

# Idaho's Point Violations

## Convictions

The Idaho Transportation Department's (ITD) Division of Motor Vehicles (DMV) receives records for moving violations that occur both in the jurisdiction of Idaho and in other jurisdictions including Canada. Each moving violation may receive a point value from 1 to 4 points, depending on the seriousness of the violation. Convictions and points assessed are entered on each driver's record and points are maintained for 3 years after the conviction date.

The following moving violations chart shows the section of Idaho Code that applies to each violation and the points that will be assessed.

CODE	VIOLATION DESCRIPTION	POINTS
49-603	STARTING PARKED VEHICLE (OTHER THAN IN DRIVEWAY)	2
49-604	LIMITATIONS ON BACKING	1
49-605	DRIVING ON SIDEWALK	3
49-606	COASTING PROHIBITED	2
49-612	OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM	3
49-614	STOPPING WHEN TRAFFIC OBSTRUCTED	1
49-615	DRIVERS TO EXERCISE DUE CARE	3
49-616	DRIVING THROUGH SAFETY ZONE PROHIBITED	2
49-619	SLOW MOVING VEHICLES	2
49-623(4)	AUTHORIZED EMERGENCY OR POLICE VEHICLES	3
49-624	DUTY UPON APPROACHING A STATIONARY POLICE VEHICLE OR AN EMERGENCY VEHICLE DISPLAYING FLASHING LIGHTS	3
49-625	OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY OR POLICE VEHICLES	3
49-626	FOLLOWING FIRE APPARATUS PROHIBITED	3
49-427	CROSSING FIRE HOSE	1
49-630	DRIVE ON RIGHT SIDE OF ROADWAY – EXCEPTIONS	3
49-631	PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS	2
49-632	OVERTAKING A VEHICLE ON LEFT	3
49-633	WHEN PASSING ON THE RIGHT IS PERMITTED	2
49-634	LIMITATIONS ON OVERTAKING ON THE LEFT	3
49-635	FURTHER LIMITATIONS ON DRIVING ON LEFT OF CENTER OF HIGHWAY	3
49-636	ONE-WAY HIGHWAYS	1
49-637	DRIVING ON HIGHWAYS LANED FOR TRAFFIC	1
49-638	FOLLOWING TOO CLOSE	3
49-639	TURNING OUT OF SLOW MOVING VEHICLES	2
49-640	VEHICLES APPROACHING OR ENTERING UNMARKED OR UNCONTROLLED INTERSECTION	3
49-641	VEHICLE TURNING LEFT	3
49-642	VEHICLE ENTERING HIGHWAY	3
49-643	HIGHWAY CONSTRUCTION AND MAINTENANCE	3

49-644	REQUIRED POSITION AND METHOD OF TURNING	3
49-645	LIMITATIONS ON TURNING AROUND	3
49-648	OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN	4
49-649	COMPLIANCE WITH STOOPPING REQUIREMENT AT ALL RAILROAD GRADE CROSSING	4
49-650	MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSING	3
49-651	EMERGING FROM ALLEY, DRIVEWAY OR BUILDING	3
49-654	BASIC RULE AND MAXIMUM SPEED LIMITS	3 OR 4 *
49-655	MINIMUM SPEED REGULATION	3
49-659	SPECIAL SPEED LIMITATIONS (POSTED BRIDGES/STRUCTURE)	3 OR 4 *
49-657	WORK ZONE SPEED LIMITS	4
49-658	SCHOOL ZONE SPEED LIMITS	3
49-663	RESTRICTED USE OF NEIGHBORHOOD ELECTRIC VEHICLES ON HWYS	2
49-673(3)(4)	SAFETY RESTRAINT USE	EXEMPT
49-702	PEDESTRIANS RIGHT OF WAY IN CROSSWALKS	3
49-706	BLIND AND/OR HEARING IMPAIRED PEDESTRIAN HAS RIGHT OF WAY	3
49-707	PEDESTRIANS RIGHT OF WAY ON SIDEWALKS	3
49-801	OBEDIENCE TO AND REQUIRED TRAFFIC CONTROL DEVICES	3
49-802	TRAFFIC CONTROL SIGNAL LEGEND	3
49-804	FLASHING SIGNALS	3
49-806	LANE USE CONTROL SIGNALS	3
49-807(2)	STOP SIGNS	3
49-807(3)	FAILURE TO YIELD – SIGNED INTERSECTIONS	3
49-808	TURNING MOVEMENTS AND REQUIRED SIGNALS	3
49-1302	DUTY TO GIVE INFORMATION IN ACCIDENT INVOLVING DAMAGE TO A VEHICLE	4
49-1303	DUTY UPON STRIKING UNATTENDED VEHICLE	4
49-1304	DUTY UPON STRIKING FIXTURES UPON OR ADJACENT TO A HWY	4
49-1401(3)	INATTENTIVE DRIVING	3
49-1401A	TEXTING WHILE DRIVING	EXEMPT
49-1419	OBEDIENCE TO TRAFFIC DIRECTION	2
49-1421(1)	DRIVING ON DIVIDED HIGHWAYS	1
49-1421(2)	RESTRICTED ACCESS	1
49-1422	OVERTAKING AND PASSING SCHOOL BUS	4
49-1424	RACING ON PUBLIC HIGHWAYS	4

**\* 1 TO 15 MILES PER HOUR OVER THE SPEED LIMIT = 3 POINTS. 16 OR MORE MILES PER HOUR OVER THE SPEED LIMIT = 4 POINTS.**

### **Warning Letters**

As a courtesy, drivers will be notified by a warning letter when they accumulate 8 to 11 points in a twelve-month period, 14 to 17 points in a 24 month period, and 20 to 23 points in a 36 month period. When drivers accumulate this many points, they risk getting their driver's license suspended.

### **Defensive Driving Course (DDC)**

Once every 3 years a driver may reduce their point total by 3 points if they complete an approved DDC. The course must be taken before a suspension for accumulation of points takes place. A point reduction can only be applied to an Idaho driver's license record. A list of DDC providers may be found at <http://itd.idaho.gov/wp-content/uploads/2016/07/Defensive-Driving-Accident-Prevention.pdf> .

Note: Completion of a DDC or TSC DOES NOT REMOVE convictions from the driving record. The completion of a DDC or TSC will have no effect on any CDL disqualifying action.

### **Traffic Safety Education Course (TSC)**

Once every 3 years a driver may reduce their total point accumulation by completing a city sponsored TSC. This course must be offered to and accepted by the driver at roadside at the time of citation. Upon completion of the course it will remove the number of points (1-4) associated with the citation from the driver's record. Not all cities will opt to have such a program and for those that do, the course is offered at the discretion of enforcement personnel at the time of the stop.

NOTE: A driver can only have points removed from their record once within a 3 year period regardless of what type of course is completed. Completion of a DDC or TSC DOES NOT REMOVE convictions from the driving record. The completion of a DDC or TSC will have no effect on any CDL disqualifying action.

Under point violations, ITD DMV may take the following actions against you.

<b>NUMBER OF POINTS</b>	<b>PENALTY</b>
12 TO 17 (IN ANY 12 MONTHS)	30-DAY SUSPENSION
18 TO 23 (IN ANY 24 MONTHS)	90-DAY SUSPENSION
24 OR MORE (IN ANY 36 MONTHS)	6-MONTH SUSPENSION

### **Reasons for Suspension, Revocation or Disqualification of Driving Privileges**

Judges and the ITD DMV are authorized under state statute to suspend, revoke, disqualify, downgrade, etc. the license of a driver convicted of violating certain laws, regardless of the driver point violation count. Those violations include **(list not all inclusive)**:

- Driving under the influence of alcohol or other drugs – 18-8004
- Using a motor vehicle to commit a felony – 79-325(1)(b)
- Leaving the scene of an accident resulting in injury or death – 18-8007(1)
- Leaving the scene of an accident before police arrive – 49-1301(1)
- Reckless driving – 49-1401(1)
- Conviction or action in another jurisdiction for an offense that, if committed in Idaho, would be ground for suspension, revocation or disqualification – 49-326
- Driving while suspended, revoked, disqualified etc. (driving without privileges) – 18-8001
- Failing to pay a judgement for damages in an accident – 49-1204(1)

- Administrative license suspension (for failing a breath, blood or urine test (without a warrant) for DUI – 18-8002A
- Fleeing from or eluding a peace officer – 49-1404(1)
- Unlawful use of a driver's license or identification card– 49-331(2), 49-2446
- Failure to carry motor vehicle insurance – 49-1232, 49-1229, 49-1428
- Alcohol age violation (possession, use or procurement) – 18-1502
- Violation of license restrictions – 49-317
- School Districts may order the ITD DMV to suspend the driver's license of a minor who fails to attend school or does not comply with school requirements – 49-303A(1)(b)
- Any court or the Department of Health and Welfare may order ITD DMV to suspend the driver's license of any person who fails to pay child support, fails to comply with visitation rights, or fails to comply with a subpoena for a paternity suit or child support proceeding – 7-1403

### **Restricted Driving Permit (Non-Commercial)**

If your Idaho driver's license is suspended, revoked, disqualified etc. by ITD DMV, you may qualify for a restricted driving permit that would allow you to drive to and from employment, counseling sessions, medical appointments, grocery store, church etc. You may apply for a restricted driving permit through ITD DMV. If you have been convicted and/or suspended for driving under the influence of alcohol or drugs, driving without privileges, or any other court suspension, you must apply to the court in which you were convicted for a restricted driving permit. **Exception:** If you are a licensed Idaho driver and are convicted in an out-of-jurisdiction court, you must apply to ITD DMV for a restricted driving permit. A restricted driving permit is not valid for Commercial Driver's License holders to drive a commercial vehicle.

### **Restricted Permit Requirements:**

- If you are eligible for a permit for work purposes, you will be required to complete a work verification form. This form identifies your occupation; days and hours you must drive; counties and jurisdictions in which you must drive; reason you must drive; and availability of public transportation.
- If you need to drive for medical reasons, upon determination of your eligibility you will need to submit a letter from your doctor describing your need for treatment.
- All applicants must provide, depending on suspension, revocation etc. requirements, either a valid certificate of liability insurance card or have their insurance company provide an SR22 certificate (proof of financial responsibility) to ITD DMV.
- Pay all applicable reinstatement fees and the \$60.00 restricted driving permit fee.
- Your driving status must be clear and valid in all other 49 jurisdictions.

**You may check for eligibility and request an application for a restricted driving permit through the ITD DMV via phone 208 334-8736, fax 208 287-3880, email [driverrecords@itd.idaho.gov](mailto:driverrecords@itd.idaho.gov) or mail ITD DMV Restricted Driving Permit, PO BOX 7129 Boise ID 83707-1129.**

## Getting Your License Back

When your suspension, revocation, disqualification etc. ends, you may get your license back by applying to ITD DMV in Boise and paying a reinstatement fee from \$25 to \$285 depending on the violation. For certain offenses, a receipt of court payment, proof of child support compliance, proof of school reenrollment and or proof of financial responsibility (insurance/SR 22 certificate) may also be required.

## Driver's License Compact

Idaho is a member of the Driver License Compact. Membership is a major step to maximize law enforcement efforts against drunk drivers and other serious traffic violations. Serious violations such as drunk driving, vehicle manslaughter, reckless driving etc. are no less serious when committed in another jurisdiction than when committed in the driver's home jurisdiction. It is the policy of each member jurisdiction to promote compliance with the laws, ordinances and administrative actions regarding the operation of motor vehicles by drivers in jurisdictions which are member of the compact. Included in the compact are provisions which allow:

- Member jurisdictions to report violations on out-of-jurisdiction drivers to their licensing jurisdiction
- Home jurisdiction takes the same action on violations reported to them by other member jurisdictions as if the violation occurred in the home jurisdiction.
- Authority to deny issuance of a driver's license if there is a suspension, revocation, disqualification, etc. in another jurisdiction.

## Current Driver Compact Member Jurisdictions

ALABAMA	NEBRASKA
ALASKA	NEVADA
ARIZONA	NEW HAMPSHIRE
ARKANSAS	NEW JERSEY
CALIFORNIA	NEW MEXICO
COLORADO	NEW YORK
CONNECTIUT	NORTH CAROLINA
DELAWARE	NORTH DAKOTA
DIST. OF COLUMBIA	OHIO
FLORIDA	OKLAHOMA
HAWAII	OREGON
IDAHO	PENNSYLVANIA
ILLINOIS	RHODE ISLAND
INDIANA	SOUTH CAROLINA
IOWA	SOUTH DAKOTA
KANSAS	TEXAS
LOUISIANA	UTAH
MAINE	VERMONT
MARYLAND	VIRGINIA

MINNESOTA	WASHINGTON
MISSISSIPPI	WEST VIRGINIA
MISSOURI	WYOMING
MONTANA	

States that are **not** members of the Driver Compact are: Michigan, Wisconsin, Georgia, Massachusetts and Tennessee.

### **Non-Resident Violator Compact**

Idaho is a member of the Non-Resident Violator Compact. The compact is an agreement among member jurisdictions which simplifies the processing of citations issued to out-of-jurisdiction violators.

The law provides for the suspension, revocation, disqualification, etc. in the home jurisdiction of traffic violators who fail to comply with the terms of their citations.

Some of the benefits of the Non-Resident Violator Compact are:

- In many instances it allows non-resident motorist to be released on their own recognizance after the issuance of a citation.
- It allows enforcement personnel to immediately resume their normal duties.
- In some cases it eliminated the need to appear in court.

### **License Suspension, Revocation, Disqualification etc. Procedures**

If residents of NRVC member jurisdictions fail to comply with the terms of their citations, their driving privileges may be suspended, revoked, disqualified etc. by the state of Idaho's infraction laws.

**Note:** If the driver's home jurisdiction is not a member of the NRVC, his or her driving privileges may still be suspended, revoked, disqualified, etc. for non-compliance by the state of Idaho's infraction law.

Current NRVC Compact Member Jurisdictions

ALABAMA	NEBRASKA
ARIZONA	NEVADA
ARKANSAS	NEW HAMPSHIRE
COLORADO	NEW JERSEY
CONNECTIUT	NEW MEXICO
DELAWARE	NEW YORK
DIST. OF COLUMBIA	NORTH CAROLINA
FLORIDA	NORTH DAKOTA
GEORGIA	OHIO
HAWAII	OKLAHOMA
IDAHO	PENNSYLVANIA
ILLINOIS	RHODE ISLAND
INDIANA	SOUTH CAROLINA
IOWA	SOUTH DAKOTA
KANSAS	TENNESSEE

KENTUCKY	TEXAS
LOUISIANA	UTAH
MAINE	VERMONT
MARYLAND	VIRGINIA
MASSACHUSETTS	WASHINGTON
MINNESOTA	WEST VIRGINIA
MISSISSIPPI	WYOMING
MISSOURI	

States that are **not** members of the NRVC Compact are: Alaska, California, Michigan, Montana, Oregon, and Wisconsin.