

# ***Table of Contents***

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## **39.02.71 - Rules Governing Driver's License Violation Point Count System**

000. Legal Authority. ....	2
001. Title And Scope. ....	2
002. Written Interpretations. ....	2
003. Administrative Appeals. ....	2
004. Incorporation By Reference. ....	2
005. -- 099. (Reserved). ....	2
100. Violation Point Count System. ....	2
101. -- 199. (Reserved). ....	2
200. List Of Moving Traffic Convictions And/Or Violations Point Count. ....	2
201. -- 299. (Reserved). ....	4
300. Suspension Of License. ....	4
301. -- 399. (Reserved). ....	4
400. Completion Of A Defensive Driving Class. ....	4
401. -- 999. (Reserved). ....	4

**IDAPA 39  
TITLE 02  
CHAPTER 71**

**39.02.71 - RULES GOVERNING DRIVER'S LICENSE VIOLATION POINT COUNT SYSTEM**

**000. LEGAL AUTHORITY.**

Under authority of Sections 49-201 and 49-326, Idaho Code, the Idaho Transportation Board adopts the following rule for Violation Point Count System for drivers licensed in Idaho. (7-20-89)

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be known as IDAPA 39.02.71, "Rules Governing Driver's License Violation Point System." (3-30-01)

**02. Scope.** It is the purpose of this rule to establish guidelines for the implementation of a driver's license violation point system for drivers convicted of moving traffic violations and convictions. (3-30-01)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (3-30-01)

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative appeals. (3-30-01)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (3-30-01)

**005. -- 099. (RESERVED).**

**100. VIOLATION POINT COUNT SYSTEM.**

**01. Points for Moving Traffic Violations.** The Idaho Code authorizes the Department to establish a violation point count system for drivers convicted of various moving traffic violations and infractions occurring either within the state of Idaho, or outside the state of Idaho. Therefore, a schedule of violation points for moving traffic violations and infractions has been established. Moving traffic violations and infractions are violations that occur while operating a motor vehicle. (7-1-97)

**02. Violation Point Count List.** The following violation point count list includes all moving violations and infractions in the Idaho Code, and the appropriate sections. Convictions of moving violations and infractions not herein listed which are violations of a state law or municipal ordinance will receive three (3) violation points, except those for which mandatory suspension/revocation is required by statute. (7-1-97)

**03. Points Assessed.** Each moving traffic conviction and infractions shall be assessed from one (1) point for less serious violations to a maximum of four (4) points for more serious violations. The degree of seriousness of moving traffic violations and infractions has been determined by considering the possibility of bodily injury or property damage resulting from such violation. (7-1-97)

**04. Dual Violation.** In cases where the driver is convicted of more than one (1) violation arising from one (1) occasion of arrest or citation, only one (1) conviction will be counted and assessed points against the driver's record. The conviction counted will be counted with the greater amount of points. (7-20-89)

**05. Speeding Violation.** Drivers convicted of traveling sixteen (16) miles per hour or more over the posted maximum speed limit or exceeding the speed limit in a construction danger zone will receive four (4) points. Driving convictions of IDAPA 39.02.71 other speeding violations will receive three (3) points. (7-1-97)

**101. -- 199. (RESERVED).**

**200. LIST OF MOVING TRAFFIC CONVICTIONS AND/OR VIOLATIONS POINT COUNT.**

<b>Idaho Code</b>	<b>Convictions Reported by Court</b>	<b>Point Count</b>
49-603	Starting Parked Vehicle	two (2)
49-604	Limitations On Backing	one (1)
49-615	Drivers To Exercise Due Care	three (3)
49-616	Driving Through Safety Zone Prohibited	two (2)
49-625	Operation Of Vehicles On Approach Of Authorized Emergency Police Vehicles	three (3)
49-630	Drive On Right Side of Road – Exceptions	three (3)
49-631	Passing Vehicles Proceeding In Opposite Directions	two (2)
49-632	Overtaking A Vehicle On Left	three (3)
49-633	When Passing On The Right Is Permitted	two (2)
49-634	Limitations On Overtaking On The Left	three (3)
49-635	Further Limitations On Driving On Left Of Center Of Highway	three (3)
49-636	One-way Highways	one (1)
49-637	Driving On Highways Laned For Traffic	one (1)
49-638	Following Too Closely	three (3)
49-640	Vehicles Approaching Or Entering Unmarked Or Uncontrolled Intersection	three (3)
49-641	Vehicle Turning Left	three (3)
49-642	Vehicle Entering Highway	three (3)
49-644	Required Position And Method Of Turning	three (3)
49-645	Limitations On Turning Around	three (3)
49-648	Obedience To Signal Indicating Approach Of Train	four (4)
49-649	Compliance With Stopping Requirement At All Railroad Grade Crossing	four (4)
49-651	Emerging From Alley, Driveway Or Building	three (3)
49-654	Basic Rule And Maximum Speed Limits	three (3) four (4)
49-655	Minimum Speed Regulation	three (3)
49-656	Special Speed Limitations	three (3) four (4)
49-657	Construction Danger Zone Speed Limits	three (3)
49-702	Pedestrians' Right Of Way In Crosswalks	three (3)
49-801	Obedience To And Required Traffic Control Devices	three (3)
49-802	Traffic Control Signal Legend	three (3)
49-804	Flashing Signals	three (3)
49-807(2)	Stop Signs	three (3)
49-807(3)	Failure To Yield – Signed Intersection	three (3)

<b>Idaho Code</b>	<b>Convictions Reported by Court</b>	<b>Point Count</b>
49-808	Turning Movements And Required Signals	three (3)
49-1302	Duty To Give Information In Accident Involving Damage To A Vehicle	four (4)
49-1303	Duty Upon Striking Unattended Vehicle	four (4)
49-1304	Duty Upon Striking Fixtures Upon Or Adjacent To A Highway	four (4)
49-1401(3)	Inattentive Driving	three (3)
49-1419	Obedience To Traffic Direction	two (2)
49-1421(1)	Driving On Divided Highways	one (1)
49-1421(2)	Restricted Access	one (1)
49-1422	Overtaking And Passing School Bus	four (4)
49-1424	Racing On Public Highways	four (4)

(3-30-01)

**201. -- 299. (RESERVED).**

**300. SUSPENSION OF LICENSE.**

**01. Twelve Points.** When a driver accumulates twelve (12) or more points in any twelve (12) month period of time, the suspension period shall be for thirty (30) days. (7-20-89)

**02. Eighteen Points.** When a driver accumulates eighteen (18) or more points within any twenty-four (24) month period of time, the suspension period shall be for ninety (90) days. (7-20-89)

**03. Twenty-Four Points.** When a driver accumulates twenty-four (24) or more points within any thirty-six (36) month period of time, the suspension period shall be for six (6) months. (7-20-89)

**301. -- 399. (RESERVED).**

**400. COMPLETION OF A DEFENSIVE DRIVING CLASS.**

**01. Removal of Three Points upon Completion of Defensive Driving Class.** Three (3) points may be removed from an Idaho driving record upon the driver's completion of an approved defensive driving class. These points may only be removed from a driver's record once every three (3) years. This time restriction begins on the completion date of a driver's first defensive driving class. (7-1-97)

**02. Driving Conviction Cannot Be Removed.** A driver may not remove a driving conviction from his record by attending a defensive driving class. (7-1-97)

**03. Suspension for Excessive Points.** Once the department has suspended a driver for excessive points, that driver may not waive the suspension action by attending a defensive driving class. (7-1-97)

**04. Driver May Not Reserve Three Point Reduction.** When a driver completes a defensive driving class but has no violation points on his driver record, he may not reserve a three (3) point reduction for use on a future point-assessing violation. (7-1-97)

**401. -- 999. (RESERVED).**

# ***Subject Index***

## **C**

Completion Of A Defensive Driving  
Class 4

## **D**

Driver May Not Reserve Three Point  
Reduction, Completion of a  
Defensive Driving Class 4  
Driving Conviction Cannot be  
Removed, Completion of a Defensive  
Driving Class 4  
Dual Violation, Violation Point Count  
System 2

## **L**

List Of Moving Traffic Convictions  
Point Count 2

## **P**

Points Assessed, Violation Point Count  
System 2  
Points for Moving Traffic Violations,  
Violation Point Count System 2

## **R**

Removal of Three Points Upon  
Completion of Defensive Driving  
Class 4

## **S**

Speeding Violation, Violation Point  
Count System 2  
Suspension Of License 4  
Suspension for Excessive Points,  
Completion of a Defensive Driving  
Class 4

## **V**

Violation Point Count List 2  
Violation Point Count System 2