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**IDAPA 39
TITLE 02
CHAPTER 70**

39.02.70 – RULES GOVERNING RESTRICTED DRIVING PERMITS

000. LEGAL AUTHORITY.

Under authority of Sections 18-8002A, 49-325, and 49-326, Idaho Code, the Idaho Transportation Board adopts the following Rule for the issuance of Restricted Driving Permits for licensed drivers who face certain suspension or revocation of driving privileges in the state of Idaho. (3-29-12)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.02.70 “Rules Governing Restricted Driving Permits,” IDAPA 39, Title 02, Chapter 70. (3-29-12)

02. Scope. This rule contains guidelines for issuance of non-commercial restricted driving privileges for those individuals whose driving privileges have been suspended or revoked under authority of Idaho law; and establishes minimum standards for the issuance, denial and cancellation of non-commercial Restricted Driving Permits pursuant to Sections 18-8002A, 49-325 and 49-326, Idaho Code. (3-29-12)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (3-29-12)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-29-12)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-29-12)

005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street, with a mailing address of P O Box 7129, Boise ID 83707-1129. (3-29-12)

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (3-29-12)

03. Telephone and FAX numbers. The central office may be contacted during office hours by phone at 208-334-8000 or by fax at 208-334-8739. (3-29-12)

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. (3-29-12)

007. -- 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. Duration and Expiration. 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. (3-29-12)

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 notices of suspension or revocation shall remain a part of the driver's file. (3-29-12)

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 per Sections 49-1401 and 49-326(1)(f), Idaho Code. (3-29-12)

02. Fleeing or Eluding an Officer. Conviction of fleeing or attempting to elude a peace officer per Sections 49-1404 and 49-326(1)(f), Idaho Code. (3-29-12)

03. Points. Accumulation of excessive "point" violations per Sections 49-326(1)(i) and (j), Idaho Code. (3-29-12)

04. Leaving Scene of Accident. Conviction of leaving the scene of an accident involving damage to a vehicle per Sections 49-1301, and 49-326(1)(l), Idaho Code. (3-29-12)

05. Using Motor Vehicle. Conviction of using a motor vehicle in the commission of a felony per Section 49-325(1)(b), Idaho Code. (3-29-12)

06. Offense in Another State. Conviction of an offense in another state that would be grounds for suspension/revocation in this state per Section 49-326(1)(e), Idaho Code. (3-29-12)

07. Restricted License. Conviction of violation of a restricted license per Sections 49-317 and 49-326(1)(k), Idaho Code. (3-29-12)

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, for Class D privileges only per Section 18-8002A, Idaho Code. (3-29-12)

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. 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)

02. 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)

03. Violation of Restrictions. An individual found to be in violation of restrictions on any court or Department-issued permit. (3-29-12)

04. 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)

05. Under Seventeen. An individual who is not at least seventeen (17) years of age at the time of issuance of the permit. (3-29-12)

401. -- 499. (RESERVED)

500. GENERAL APPLICATION PROCEDURE FOR A NON-COMMERCIAL 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 Idaho law to cover any and all vehicles to be used by the applicant; (3-29-12)

d. All applicable reinstatement requirements must be satisfied; (3-29-12)

e. A non-refundable application fee pursuant to Section 49-306, Idaho Code; (3-29-12)

02. Written Agreement. If the Department determines that an applicant is eligible for a non-commercial Restricted Driving Permit, the applicant must then sign written agreements, prepared by the Department, affirming that: (3-29-12)

a. Cause exists to suspend or revoke the driver's license or privileges of the applicant and that the driver's license of the applicant is suspended or revoked; (3-29-12)

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

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

d. The applicant shall notify the Department within one (1) business day 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; (3-29-12)

e. The applicant shall not operate any motor vehicle after consuming any alcohol, drugs, or other intoxicating substances; (3-19-99)

f. 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)

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

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

i. 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)

j. 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)

a. Submission and approval of all requirements listed in Subsection 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. Purpose of Permit Administrative License Suspension. To travel to and from work and for work purposes, to attend an alternative high school, work on a GED, for post-secondary education, or to meet the medical needs of the person or their family. (3-19-99)

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)

701. -- 999. (RESERVED)

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