LEGISLATURE OF THE STATE OF IDAHO
Sixtieth Legislature Second Regular Session - 2010

IN THE SENATE

SENATE BILL NO. 1378, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC WRITINGS; AMENDING SECTION 9-340C, IDAHO CODE, TO REVISE A PUBLIC RECORDS EXEMPTION, TO PROVIDE A PUBLIC RECORDS EXEMPTION AND TO PROVIDE EXCEPTIONS; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 19, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THAT THE DISCLOSURE OF THE RESIDENTIAL STREET AND TELEPHONE NUMBER OF CERTAIN PERSONS IS PROHIBITED, TO PROVIDE EXCEPTIONS, TO PROVIDE A PROCESS FOR REQUESTING ADDRESS CONFIDENTIALITY AND ELIGIBILITY AND TO PROVIDE IMMUNITY FROM LIABILITY; AMENDING SECTION 49-306, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENTS OF A CERTAIN APPLICATION; AMENDING SECTION 49-315, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF A DRIVER’S LICENSE; AMENDING SECTION 49-401B, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF A CERTAIN APPLICATION; AMENDING SECTION 49-504, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF AN APPLICATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF AN IDENTIFICATION CARD; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 9-340C, Idaho Code, be, and the same is hereby amended to read as follows:

9-340C. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official’s public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee’s or applicant’s written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant’s written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.
(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

   (a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;

   (b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

   (c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;

   (d) Records, with regard to the ownership of, or security interests in, registered public obligations;

   (e) Vital statistics records; and

   (f) Military records as described in and pursuant to section 65-301, Idaho Code.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for the elderly, indigent, or mentally or physically handicapped, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third
party may obtain information pertaining to the person, unless access to
the information by the person is restricted by subsection (3)(a), (3)(b)
or (3)(d) of section 9-342, Idaho Code. Notwithstanding the provisions of
section 9-342, Idaho Code, a person may not review identifying information
concerning an informant who reported to the department of labor a suspected
violation by the person of the employment security law, chapter 13, title 72,
Idaho Code, under an assurance of confidentiality. As used in this section
and in chapter 13, title 72, Idaho Code, "employment security information"
means any information descriptive of an identifiable person or persons that
is received by, recorded by, prepared by, furnished to or collected by the
department of labor or the industrial commission in the administration of
the employment security law.

(8) Any personal records, other than names, business addresses and
business phone numbers, such as parentage, race, religion, sex, height,
weight, tax identification and social security numbers, financial worth or
medical condition submitted to any public agency or independent public body
corporate and politic pursuant to a statutory requirement for licensing,
certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained
as part of an inquiry into a person’s fitness to be granted or retain a
license, certificate, permit, privilege, commission or position, private
association peer review committee records authorized in title 54, Idaho
Code. Any agency which has records exempt from disclosure under the
provisions of this subsection shall annually make available a statistical
summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any
prelitigation screening panel formed under chapters 10 and 23, title 6,
Idaho Code.

(11) Complaints received by the board of medicine and investigations
and informal proceedings, including informal proceedings of any committee
of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
rules adopted thereunder.

(12) Records of the department of health and welfare or a public health
district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including
prescriptions, drug orders, records or any other prescription information
that specifically identifies an individual patient, prescription records
maintained by the board of pharmacy under sections 37-2726 and 37-2730A,
Idaho Code, records of psychiatric care or treatment and professional
counseling records relating to an individual’s condition, diagnosis, care
or treatment, provided the provisions of this subsection making records
exempt from disclosure shall not apply to the extent that such records or
information contained in those records are necessary for a background check
on an individual that is required by federal law regulating the sale of
firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act,
chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records
that is exempt from disclosure under the provisions of chapter 2, title 49,
Idaho Code.
(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section which specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

(a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;

(b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;

(c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee’s duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee’s or applicant’s written consent. An employee or authorized representative may inspect and copy that employee’s personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program
authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the trauma registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration card on file in the county clerk’s office; however, a redacted copy of said card shall be made available consistent with the requirements of this section. Information from the voter registration card maintained in the statewide voter registration database, including age, will be made available except for the voter’s driver’s license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (28) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person’s legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

(27) Records in an address confidentiality program participant’s file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or
(b) If directed by a court order, to a person identified in the order.

(28) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer’s residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

(a) If directed by a court order, to a person identified in the court order;
(b) If requested by a law enforcement agency, to the law enforcement agency;
(c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or
(d) If the law enforcement officer provides written permission for disclosure of such information.
SECTION 2. That Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 58, Title 19, Idaho Code, and to read as follows:

CHAPTER 58

ADDRESS CONFIDENTIALITY FOR LAW ENFORCEMENT OFFICERS

19-5801. DEFINITIONS. As used in this chapter:
(1) "Alternative Idaho mailing address" means the address of a law enforcement officer’s employing entity.
(2) "Application" means a written form prescribed and made available by the Idaho peace officer standards and training council. Such application shall contain, at minimum, all of the following:
   (a) A sworn statement by the law enforcement officer’s employing entity that the applicant is in fact a law enforcement officer as defined in subsection (6) of this section;
   (b) A sworn statement by the law enforcement officer that names such officer’s residing household member(s), if any, as defined in subsection (11) of this section;
   (c) The alternative Idaho mailing address as defined in subsection (1) of this section, and the telephone number or numbers where the law enforcement officer and such officer’s residing household member(s) can be contacted by the public agency; and
   (d) A sworn statement by the law enforcement officer that such officer knowingly and voluntarily designates his or her employing entity as agent for purposes of service of process and receipt of first class, certified or registered mail.
(3) "County detention officer" means an employee in a county jail who is responsible for the safety, care, protection and monitoring of county jail inmates.
(4) "Custodian" as defined in section 9-337, Idaho Code.
(5) "Federal officer" means a special agent or law enforcement officer who is a resident as defined in section 51-102, Idaho Code, employed by a federal agency and who is empowered to effect an arrest with or without a warrant for violations of the United States Code who is authorized to carry firearms in the performance of duty.
(6) "Law enforcement officer" means any current federal officer, peace officer, parole officer, probation officer, correctional officer, county detention officer and any person who prosecutes criminal cases. The term "law enforcement officer" shall not include a person who holds an elected office.
(7) "Parole officer" means an employee of the Idaho department of correction who is charged with or whose duties include supervision of parolees.
(8) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "Peace officer" also means an employee of a police or law enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer
standards and training academy and has been deputized by a sheriff of a
county or a chief of police of a city of the state of Idaho.

(9) "Probation officer" means an employee of the Idaho department of
correction or of the Idaho department of juvenile corrections who is charged
with or whose duties include supervision of probationers.

(10) "Public agency" as is defined in section 9-337, Idaho Code.

(11) "Residing household member(s)" means a law enforcement officer’s
spouse and any child or children who currently reside at the same residential
street address as such officer.

19-5802. DISCLOSURE OF RESIDENTIAL STREET ADDRESS AND TELEPHONE
NUMBER PROHIBITED -- EXCEPTIONS. Notwithstanding any other provision of
state law, a public agency shall not disclose to any person or entity the
Idaho residential street address and telephone number of a law enforcement
officer and such officer’s residing household member(s) upon submission of
an application and fee consistent with the provisions of section 19-5803,
Idaho Code, except under any of the following circumstances:

(1) If directed by a court order, to a person identified in the court
order;

(2) If requested by a law enforcement agency, to the law enforcement
agency;

(3) If requested by a financial institution or title company for
business purposes, to the requesting financial institution or title
company; or

(4) If the law enforcement officer provides written permission for
disclosure of such information.

19-5803. ADDRESS CONFIDENTIALITY -- ELIGIBILITY. (1) Law enforcement
officers desiring that their Idaho residential street address and telephone
number, and the Idaho residential street address and telephone number of
their residing household member(s) be exempt from disclosure pursuant to
this chapter and section 9-340C(28), Idaho Code, may submit an application
and a fee, if any, to the custodian of the public record that contains such
information. Upon receipt of an application and fee, the public agency shall
comply with the provisions of this chapter for a period of four (4) years.
Thereafter, law enforcement officers may renew the exemption by submitting
a new application and fee, if any. The public agency may establish a fee
schedule not to exceed the actual cost to the agency of complying with the
provisions of this chapter.

(2) Law enforcement officers may submit an application to a public
agency requesting that the public agency use an alternative Idaho mailing
address rather than the Idaho residential street address of any such officer
and of any such officer’s residing household member(s) on all applications
and on all identification cards, licenses, certificates, permits, tags
and other similar documents that are issued to the officer or to such
officer’s residing household member(s) by the public agency. A public
agency receiving such application shall comply with the request.

(3) A person shall cease to be eligible for an exemption under this
chapter if such person ceases to be a law enforcement officer or a residing
household member(s). Within thirty (30) days of such cessation, the person
shall notify, in writing, every public agency to which the person has made an application stating that he or she is no longer eligible for such exemption. If a law enforcement officer changes employment but is still eligible for an exemption under this chapter, such law enforcement officer shall, within thirty (30) days of changing employment, submit a new application to every public agency to which such officer has made an application.

(4) Nothing in this chapter shall prevent a public agency from obtaining the residential street address and telephone number of a law enforcement officer and of any residing household member(s). A law enforcement officer who has submitted an application pursuant to the provisions of this chapter shall provide his or her current Idaho residential street address to his or her employing entity.

19-5804. IMMUNITY FROM LIABILITY. Neither a public agency nor its employees, while acting within the course and scope of their employment and without malice or criminal intent, shall be liable under the Idaho tort claims act, chapter 9, title 6, Idaho Code, for any injury resulting from the release of confidential information under this chapter.

SECTION 3. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER’S LICENSE, INSTRUCTION PERMIT, OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver’s license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension or driver’s license shall be accompanied by the following fee, none of which is refundable:

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>(a) Class A, B, C (4-year) license with endorsements</td>
<td>$40.00</td>
</tr>
<tr>
<td>age 21 years and older</td>
<td></td>
</tr>
<tr>
<td>(b) Class A, B, C (3-year) license with endorsements</td>
<td>$30.00</td>
</tr>
<tr>
<td>age 18 to 21 years</td>
<td></td>
</tr>
<tr>
<td>(c) Class A, B, C (1-year) license with endorsements</td>
<td>$15.00</td>
</tr>
<tr>
<td>age 20 years</td>
<td></td>
</tr>
<tr>
<td>(d) Class D (3-year) license -- under age 18 years</td>
<td>$25.00</td>
</tr>
<tr>
<td>(e) Class D (3-year) license -- age 18 to 21 years</td>
<td>$25.00</td>
</tr>
<tr>
<td>(f) Class D (1-year) license -- age 17 years or age 20 years</td>
<td>$15.00</td>
</tr>
<tr>
<td>(g) Four-year Class D license -- age 21 years and older</td>
<td>$30.00</td>
</tr>
<tr>
<td>(h) Eight-year Class D license -- age 21 to 63 years</td>
<td>$55.00</td>
</tr>
<tr>
<td>(i) Class A, B, C instruction permit</td>
<td>$29.00</td>
</tr>
<tr>
<td>(j) Class D instruction permit or supervised instruction permit</td>
<td>$15.00</td>
</tr>
<tr>
<td>(k) Duplicate driver’s license or permit issued under section 49-318, Idaho Code</td>
<td>$15.00</td>
</tr>
<tr>
<td>(l) Driver’s license extension issued under section 49-319, Idaho Code</td>
<td>$10.00</td>
</tr>
<tr>
<td>(m) License classification change (upgrade)</td>
<td>$25.00</td>
</tr>
<tr>
<td>(n) Endorsement addition</td>
<td>$15.00</td>
</tr>
</tbody>
</table>
(o) Class A, B, C skills tests not more than $70.00
(p) Class D skills test ........................................... $24.00
(q) Motorcycle endorsement skills test ....................... $10.00
(r) Knowledge test ............................................. $ 3.00
(s) Seasonal driver’s license .................................... $39.00
(t) One time motorcycle "M" endorsement .................... $15.00
(u) Motorcycle endorsement instruction permit ............... $15.00
(v) Restricted driving permit or restricted school attendance driving permit........................................... $60.00

(2) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye color, and the applicant’s social security number as verified by the social security administration. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant’s alternative Idaho mailing address in place of his or her Idaho residence address and mailing address.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

(i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and
(ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and
(iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver’s license or any instruction permit issued on and after January 1, 1993, shall not contain an applicant’s social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and all applications shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver’s license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant’s oath that all information is correct as signified by the applicant’s signature.

The applicant may be required to submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate when obtainable, or another document which provides satisfactory evidence of a person’s date of birth acceptable to the examiner or the department.
(c) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver’s license or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(3) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver’s record from the other jurisdiction and shall contact the national driver register. When received, the driver’s record from the previous jurisdiction shall become a part of the driver’s record in this state with the same force and effect as though entered on the driver’s record in this state in the original instance.

(4) Whenever the department receives a request for a driver’s record from another licensing jurisdiction, the record shall be forwarded without charge.

(5) The department shall contact and notify the commercial driver license information system of the proposed application for a class A, B or C driver’s license to ensure identification of the person and to obtain clearance to issue the license.

(6) When the fees required under this section are collected by a county officer, they shall be paid over to the county treasurer not less often than monthly, who shall immediately:

(a) Deposit an amount equal to five dollars ($5.00) from each driver’s license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver’s license or permit, classification change, seasonal driver’s license and additional endorsement, and ten dollars ($10.00) from each eight-year class D driver’s license, in the current expense fund; and

(b) Deposit two dollars and fifty cents ($2.50) from each motorcycle endorsement and motorcycle endorsement instruction permit fee in the current expense fund; and

(c) Deposit an amount equal to three dollars ($3.00) from each fee for a knowledge test in the current expense fund; and

(d) Deposit an amount equal to ten dollars ($10.00) from each fee for a motorcycle endorsement skills test in the current expense fund; provided however, if a contractor administers the skills test he shall be entitled to the ten dollar ($10.00) fee; and

(e) Remit the remainder to the state treasurer; and

(f) Deposit seventeen dollars and fifty cents ($17.50) from each fee for a class D skills test into the county current expense fund, unless the test is administered by a department-approved contractor, in which case the contractor shall be entitled to seventeen dollars and fifty cents ($17.50) of each fee.

(7) When the fees required under this section are collected by a state officer or agency, they shall be paid over to the state treasurer.

(8) The state treasurer shall distribute the moneys received from fees imposed by the provisions of this section, whether collected by a county officer or by a state officer or agency as follows:
(a) Two dollars ($2.00) of each fee for a four-year driver’s license or seasonal driver’s license, and four dollars ($4.00) of each fee for an eight-year class D driver’s license, and one dollar and fifty cents ($1.50) of each fee charged for driver’s licenses pursuant to subsections (1)(b), (d) and (e) of this section, and fifty cents (50¢) of each fee charged for driver’s licenses pursuant to subsections (1)(c) and (f) of this section, shall be deposited in the emergency medical services fund II created in section 56-1018A, Idaho Code, and four dollars ($4.00) of each fee charged pursuant to subsections (1)(a), (g) and (s) of this section and eight dollars ($8.00) of each fee charged pursuant to subsection (1)(h) of this section and three dollars ($3.00) of each fee for driver’s licenses pursuant to subsections (1)(b), (d) and (e) of this section, and one dollar ($1.00) of each fee charged for driver’s licenses pursuant to subsections (1)(c) and (f) of this section shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code; and

(b) Twenty-eight dollars ($28.00) of each fee for a seasonal or class A, B or C driver’s license, and nineteen dollars and fifty cents ($19.50) of each fee charged for a license pursuant to subsection (1)(b) of this section, and eight dollars and sixteen cents ($8.16) of each fee charged for a license pursuant to subsection (1)(c) of this section shall be deposited in the state highway account; and

(c) Twenty dollars ($20.00) of each fee for a class A, B or C instruction permit or driver’s license classification change shall be deposited in the state highway account; and

(d) Four dollars ($4.00) of each fee for a class A, B or C instruction permit shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code; and

(e) Ten dollars ($10.00) of each fee for a duplicate seasonal or class A, B or C driver’s license, class A, B or C driver’s license extension, or additional endorsement shall be deposited in the state highway account; and

(f) Seven dollars and fifty cents ($7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited in the state highway account; and

(g) Five dollars and thirty cents ($5.30) of each fee for a four-year class D driver’s license, and ten dollars and sixty cents ($10.60) of each fee for an eight-year class D driver’s license, and four dollars ($4.00) of each fee charged for a license pursuant to subsections (1)(d) and (e) of this section, and one dollar and thirty-three cents ($1.33) of each fee charged for a license pursuant to subsection (1)(f) of this section shall be deposited in the driver training fund; and

(h) Twelve dollars and seventy cents ($12.70) of each fee for a four-year class D driver’s license, and twenty dollars and forty cents ($20.40) of each fee for an eight-year class D driver’s license, and ten dollars and fifty cents ($10.50) of each fee charged for a license pursuant to subsections (1)(d) and (e) of this section, and six dollars and eighty-three cents ($6.83) of each fee charged for a license pursuant to subsection (1)(f) of this section shall be deposited in the highway distribution fund; and
(i) Two dollars and sixty cents ($2.60) of each fee for a class D
instruction permit, duplicate class D license or permit, and class D
license extension shall be deposited in the driver training fund; and
(j) Seven dollars and forty cents ($7.40) of each fee for a class D
instruction permit, duplicate class D license or permit, and class D
license extension shall be deposited in the highway distribution fund; and
(k) Ten dollars ($10.00) of each fee for a class A, B or C skills test
shall be deposited in the state highway account; and
(l) One dollar ($1.00) of each fee for a class A, B, C or four-year D
driver’s license, and two dollars ($2.00) of each fee for an eight-year
class D driver’s license, and one dollar ($1.00) of each fee charged for
a license pursuant to subsections (1)(b), (d) and (e) of this section, and
thirty-four cents (34¢) of each fee charged for a license pursuant
to subsections (1)(c) and (f) of this section shall be deposited in the
motorcycle safety program fund established in section 33-4904, Idaho
Code; and
(m) Six dollars and fifty cents ($6.50) of each fee for a class D skills
test shall be deposited in the state highway account.
(9) The contractor administering a class A, B or C skills test shall
be entitled to not more than sixty dollars ($60.00) of the skills test fee.
A contractor administering a class A, B or C skills test may collect an
additional fee for the use of the contractor’s vehicle for the skills test.
(10) Sixty dollars ($60.00) of each restricted driving permit and each
restricted school attendance driving permit shall be deposited in the state
highway account.
(11) The department may issue seasonal class B or C driver’s licenses to
drivers who are employees of agri-chemical businesses, custom harvesters,
farm retail outlets and suppliers, and livestock feeders that:
(a) Will only be valid for driving commercial vehicles that normally
require class B or C commercial driver’s licenses;
(b) Will be valid for seasonal periods that begin on the date of
issuance and that are not to exceed one hundred eighty (180) days in a
twelve (12) month period;
(c) May only be obtained twice in a driver’s lifetime;
(d) Are valid only within a one hundred fifty (150) mile radius of the
place of business or farm being serviced; and
(e) Will be valid only in conjunction with valid Idaho class D driver’s
licenses.
(12) The department may issue seasonal class B or C driver’s licenses to
drivers who:
(a) Have not violated the single license provisions of applicable
federal regulations;
(b) Have not had any license suspensions, revocations or
cancellations;
(c) Have not had any convictions in any vehicle for any offense listed
in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic
offense;
(d) Have at least one (1) year of driving experience with a class D or
equivalent license in any type motor vehicle; and
(e) Are at least sixteen (16) years old.

SECTION 4. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a distinguishing driver's license as applied for, which shall bear a distinguishing number assigned to the licensee, the full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, color photograph, name of this state, date of issuance, date of expiration, license class, endorsements, restrictions, and the applicant's signature. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's driver's license shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Driver's licenses for persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and driver's licenses for persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." No driver's license shall be valid until it has been signed on the signature line of the license by the licensee.

(2) Every driver's license shall bear a color photograph of the licensee, which shall be taken by the examiner at the time the application is made. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes so long as the face is not disguised or otherwise concealed. At the request of the applicant, a driver's license may contain a statement or indication of the medical condition of the licensee.

(3) The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 CFR parts 383 and 384.

(4) A licensee applying for a hazardous material endorsement on a driver's license shall have a security background records check and shall receive clearance from the federal transportation security administration before the endorsement can be issued, renewed or transferred as required by 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(5) A licensee who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the driver's license by the imprinting of the word "donor" on the license. The provisions of this subsection shall apply to licensees sixteen (16) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with and the donor indicates this desire be placed on the license.

(6) A licensee who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the driver's license, provided the licensee presents written certification
from a licensed physician verifying that the licensee’s stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

SECTION 5. That Section 49-401B, Idaho Code, be, and the same is hereby amended to read as follows:

49-401B. APPLICATION FOR REGISTRATION -- RECEIPT FOR FEE -- RECORD OF APPLICANTS. (1) Application for the registration of a vehicle required to be registered under the provisions of section 49-401A, Idaho Code, shall be made to the assessor or the department as specified in that section, by the owner upon the appropriate form. Every application shall contain the owner’s Idaho driver’s license number, Idaho identification card number, or social security number. In the case of a business, the employer tax identification number is required. Every application shall also contain the owner’s true and full legal name. In the event that the owner does not possess a social security number, Idaho driver’s license number, or Idaho identification card number, the owner shall present written documentation sufficient to the department to determine that no social security number has been issued. Such application must be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the type of fuel used, and the identification number. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in the application required pursuant to this section, the applicant’s alternative Idaho mailing address in place of his or her residence address. Upon registration of a new vehicle, the application shall also show the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain any other information as may be required by the department. The assessor shall issue to the applicant a receipt for any fee paid. Social security numbers collected shall not appear on certificates of registration, and all applications on file shall be exempt from disclosure, except as provided in sections 49-202, 49-203 and 49-203A, Idaho Code.

(2) The assessor shall record on a form prescribed and furnished by the department, the names of all owners of vehicles residing in the county who make application for registration, together with the amounts of the fees paid by such owners.

(3) When application for registration is made by any motor carrier, the assessor or the department shall require each such applicant to execute a certification of safety compliance.

(4) Vehicles registered under the proportional registration provisions of section 49-435, Idaho Code, shall be registered by the department.

(5) Every owner of a vehicle registered by a county assessor shall give his physical domicile residence address or the business’ physical principal address to the assessor so that the proper county can be entered upon the registration. Failure to do so shall be unlawful. The department shall then attribute the registration, and all fees to be apportioned to the highway distribution account, to the county of residence regardless of the county in which the registration occurred. Fees imposed under the provisions of
sections 40-827 and 40-1416, Idaho Code, shall be separately identified and accounted for, and paid to the highway district for which collected. For the purposes of vehicle registration, a person is an actual and permanent resident of the county in which he has his principal residence or domicile. A principal residence or domicile shall not be a person’s workplace, vacation, or part-time residence.

(6) A violation of the provisions of this section shall be an infraction.

SECTION 6. That Section 49-504, Idaho Code, be, and the same is hereby amended to read as follows:

49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE -- IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be made upon a form furnished by the department and shall contain the owner’s Idaho driver’s license number, Idaho identification card number or social security number. In the case of a business, the employer tax identification number is required. Every application shall also contain the owner’s true and full legal name. In the event that the owner does not possess a social security number, Idaho driver’s license number, or Idaho identification card number, the owner shall present written documentation sufficient to the department to determine that no social security number has been issued. The form must contain the owner’s physical domicile address or in the case of a business, the business’ physical address and any mailing address if different from the physical address. If the owner has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the owner may state, in the application required pursuant to this section, the applicant’s alternative Idaho mailing address in place of his or her physical domicile address. Such application must be signed by the owner and contain a full description of the vehicle including the make, identification numbers, and the odometer reading at the time of sale or transfer, and whether the vehicle is new or used, together with a statement of the applicant’s title and of any liens or encumbrances upon the vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and any other information as the department may require. The application shall be filed with the department, and if a certificate of title has previously been issued for that vehicle in this state, shall be accompanied by the certificate of title duly assigned, unless otherwise provided for in this chapter. The department may promulgate rules to provide for exceptions to the odometer requirement. Social security numbers collected shall not appear on certificates of title and all applications on file shall be exempt from disclosure, except as provided in sections 49-202, 49-203 and 49-203A, Idaho Code.

(2) If a certificate of title has not previously been issued for the vehicle in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or a duly certified copy thereof, or by a certificate of title, bill of sale or other evidence of ownership required by the law of any other state from which the vehicle was brought into this state, and a vehicle identification number inspection completed by any city, county or state peace officer or other special agent authorized by the department.
(3) In the case of a new vehicle being titled for the first time, no certificate of title or registration shall be issued unless the application is indorsed by a franchised new vehicle dealer licensed to sell a new vehicle. Each application shall be accompanied by a manufacturer’s certificate of origin or manufacturer’s statement of origin executed by the manufacturer and delivered to his agent or his franchised vehicle dealer. The certificate or statement of origin shall be in a form prescribed by the board and shall contain the year of manufacture or the model year of the vehicle, the manufacturer’s vehicle identification number, the name of the manufacturer, the number of cylinders, a general description of the body, if any, and the type or model. Upon sale of a new vehicle, the manufacturer, his agent or franchised dealer shall execute and deliver to the purchaser an assignment of the certificate or statement, together with any lien or encumbrance to which the vehicle is subject.

(4) The department shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The department shall maintain an identification numbers index of registered vehicles, and upon receiving an application for a certificate of title, shall first check the identification number shown in the application against the index. The department, when satisfied that the applicant is the owner of the vehicle and that the application is in proper form, shall issue in the name of the owner of the vehicle a certificate of title bearing a title number, the date issued and a description of the vehicle as determined by the department, together with a statement of the owner’s title and of all liens or encumbrances upon the vehicle, and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement.

(5) In all cases of transfer of vehicles the application for certificates of title shall be filed within thirty (30) calendar days after the delivery of the vehicles. Licensed dealers need not apply for certificate of title for vehicles in stock or when they are acquired for stock purposes.

(6) In the case of the sale of a vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. If a lien is to be recorded, the title documentation as required in this section shall be submitted to the department by the dealer or the lienholder upon application signed by the purchaser. A copy of this application shall be given to the purchaser to be used as a seventy-two (72) hour temporary permit. In all other cases the certificates shall be obtained by the purchaser and the seller’s bill of sale shall serve as a seventy-two (72) hour permit. The seventy-two (72) hour time period for temporary permits shall be calculated excluding weekend days and legal holidays observed by the state of Idaho. This temporary permit allows operation of any noncommercial vehicle or unladen commercial vehicle or vehicle combination without license plates for the period of time specified in the permit. A ladened commercial vehicle or vehicle combination may also operate without license plates for the period of time specified in the temporary permit provided that the owner or operator has also obtained a permit issued under the provisions of section 49-432, Idaho Code.
(7) If the vehicle has no identification number, then the department shall designate an identification number for that vehicle at the time of issuance of the certificate of title. The identification number shall be permanently affixed to or indented upon the frame of the vehicle and legibly maintained by the owner at all times while a certificate of title to the vehicle shall be issued and outstanding.

SECTION 7. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card which shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant’s social security number. An applicant’s social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall have printed on it the applicant’s full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, and shall be issued a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant’s identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes so long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver’s license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver’s license.

Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four-year identification card issued to persons twenty-one (21) years of age or older shall be ten dollars ($10.00) of which five dollars ($5.00) shall be retained by the county and credited to the current expense fund, and five dollars ($5.00) shall be deposited in the state treasury to the credit of the highway distribution
account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars ($10.00), of which five dollars ($5.00) shall be retained by the county and credited to the current expense fund, and five dollars ($5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight-year identification card shall be twenty dollars ($20.00) of which ten dollars ($10.00) shall be retained by the county and credited to the current expense fund, and ten dollars ($10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the cardholder’s birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person’s eighteenth birthday, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person’s twenty-first birthday, except as otherwise provided in subsection (3) of this section.

Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(2) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twelve (12) months before, and upon application and payment of the required fee.

(3) Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(4) When an identification card has been expired for less than twelve (12) months, the renewal of the identification card shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the identification card is expired for more than twelve (12) months, the application shall expire, at the option of the applicant, on the applicant’s birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (3) of this section.

(5) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts
as set forth in chapter 34, title 39, Idaho Code, may, at the option of the
donor, indicate this desire on the identification card by the imprinting
of the word "donor" on the identification card. The provisions of this
subsection shall apply to persons possessing an identification card who are
sixteen (16) years of age or older but less than eighteen (18) years of age
if the requirements provided in chapter 34, title 39, Idaho Code, have been
complied with.

(6) A person possessing an identification card or an applicant for an
identification card who is a person with a permanent disability may request
that the notation "permanently disabled" be imprinted on the identification
card, provided the person presents written certification from a licensed
physician verifying that the person’s stated impairment qualifies as a
permanent disability according to the provisions of section 49-117, Idaho
Code.

(7) In the case of a name change, the applicant shall provide legal
documentation to verify the change in accordance with department rules.

(8) Whenever any person, after applying for or receiving an
identification card, shall move from the address shown on the application or
on the identification card issued, that person shall, within thirty (30)
days, notify the transportation department in writing of the old and new
addresses.

(9) The department shall cancel any identification card upon
determining that the person was not entitled to the issuance of the
identification card, or that the person failed to give the required and
correct information in his application or committed fraud in making the
application. Upon cancellation, the person shall surrender the canceled
identification card to the department.

(10) If any person shall fail to return to the department the
identification card as required, the department may direct any peace
officer to secure its possession and return the identification card to the
department.

(11) The department may issue a no-fee identification card to an
individual whose driver’s license has been canceled and voluntarily
surrendered as provided in section 49-322(4), Idaho Code. The
identification card may be renewed at no cost to the applicant as long as the
driver’s license remains canceled.

(12) It is an infraction for any person to fail to notify the department
of a change of address as required by the provisions of subsection (8) of this
section.

SECTION 8. This act shall be in full force and effect on and after
January 1, 2011.