I.I.R. 11. Driver's License Suspension Hearing - Finding by the Court - Effect of Suspension.

Idaho Infraction Rule 11. Driver's License Suspension Hearing - Finding by the Court - Effect of Suspension.

(a) Show Cause Hearing. A show cause hearing as to whether a defendant's driver's license should be suspended for nonpayment of a penalty shall be held by the court, (1) if a defendant appears in court at the time indicated in a Deferred Payment Agreement made under Rule 9(f), or (2) if the defendant requests a hearing before the payment date for a penalty as authorized under a Notice of Default Judgment issued under Rule 8(d), or (3) at any other time in the discretion of the court. The show cause hearing shall be an evidentiary hearing to determine if the defendant has the complete and continuing financial inability to pay the penalty. The defendant shall testify under oath and be subject to cross examination.

(b) Finding of Court. After a hearing under this rule, if the court finds that the defendant has a complete and continuing financial inability to pay the penalty, no notice of nonpayment shall be sent to the Department of Transportation but the court may enter appropriate orders regarding the judgment which may include the cancellation of the penalty. If the court finds that the defendant does not have a complete and continuing financial inability to pay the penalty but has not paid the penalty, it may sign a notice of nonpayment of penalty and send it to the Department of Transportation for the suspension of defendant's driver's license and may enter other appropriate orders to enforce payment of the penalty. The court shall not be required to make written findings other than to issue a notice of nonpayment or enter other appropriate orders.

(c) Effect of Suspension of Driver's License. If a defendant's driver's license is suspended for nonpayment of a penalty, upon the expiration of such ninety (90) day suspension the clerk of the court will continue to maintain the citation on which the penalty was imposed for a period of three (3) years. If the penalty is not paid within such three (3) year period, the clerk shall then cancel the delinquent penalty and close the file.

(Adopted March 23, 1983, effective July 1, 1983; amended March 28, 1986, effective July 1, 1986.)

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