

## 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?**

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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.**

<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)
49-605	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)

<b>Idaho Code</b>	<b>Convictions Reported by Court</b>	<b>Point Count</b>
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)

<b>Idaho Code</b>	<b>Convictions Reported by Court</b>	<b>Point Count</b>
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)**