

State Driving Businesses Licensure Board

Board/Commission Members:

- Robert M. Fenn, Boise - Chair
- C. Randal Willie, Malad City
- Faith Todd, Emmett
- Jared Hugh Haustveit, Meridian
- Theresa A. Bradford, Caldwell – Public Member

Board/Commission Composition: The Board consists of five (5) members: four (4) members who are licensed under this chapter, and one (1) member of the public who has been a customer of private driver education. At least one (1) member shall be a driving business owner. Board members serve a term of three (3) years. [Idaho Code § 54-5403](#).

Operating costs per licensee: \$141.85. This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since 2014. This includes all administrative, fiscal, legal, and investigative services.

Total number of current licensees in Idaho on May 19, 2018: **177**.

For the State Driving Businesses Licensure Board, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **14 days**. Of all of the licenses issued, **25 percent** were issued the **same day**. The **average time** from complete application to issuing a license was **2.5 days**. The total number of licenses issued from May 19, 2017 to May 19, 2018 was **24**.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. Idaho Code [§ 74-204](#).

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A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

		Statute Title 54, Chapter 54	Rule IDAPA 24.25.01	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Driving Business	Issuance for Initial License	I.C. § 54-5405	24.25.01.225	*	Application Vehicle Inspection Form	I.C. § 54-5408	\$25 Application fee \$125 License fee
	Renewal Requirements	I.C. § 54-405.01	24.25.01.200	*		I.C. § 54-5408 I.C. § 67-2614	\$125 Renewal fee
Instructor License	Issuance for Initial License	I.C. § 54-5406	24.25.01.250	*	Application Medical Examination Report Form	I.C. § 54-5408	\$25 Application fee \$25 License fee
	Renewal Requirements	N/A	24.25.01.200 24.25.01.201	*		I.C. § 54-5408 I.C. § 67-2614	\$25 Renewal fee

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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		Statute Title 54, Chapter 54	Rule IDAPA 24.25.01	<i>*Policy</i>	Application	Basis to Deny or Issuance or Renewal	Fees
Instructor Apprentice Training Permit	Issuance for Initial License	I.C. § 54-5406	24.25.01.275	*	Application Medical Examination Report Form	I.C. § 54-5406	\$25 Application fee \$25 Permit fee
	Renewal Requirements	N/A	N/A	*		N/A	N/A
Approval of Instructor Apprentice Training Program Application	Issuance for Initial License	I.C. § 54-5403(b)	24.25.01.275			I.C. § 5403(5)(d) I.C. § 54-5406(a)	\$25 Application Fee
	Renewal Requirements					I.C. § 54-5408	

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B. Applications and Renewals Denied, May 19, 2017-May 19, 2018

Refusal to Issue Initial License [Total Number: 1]

	Basis in Statute and/or Rule	Summary of Factual Basis
1	I.C. § 54-5408A	Applicant denied based upon felony conviction.

Refusal to Renew License [Total Number: 0]

	Statutory Basis	Summary of Factual Basis
	None	

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C. Disciplinary Actions for the Last Five (5) Years**

The State Driving Businesses Licensure Board received **39 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **35 complaints were closed** by the Board with no disciplinary action and **4 resulted in disciplinary action**.

The Board did not take any disciplinary action between May 19, 2017 and May 19, 2018.

Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
None				

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D. Changes or Attempted Changes in Last Five (5) Years to Eliminate Barriers to Entry

Law and Rule

Session	Legislation or Rule	Summary
2013	House Bill 127	<p>This law allowed the Bureau to collect certain fees for background checks required by some professions.</p> <p>Impact: This change eliminated a barrier to employment. Prior to this being added to the statute, the Bureau did not have authority to collect the fee and pay it to Idaho State Police, and the Idaho State Police would not accept it directly from the applicant. Therefore, the applicant had difficulty getting the background check completed. Without the check they would not be able to become licensed.</p>
2014	Docket 24-2501-1301	<p>This rule implements House Bill 127, which passed in 2013. It allows the Board's staff to collect and, pass through to ISP, fees required for fingerprint based criminal history background checks.</p> <p>Impact: This rule accomplished the following:</p> <ol style="list-style-type: none">1. Amended the rules of the Board to implement House Bill 127. This allows Board staff to assist applicants with the process.2. Amended the rules of the Board to clarify the process for permitting apprentices in order to assure public protection.

Law and Rule (Continued)

Session	Legislation or Rule	Summary
2014	House Bill 359	<p>This bill amends the Board member qualifications, modernizes language in the law, and eliminates a barrier to work by allowing for a simplified endorsement process.</p> <p>Impact: This bill accomplishes the following:</p> <ol style="list-style-type: none"> 1. Expands eligibility for Board appointments to allow instructors, as opposed to only business owner, to serve on the Board. 2. Eliminated outdated language with regard to Board appointments. 3. Eliminates a barrier to employment by allowing the Board to waive the apprenticeship requirement for a license as a driver instructor if they possess a license from another state with the same training as Idaho, or if they have other training or experience.
2015	Docket 24-2501-1401	<p>House Bill 359 passed by the 2014 Legislature allows the Board to waive the apprenticeship requirement for licensure for those applicants who hold a current equivalent license in another state or who have the requisite training and experience.</p> <p>Impact: Rule 250 is being updated to eliminate barriers by providing waivers of the apprenticeship training program where appropriate.</p>

Law and Rule (Continued)

Session	Legislation or Rule	Summary
2016	Docket 24-2501-1501	<p>Background: The Law requires applicants for licensure as a driving instructor to undergo a medical examination and obtain a new medical certificate thirty (30) days before applying for the instructor apprenticeship training program and before applying for an instructor license. Because the apprenticeship program normally takes more than one month to complete, some applicants had to undergo two medical exams in a short period of time to obtain an instructor license. This redundancy is expensive and is unnecessary for the protection of the safety, health, and welfare of the public.</p> <p>Impact: This rule change extended the timeframe from thirty (30) days to two (2) years for a physical examination to be completed prior to submitting the application. Extending the period to two years will eliminate this waste of time, money, and other resources while still protecting the public.</p>

Law and Rule (Continued)

Session	Legislation or Rule	Summary
2017	Docket 24-2501-1601	<p>This rule accomplishes the following:</p> <ol style="list-style-type: none"> 1. Clarifies that schools must submit a current list of licensed instructors when an application or reinstatement application for a school license is submitted. 2. Clarifies that a school may utilize a third party to offer on-line classroom instruction, but the school is responsible for ensuring that the content meets the requirements approved by the Board. 3. Requires that driving businesses must report student performance information to the Department of Motor Vehicles no later than 5:00 p.m. on the third business day following completion of the course. This change ensures the DMV has the student's information when the student applies for their driver's license. 4. Removes the requirement that the medical examination be conducted in accordance with the Federal Motor Carrier Safety Regulations, adding that it be performed by a licensed medical professional.
2017	House Bill 121	<p>This bill changes the law so that a licensee must submit a certificate of occupancy only if the business teaches from a physical classroom location. This bill eliminates a barrier by not requiring the certificate for on-line instruction. This bill also makes driving businesses responsible to ensure their employees' licenses are current.</p>
2018	Docket 24-2501-1701	<p>In 2015 the legislature passed Senate Bill 1120, which distributes a portion of the money that the Idaho Department of Transportation collects for driver training permits to the Board. As a result, the Board was able to lower fees for licensees.</p> <p>Impact:</p> <ol style="list-style-type: none"> 1. Reduces the initial application processing fee from \$50 to \$25. 2. Reduces the original business license and renewal fee from \$500 to \$125.

Additional Barriers Eliminated/Opportunities Provided

Date	Policy	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>The Board added to its website the following laws for military/veterans/spouses:</p> <p>I.C. § 67-2620 The Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A If a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain in good standing without the necessity of renewal up to six (6) months following discharge from active duty. The license will not be cancelled, suspended or revoked.</p>
2015	I.C. § 67-2614	<p>This change allows boards to use the law to set its reinstatement fee, or to set a reinstatement fee by rule. It eliminated the requirement that, in addition to the reinstatement fee, the licensee had to include payment of the license fees for all of the years the license had been expired. It also clarified the continuing education required to reinstate a license or registration.</p> <p>Impact: For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</p>

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Additional Barriers Eliminated/Opportunities Provided (Continued)

2011	IDAPA 24.25.01.225	Allows a driving business to operate in a secondary location for up to 60 days without obtaining an additional license. This is especially helpful for meeting the needs for drivers training in rural areas of the state.
2009	Senate Bill 1133	This bill removes members of the State Driving Business Licensing Board from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I. C. § 59-509 .

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E. Assessment of Public Interest

A driving instructor is entrusted with the safety of both students in a drivers' education program and the public driving on the roadways while students learn to drive. A driving instructor is expected to possess a command of state driving laws, practical driving knowledge as it pertains to instruction and the public welfare, and be in good health to avert the potential for health crises while en route with a student driver. In Idaho a driving instructor is required to be licensed when teaching a student, meaning a person aged fourteen and one-half (14 1/2) up to seventeen (17) years.

The State Driving Businesses Licensure Board (Board) was first established as a self-governing board during the 2009 legislative session. Private driving businesses were formerly licensed by the State Department of Education (SDE), where public and private drivers' education were jointly regulated.

According to Senate testimony in 2009, private driving businesses provide a much needed option for families seeking drivers training programs that meet their alternative scheduling needs. Additionally, if they have a concern, they can file a complaint with the Board as an avenue for addressing their concern.

Similar to driving instructors licensed by the State Department of Education, private driving instructors are required to have background checks and health examinations to ensure the safety of students.

Since the Board's creation in 2009, the Board has been able to develop a variety of options for drivers' education, including online classroom options, as well as removing barriers, and lowering fees. The Board has the expertise to provide flexibility while still complying with industry standards. Additionally, since the Board's creation, private driving instructors are no longer being required by SDE to have a teaching certificate in order to instruct public students under contract with a school district. This provides more flexibility and access for students while still protecting the public.

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F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. In I.C. § 54-5406, reduce the apprenticeship training hour requirement from sixty (60) to thirty (30) hours of classroom instruction, and reduce the number of behind-the-wheel training hours from one hundred eight (108) to sixteen (16).
2. In the rules, add more online opportunities to complete the classroom hours of the apprenticeship program.
3. In Rule 250.08, add an additional waiver for the Instructor Apprenticeship Training Program for those who complete the State Department of Education's instructor training program. Also in this rule, eliminate the requirement that a public driver education instructor be licensed for two years to qualify for a waiver.
4. In Rule 275.05, delete the language that requires instructors to have "continuous" experience.
5. Review laws and rules to remove outdated language, for example, continuing education dates.
6. Rewrite the Act to use the updated template.
7. Review the law and rule regarding evaluating criminal convictions.
8. In 2019 start monitoring the Board's balance for another fee decrease.

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Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the State Driving Businesses Licensure Board respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

Objectives of Executive Order

- ✓ Protect the public. ([I.C. 54-5401\(2\)](#))
- ✓ Portability of licensure: *The Board has worked to enable instructors licensed to teach public drivers education with the Department of Education to also be eligible to teach private drivers education.*
- ✓ Eliminate barriers to entry to work by eliminating instructor internship training program. ([IDAPA 24.25.01.250.08](#))
- ✓ Do away with unnecessary regulation: *See Section F on reducing apprenticeship hours and reducing hours behind the wheel.*
- ✓ Modernize licensure and regulatory requirements. [House Bill 121](#) modernizes licensure by only requiring a licensee to submit a certificate of occupancy if teaching from a physical classroom. *This allows licensees offering online drivers education to skip unnecessary requirements.*

Comprehensive Review - consider some of the issues raised in the background material, such as,

- ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework: Allow businesses to use online instruction in lieu of offering instruction at a physical location ([IDAPA 24.25.01.225.08](#)) *Instructors may obtain continuing education courses online ([IDAPA 24.25.01.201.02](#)).*
- ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. *Continuing Education: ([IDAPA 24.25.01.201.03](#)); the Board is looking expanding testing options to include tests taken to license ID public drivers education instructors.*
- ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? ([I.C. § 54-5404](#), [IDAPA 24.25.01.225.02](#))
- ✓ Early Examination – (*See Section F*)
- ✓ CE Hardship – Is there an allowance for extenuating circumstances? ([IDAPA 24.25.01.201.06](#))

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- ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? *Instructor Apprenticeship Training Program* ([IDAPA 24.25.01.275](#)).