

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

Division of Motor Vehicles

39.02.71 – Rules Governing Driver's License Violation Point System and Accident Prevention Courses

Who does this rule apply to?

Drivers cited and convicted in the state of Idaho, or outside the state of Idaho, for moving traffic violations

- Drivers violating traffic laws in the State of Idaho or outside the State of Idaho

What is the purpose of this rule?

Rule authorizes the Department to establish a point count system for drivers convicted of various moving traffic violations and infractions occurring within the state of Idaho or outside the state of Idaho. The Department has developed a schedule of violation points assessed for moving traffic violations and infractions; which are violations that occur while operating a motor vehicle.

Essential moving traffic violations are assessed one (1) to four (4) points depending on the severity of the violation. Rule provides for a suspension of driving privileges for accumulation of too many points within 12 months, 24 months and 36 months. Rule also provides for a one-time point reduction for completion of an approved defensive driving class, which may prevent a suspension for accumulation of points.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Motor Vehicles -

General:

- [49-201, Idaho Code](#) – Duties of Board

Motor Vehicle Driver's Licenses

- [49-326, Idaho Code](#) – Authority of Department to Suspend, Disqualify or Revoke Driver's License and Privileges

Who do I contact for more information on this rule?

Idaho Transportation Department

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**39.02.71 – RULES GOVERNING DRIVER'S LICENSE VIOLATION POINT SYSTEM
AND ACCIDENT PREVENTION COURSES**

000. LEGAL AUTHORITY.

Sections 41-2515, 49-201 and 49-326, Idaho Code.

(4-6-23)

001. SCOPE.

These rules establish a driver's license violation point system for drivers convicted of moving traffic violations and convictions. Subchapter A establishes minimum standards for approval of a motor vehicle accident prevention course.

(4-6-23)

002. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter will 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."

(4-6-23)

003. -- 099. (RESERVED)

100. VIOLATION POINT COUNT SYSTEM.

01. Points for Traffic Violations. Idaho Code authorizes and directs 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.

(4-6-23)

02. Violation Point Count List. The following violation point count list includes traffic violations in Idaho Code, and the appropriate code section reference. Convictions of traffic violations not herein listed which are violations of a state law or municipal ordinance will receive three (3) violation points, except those for which mandatory withdrawal of driving privileges is required by Idaho Code or the Idaho Code provides a point exemption.

(4-6-23)

03. Points Assessed. Each traffic violation conviction will 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 traffic violations has been determined by considering the possibility of bodily injury or property damage resulting from such violation.

(4-6-23)

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 the one with the greater amount of points.

(4-6-23)

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 work zone will receive four (4) points. Driving convictions of other speeding violations will receive three (3) points.

(4-6-23)

06. Distracted Driving. A first offense of Section 49-1401A, Idaho Code, will not be assessed points pursuant to code. Subsequent offenses will be assessed points as shown in Section 200. Third and subsequent offenses in a three-year period may also be subject to a court suspension.

(4-6-23)

101. -- 199. (RESERVED)

200. LIST OF TRAFFIC CONVICTIONS AND VIOLATION POINT COUNT.

| Idaho Code | Convictions Reported by Court | Point Count |
|------------|---|-------------|
| 49-603 | Starting Parked Vehicle | Two (2) |
| 49-604 | Limitations on Backing | One (1) |
| 49-605 | Driving Upon Sidewalk | Three (3) |
| 49-606 | Coasting Prohibited | Two (2) |
| 49-612 | Obstruction to Driver's View or Driving Mechanism | Three (3) |
| 49-614 | Stopping When Traffic Obstructed | One (1) |
| 49-615 | Drivers to Exercise Due Care | Three (3) |

| Idaho Code | Convictions Reported by Court | Point Count |
|-------------------|--|-----------------------|
| 49-616 | Driving through Safety Zone Prohibited | Two (2) |
| 49-619 | Slow Moving Vehicles | Two (2) |
| 49-623(4) | Authorized Emergency or Police Vehicles | Three (3) |
| 49-624 | Duty Upon Approaching a Stationary Police Vehicle or an Emergency Vehicle Displaying Flashing Lights | Three (3) |
| 49-625 | Operation of Vehicles on Approach of Authorized Emergency or Police Vehicles | Three (3) |
| 49-626 | Following Fire Apparatus Prohibited | Three (3) |
| 49-627 | Crossing Fire Hose | One(1) |
| 49-630 | Drive on Right Side of Roadway - 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) |
| 49-639 | Turning Out of Slow Moving Vehicles | Two (2) |
| 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) |
| 49-643 | Highway Construction and Maintenance | 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 Crossings | Four (4) |
| 49-650 | Moving Heavy Equipment at Railroad Grade Crossings | Three (3) |
| 49-651 | Emerging from Alley, Driveway or Building | Three (3) |
| 49-652 | School Safety Patrols – Failure to Obey Unlawful | 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 | Work Zone Speed Limits | Four (4) |

| Idaho Code | Convictions Reported by Court | Point Count |
|-------------------|--|--------------------|
| 49-658 | School Zone Speed Limit | Three (3) |
| 49-663 | Restricted Use of Neighborhood Electric Vehicles on Highways | Two (2) |
| 49-702 | Pedestrians' Right of Way in Crosswalks | Three (3) |
| 49-706 | Blind and/or Hearing Impaired Pedestrian Has Right-of-Way | Three (3) |
| 49-707 | Pedestrians' Right-of-Way on Sidewalks | 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) |
| 49-806 | Lane Use Control Signals | Three (3) |
| 49-807(2) | Stop Signs | Three (3) |
| 49-807(3) | Failure to Yield – Signed Intersection | Three (3) |
| 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) |
| 49-1401A | Distracted Driving (second and subsequent offenses) | 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) |

(4-6-23)

201. -- 299. (RESERVED)

300. SUSPENSION OF DRIVER LICENSE.

01. Twelve Points. When a driver accumulates twelve (12) or more points in any twelve (12) month period of time, the suspension period will be for thirty (30) days. (4-6-23)

02. Eighteen Points. When a driver accumulates eighteen (18) or more points within any twenty-four (24) month period of time, the suspension period will be for ninety (90) days. (4-6-23)

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 will be for six (6) months. (4-6-23)

301. -- 399. (RESERVED)

400. COMPLETION OF A DEFENSIVE DRIVING CLASS OR TRAFFIC SAFETY EDUCATION PROGRAM.

01. Removal of Points Upon Completion of Defensive Driving Class or Traffic Safety Education Program. Three (3) points may be removed from an Idaho driving record upon the driver’s completion of an approved defensive driving class or points may be removed from a traffic violation upon the driver’s completion of an approved traffic safety education program. Points may only be removed from a driver’s record once every three (3) years. The three-year period begins on the completion date of either a defensive driving class or traffic safety education program. (4-6-23)

a. For completion of a defensive driving class, points are only removed from the violation point count total on the driving record. (4-6-23)

b. For completion of a traffic safety education program as provided in Section 50-336, Idaho Code, points are removed from the conviction for which the traffic safety education program was offered and taken. (4-6-23)

02. Driving Conviction Cannot Be Removed. A driver may not remove a traffic conviction from their record by attending a defensive driving class or a traffic safety education program. (4-6-23)

03. Suspension for Excessive Points. Once the department has suspended a driver for excessive points, that driver may not have the suspension action rescinded by attending a defensive driving class or traffic safety education program. (4-6-23)

04. Driver May Not Reserve Point Reduction. When a driver completes a defensive driving class or traffic safety education program but has no violation points on their driver record, the driver may not reserve a point reduction for use on a future traffic violation that points are assessed. (4-6-23)

401. -- 499. (RESERVED)

SUBCHAPTER A – RULES GOVERNING ACCIDENT PREVENTION COURSE

500. ACCIDENT PREVENTION COURSE.

A structured course of study, either in a traditional classroom setting, field driving or internet based format, with curriculum focusing on becoming a safer driver and avoiding accidents, by being cautious, aware, responsible, and respectful of other drivers while abiding by Idaho’s rules of the road. The terms “accident prevention course” and “defensive driving class” are interchangeable, and the course standards established for the accident prevention course in this rule are the same standards for the defensive driving class for violation point count reduction as established above. (4-6-23)

501. -- 549. (RESERVED)

550. CRITERIA.

01. Instructor Certification. For classroom and field driving instruction, instructors will be certified by the Idaho Department of Education as a Driver and Traffic Safety Education instructor, or the National Safety Council, American Automobile Association’s program (AAA), American Association of Retired Persons (AARP), or an equivalent program, as determined by the Department. (4-6-23)

02. Contents of Course. Other than courses provided by the National Safety Council, AAA, or AARP, all accident prevention course outlines will be approved by the Department. (4-6-23)

03. Length of Class. The course will be a minimum of six (6) hours, which may include any combination of classroom instruction, field driving instruction, or on-line instruction time. (4-6-23)

04. Proof of Insurance. For any field driving instruction, the course provider will confirm adequate proof of insurance. (4-6-23)

05. Provider Location. The course provider will confirm location(s) of established place of business,

and a telephone number or e-mail address of a contact person who can be reached during regular working hours 8 a.m. to 5 p.m. (4-6-23)

06. Participant Certification. Each participant will be issued a certificate of completion by the instructor or course provider. (4-6-23)

551. -- 599. (RESERVED)

600. COURSE REVIEW.

Accident Prevention Courses are subject to periodic review by the Department. As a part of the review process, the provider may be asked to confirm course and instructor information and resubmit instruction materials. (4-6-23)

601. WITHDRAWAL OF COURSE APPROVAL.

The Department may withdraw course approval if minimum standards are no longer met or if course providers have failed to respond to a course review. (4-6-23)

602. -- 999. (RESERVED)