

SUMMARY STATEMENT

Wood v. Idaho Transportation Department
Docket. No. 49298

This appeal concerned the administrative suspension of Todd Wood's driving privileges, the rules for breath alcohol concentration (BAC) testing promulgated by the Idaho State Police (ISP) under IDAPA 11.03.01, and whether the provisions of Idaho Code section 18-8004(4) providing for the automatic admission of BAC results in administrative licenses suspension (ALS) hearings violate the separation of powers doctrine.

After a lawful traffic stop, Wood submitted to BAC testing. His results were 0.178 and 0.175, both in excess of Idaho's legal limit of 0.08. However, during the fifteen-minute pretest observation period, the deputy sheriff admittedly did not observe Wood for roughly three minutes to ensure mouth alcohol was not present by way of burp, external contaminant, or otherwise prior to evidentiary testing. Wood challenged his suspension and argued that his BAC results were inadmissible because they had not been obtained in compliance with the required fifteen-minute pretest observation procedure. The ALS hearing officer disagreed, reasoning that ISP had promulgated rules making the pretest observation period only discretionary; thus, Wood's BAC test results were not based on unlawful procedure.

Wood petitioned for judicial review and argued the BAC rules allowing for a discretionary observation period are violative of "due process" and "fundamental fairness." Wood further argued that the automatic admission of BAC results in his ALS hearing, pursuant to section 18-8004(4), unconstitutionally usurps the judicial branch's power over the admission of evidence. The district court rejected Wood's arguments and upheld his administrative license suspension. Wood appealed to the Idaho Supreme Court on the same grounds. The Court affirmed.

The Court explained that, although Wood had provided factual support for his position, he failed to provide a cogent legal argument in support of his challenge to the "manner" and "method" by which ISP promulgated its rules in 2015 and 2020 for the administration of BAC tests. The Court also explained Wood's separation of powers argument was meritless because the judicial power to control the admission of evidence in court does not apply in ALS proceedings.

***** This summary constitutes no part of the opinion of the Court but has been prepared by court staff for the convenience of the public. *****