

UNDER 17

Bench Cards have been created as a resource for administrative law judges. Bench Cards do not represent statements of law by the Office of Administrative Hearings and do not constitute legal advice.

Governing Statutes:

I.C. [§49-326\(1\)\(o\)](#): (1) If the court has not ordered the suspension of a license or privileges, the department is authorized to suspend, disqualify or revoke the license or privileges of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the driver: ... (o) Was cited under the age of seventeen (17) years and subsequently received a conviction involving a moving traffic violation arising out of the operation of a motor vehicle, and providing the driver shall be sent a written warning from the Idaho transportation department for a first conviction; the driver's license shall be suspended for a period of thirty (30) days for a second conviction; and the driver's license shall be suspended for a period of sixty (60) days for a third or subsequent conviction; and providing further that no restricted driving privileges shall be issued during any period of suspension hereunder.

I.C. [§49-320\(2\)](#): (2) Whenever any statute or rule requires a driver to receive notice of any official action with regard to the person's driver's license or driving privileges taken or proposed by a court or the department, notification by first class mail at the address shown on the application for a driver's license or at the address shown on the driver's license or at the address given by the driver, shall constitute all the legal notice that is required.

Governing Regulations: None.

Key Cases: None.

Key Secondary Literature: None.

Deadlines: Open; brevity of suspension may require stay depending on date of assignment.

Burden: Applicant. [IDAPA 62.01.01.477](#).

Standard: Preponderance. [IDAPA 62.01.01.477](#).

Additional Notes:

- By statute, proof of mailing of first warning required, not proof of receipt.
- By statute, no restricted privileges allowed during suspension period.