IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

Division of Motor Vehicles

39.02.70 – Rules Governing Restricted Driving Permits

Who does this rule apply to?
Suspended and Revoked Drivers in the State of Idaho.

- Idaho Drivers who have had their driving privileges suspended or revoked for certain offenses

What is the purpose of this rule?
Rule provides the opportunity for suspended or revoked drivers who have committed certain offenses to apply to the Department for a restricted driving permit to allow them restricted driving privileges during a specified time. Permit allows driver(s) the ability to drive to and from work, school, appointments, rehabilitation, drug and alcohol classes, etc.; upon applying and submitting required documentation and complying with the restrictions of the permit and written agreement.

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 -
Motor Vehicle Driver's License:
- 49-325, Idaho Code – Mandatory Revocation by Department – Temporary Restricted Permit
- 49-326, Idaho Code – Authority of Department to Suspend, Disqualify or Revoke Driver's License and Privileges

Crimes and Punishment:
Motor Vehicles:
- 18-8002A, Idaho Code – Tests of Driver for Alcohol Concentration, Presence of Drugs or Other Intoxicating Substances – Suspension Upon Failure of Tests

Who do I contact for more information on this rule?

Idaho Transportation Department
Monday – Friday 8:00 am to 5:00 pm
P.O. Box 7129
Boise, ID 83707-1129
3311 West State Street
Phone: (208) 334-8000
itd.idaho.gov

This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

Table of Contents

39.02.70 – Rules Governing Restricted Driving Permits

000. Legal Authority. 3
001. Scope. 3
002. -- 099. (Reserved) 3
100. Eligibility. 3
101. -- 199. (Reserved) 3
200. Duration And Expiration Of Restricted Driving Permit. 3
201. -- 399. (Reserved) 3
400. Restricted Driving Permits Will Not Be Issued. 3
401. -- 499. (Reserved) 3
500. General Application Procedure For A Non-Commercial Restricted Driving Permit. 3
501. -- 599. (Reserved) 4
600. Driving Restrictions Specified. 4
601. -- 699. (Reserved) 4
700. Cancellation Of Restricted Driving Permit. 4
701. -- 999. (Reserved) 4

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. (4-6-23)

001. 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. (4-6-23)

002. -- 099. (RESERVED)

100. ELIGIBILITY.
Individuals eligible for restricted driving privileges in the state of Idaho will meet two (2) general criteria: (4-6-23)

01. **Need**. Show that driving privileges are essential to maintain a livelihood and/or to provide necessities of life; (4-6-23)

02. **Safety**. Show that restricted driving privileges will not jeopardize the safety of the traveling public; and (4-6-23)

101. -- 199. (RESERVED)

200. DURATION AND EXPIRATION OF RESTRICTED DRIVING PERMIT.

01. **Duration and Expiration**. The Restricted Driving Permit will remain in effect for the period of time the driver's privileges have been suspended or revoked unless canceled by the department or otherwise provided by law. (4-6-23)

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 will 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 will remain a part of the driver's file. (4-6-23)

201. -- 399. (RESERVED)

400. RESTRICTED DRIVING PERMITS WILL NOT BE ISSUED.
Restricted Driving Permits will not be issued by the Department to: (4-6-23)

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. (4-6-23)

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. (4-6-23)

03. **Violation of Restrictions**. An individual found to be in violation of restrictions on any court or Department-issued restricted driving permit. (4-6-23)

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 other than Idaho. (4-6-23)

05. **Under Seventeen**. An individual who is not at least seventeen (17) years of age at the time of issuance of the permit. (4-6-23)

401. -- 499. (RESERVED)

500. GENERAL APPLICATION PROCEDURE FOR A NON-COMMERCIAL RESTRICTED DRIVING PERMIT.

01. Applicant Submissions. Applicant will submit the following before their suspension or revocation is stayed: (4-6-23)

a. Completed Form No. ITD-3227, Application for Restricted Driving Permit; (4-6-23)

b. Completed Form No. ITD-3208, Work Verification; (4-6-23)

c. Proof of motor vehicle liability insurance coverage in the amount directed by Idaho law to cover any and all vehicles to be used by the applicant; (4-6-23)

d. All applicable reinstatement requirements will be satisfied; (4-6-23)

e. A non-refundable application fee pursuant to Section 49-306, Idaho Code; (4-6-23)

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 all the information requested by the Department. (4-6-23)

03. Restricted Driving Permit Approval. Approval will be given and a Restricted Driving Permit will be issued if the following conditions are met: (4-6-23)

a. Submission and approval of all requirements; and (4-6-23)

b. No other suspensions or revocations are in effect which preclude issuance of a Restricted Driving Permit. (4-6-23)

501. -- 599. (RESERVED)

600. DRIVING RESTRICTIONS SPECIFIED.
The Department may impose the following restrictions upon an applicant's driving privileges and such restrictions will be specified on the Restricted Driving Permit: (4-6-23)

01. Operation of Vehicle. Time of operation of a motor vehicle, i.e. restricted to certain days, or hours of a day. (4-6-23)

02. Geographic Area. Geographic limitations within limits of states, counties, cities. (4-6-23)

03. Permitted Travel. To and from work, school, medical appointments, treatment programs, and to provide for basic life necessities of the applicant and/or their dependents. (4-6-23)

601. -- 699. (RESERVED)

700. CANCELLATION OF RESTRICTED DRIVING PERMIT.
The Department may cancel a Restricted Driving Permit and will re-activate the suspension or revocation order which will expire according to the original order if: (4-6-23)

01. Violation of Terms. There is a violation of terms of the written driver's agreement. (4-6-23)

02. Violation of Restrictions. There is a violation of any of the restrictions set forth in the applicant's Restricted Driving Permit. (4-6-23)

701. -- 999. (RESERVED)