance. (10-1-94)

f. The applicant shall notify the Department within twenty-four (24) hours following arrest, citation, accident or warnings by any law enforcement officer with regard to motor vehicle violations or alleged violations, and any change of address, telephone number, place of employment; (8-31-89)

g. The applicants understand that if they plead guilty to, are found guilty, or forfeit bond as to any moving traffic violation while operating with a Restricted Driving Permit, their Restricted Driving Permit may be cancelled; (10-1-94)

h. The applicant shall not operate any motor vehicle after consuming any intoxicating liquor and/or drugs; (8-31-89)

i. The applicant shall submit to any evidentiary testing to determine alcohol concentration at any time at the request of any peace officer; (9-14-92)

j. The applicant shall operate a motor vehicle only for those reasons specified on the Restricted Driving Permit (See Section 600); (10-1-94)

k. The applicant shall abide by all rules and regulations concerning the Restricted Driving Permit; (8-31-89)

l. The applicant's Restricted Driving Permit may be cancelled by the Department without a hearing for violation of the terms of the agreement or other conditions specified on the Restricted Driving Permit; and (10-1-94)

m. The applicant understands that if, while driving on a Restricted Driving Permit, he/she receives an additional Department or court suspension that results in cancellation of the restricted permit, the applicant will not be eligible to receive another Restricted Driving Permit for said suspension. (10-1-94)

03. Restricted Driving Permit Approval. Approval will be given and a Restricted Driving Permit shall be issued if the following conditions are met: (7-1/94)T

- a. Submission and approval of all requirements listed in Section 500.01; and (10-1-94)
- b. No other suspensions or revocations are in effect which preclude issuance of a Restricted Driving Permit. (10-1-94)

501. -- 599. (RESERVED).

600. DRIVING RESTRICTIONS SPECIFIED.

The Department may impose the following restrictions upon an applicant's driving privileges and such restrictions shall be specified on the Restricted Driving Permit: (10-1-94)

- 01. Operation of Vehicle. Time of operation of a motor vehicle, i.e. restricted to certain days, or hours of a day. (8-31-89)
- 02. Geographic Area. Geographic limitations within limits of states, counties, cities. (8-31-89)
- 03. Purpose of Permit. Purposes of travel such as to and from employment, to and from counseling sessions, to and from medical appointments, to and from grocery store, church, etc. (10-1-94)
- 04. Vehicles Approved For Operation. Operation of only those vehicles approved under Section 500 of this rule. (10-1-94)

601. -- 699. (RESERVED).

700. CANCELLATION OF RESTRICTED DRIVING PERMIT.

The Department may cancel a Restricted Driving Permit and shall re-activate the suspension or revocation order which will expire according to the original order if: (10-1-94)

- 01. Violation of Terms. There is a violation of terms of the written driver's agreement set forth in Section 500.02. herein. (8-31-89)
- 02. Violation of Restrictions. There is a violation of any of the restrictions set forth in the applicant's Restricted Driving Permit, see Section 600. (10-1-94)
- 03. Change in Employment. There is a substantial change in the driver's employment that affects the necessity of driving privileges in order to maintain livelihood. (8-31-89)
- 04. Applicant Moves Out-Of-State. The applicant moves from the state of Idaho and comes under the jurisdiction of another state. (8-31-89)

701. -- 999. (RESERVED).