

**Zero-Based Regulation
Prospective Analysis
[State Driving Business Licensure Board]
[24-0000-2201F]**

1. What is the specific legal authority for this proposed rule?

| Statute Section (include direct link) | Is the authority mandatory or discretionary? |
|---------------------------------------|--|
| Idaho Code § 54-5403 (5)(g) | Mandatory |
| | |

2. Define the specific problem that the proposed rule is attempting to solve? Can it be solved through non-regulatory means?

Provide access to drivers education students to an alternative to obtaining drivers training through the Idaho public education system. The regulatory system provides a standardized experience, testing, and accountability, consistent curriculum with competent instructors that have gone through an FBI fingerprint check to provide safety to vulnerable youth. Private drivers instruction provides logistical alternatives not available through the public school system.

The above listed benefits could not be accomplished without a regulatory framework to ensure that Idaho drivers that seek instruction will receive a consistent safe education.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

| Federal citation | Summary of Law (include direct link) | How is the proposed Idaho rule more stringent? (if applicable) |
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| | N/A | |

b. How does this proposed rule compare to other state laws?

| State | Summary of Law (include direct link) | How is the proposed Idaho rule more stringent? (if applicable) |
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| <p>Washin gton</p> | <p>https://app.leg.wa.gov/RCW/default.aspx?cite=46.82 https://app.leg.wa.gov/wac/default.aspx?cite=308-108-010</p> <p>Wash. Rev. Code § 46.82.280 <i>et seq.</i> provides a system of licensure for private driver training schools by the Director of the Department of licensing. WAC 308-108-010 <i>et seq.</i> provides the interpreting regulations governing the operation of commercial driving programs. The rules adopted at WAC 308-108-010 <i>et seq.</i> provide a similar to more restrictive regulatory scope as the Idaho Board’s rules.</p> | <p>Less stringent.</p> |
| <p>Oregon</p> | <p>https://casetext.com/statute/oregon-revised-statutes/volume-09-education-and-culture-chapters-326-365/chapter-336-conduct-of-schools-generally/student-traffic-safety-education https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3452</p> <p>Or. Rev. Stat. § 336.800 (1) provides that: “Any private school, public school, commercial driver training school or county may offer a course in traffic safety education and charge tuition for the course. The curriculum for the traffic safety education course shall be established by the Department of Transportation under ORS 336.802. The rules adopted at OAR 737-015-0010 <i>et seq.</i> provide a similar to more restrictive regulatory scope as the Idaho Board’s rules.</p> | <p>Less stringent.</p> |
| <p>Nevada</p> | <p>https://nevada.public.law/statutes/nrs-483.700 https://www.leg.state.nv.us/nac/NAC-483.html</p> <p>Nev. Rev. Stat. 483.700 <i>et seq.</i> provides a system of licensure for private driver training schools by the Department of Public Safety. NAC 483.708 <i>et seq.</i> provides the interpreting regulations governing the operation of commercial driving programs. The rules adopted at NAC 483.708 <i>et seq.</i> provide a similar to more restrictive regulatory scope as the Idaho Board’s rules.</p> | <p>Less stringent.</p> |
| <p>Utah</p> | <p>Utah Code Ann. § 53-3-501 <i>et seq.</i> provides a system of licensure for private driver training schools by the Drivers License Division of the Department of Public safety. UT ADC R708-37-1 <i>et seq.</i> provides the interpreting regulations governing the operation of commercial driving programs. The rules adopted at UT ADC R708-37-1 <i>et seq.</i> provide a similar to more restrictive regulatory scope as the Idaho Board’s rules.</p> | <p>Less stringent.</p> |

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| | <p>https://le.utah.gov/xcode/Title53/Chapter3/53-3-S501.html https://www.google.com/search?q=utah+adc+r708-37-1&rlz=1C1GCEB_enUS931US932&oq=utah+adc+r708-37-1&aqs=chrome..69i57.30930j1j4&sourceid=chrome&ie=UTF-8</p> | |
| Wyoming | <p>Wyo. Stat. Ann. § 21-3-501 (f) establishes the position of state coordinator of driver education that provides oversight for all driver education including driving schools. Wy Rules and Regulation 206.0002.39 § 8 (a) ii provides that: “A driver education program shall apply for a certificate of approval by submitting, on a form approved by the Wyoming Department of Education, evidence that their instructors, curriculum and program structure meets the requirements of these rules.”</p> <p>https://law.justia.com/codes/wyoming/2014/title-21/chapter-3/article-5/section-21-3-501/ https://rules.wyo.gov/Search.aspx?mode=1</p> | <p>Less restrictive/Wyoming delegates approval of private driver education programs to the state coordinator of driver education consistent with public school standards.</p> |
| Montana | <p>Mont. Code Ann. Stat. Ann. § 20-7-502 (6) delegated responsibility to the superintendent of public education to approve traffic education courses when the courses meet the criteria for approval, including commercially available private education courses....” Mont. Admin. R. 10.13.307 <i>et seq.</i> provide the public-school standards for traffic education.</p> <p>https://leg.mt.gov/bills/1997/mca/20/7/20-7-502.htm https://rules.mt.gov/notice/resultAdvance.asp</p> | <p>Less restrictive/Montana delegates approval of private traffic education courses to the superintendent of public education consistent with public school standards.</p> |
| Alaska | <p>Alaska Stat. § 28.17.011 <i>et seq.</i> provides a system of licensure for private driver training schools by the Department of Public Safety. 2AAC91.010 <i>et seq.</i> provides the interpreting regulations governing the operation of commercial driving programs. The rules adopted at 2AAC91.010 <i>et seq.</i> provide a similar to more restrictive regulatory scope as the Idaho Board’s rules.</p> <p>https://casetext.com/statute/alaska-statutes/title-28-motor-vehicles/chapter-2817-commercial-driver-training-schools https://www.akleg.gov/basis/aac.asp#2.91.010</p> | <p>Less stringent.</p> |

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| South Dakota | <p>S. D. Codified Laws § 32-12-12 references completion of a driver education “that the secretary of the department of public safety has determined has been approved by a state government agency in another state” as a prerequisite for a shorter permit period. No other regulations apply to drivers education.</p> <p>https://www.google.com/search?q=utah+adc+r708-37-1&rlz=1C1GCEB_enUS931US932&oq=utah+adc+r708-37-1&aqs=chrome..69i57.30930j1j4&sourceid=chrome&ie=UTF-8</p> | <p>Less restrictive/South Dakota has no regulation for drivers training either through the Department of Education, or Department of Public Safety.</p> |
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- c. **If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:**

See comments provided in section 4.

4. What evidence is there that the rule, as proposed, will solve the problem?

The Idaho Driving Business Board has been in existence since 2009. The Driving businesses regulated by the Board continue to grow in number. Board member experience as driving business owners would substantiate that driving business are fully utilized by driving students. The logistical alternative presented by private businesses are a popular alternative to driving education through the public school system.

A standardized experience with consistent curriculum and competent instructors that have gone through an FBI fingerprint check to provide safety to vulnerable youth cannot be accomplished in a free market system without regulatory oversight.

However, other jurisdictions including Wyoming and Montana have provided the authority to a position within the Department of Education to review and approve private Driving Schools. Idaho’s Board and regulation structure is a more structured regulatory program than these states.

5. What is the anticipated impact of the proposed rule on various stakeholders?

| Category | Potential Impact |
|--|-------------------------|
| Fiscal impact to the state General Fund, any dedicated fund, or federal fund | N/A |

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|---|--|
| Impact to Idaho businesses, with special consideration for small businesses | Provides an opportunity for small driving business to exist in a subject matter niche previously occupied exclusively by public education. |
| Impact to any local government in Idaho | Idaho's Driving Businesses Licensure Board takes away the responsibility to review and license private driving schools from local school districts. |

6. What cumulative regulatory volume does this proposed rule add?

| Category | Impact |
|--------------------------------------|-----------------------------------|
| Net change in word count | 1649 less words. |
| Net change in restrictive word count | One less restrictive word. |