

SUMMARY STATEMENT

White v. Idaho Transportation Department,
Docket No. 50746

This appeal addresses whether the common law defense of necessity may be raised as a basis for vacating an administrative license suspension. Aaron White received a DUI citation and a notice of suspension of his driving privileges after he drove his wife to the hospital for emergency medical treatment following an ATV accident. Thereafter, White requested an administrative license suspension (“ALS”) hearing before an Idaho Transportation Department (“ITD”) hearing officer to contest his driver’s license suspension. During the ALS hearing, White argued that law enforcement lacked legal cause to believe he violated Idaho Code section 18-8004, Idaho’s DUI statute, because the common law defense of necessity made his conduct legally excusable.

The ALS hearing officer rejected White’s argument and concluded that the necessity defense was not an available defense in an ALS proceeding. White petitioned the district court for judicial review and the district court affirmed the decision of the ALS hearing officer. White appealed the district court’s decision to the Idaho Supreme Court. On appeal, White argued that the ALS hearing officer and district court erred by concluding that the necessity defense was unavailable to petitioners in ALS proceedings following this Court’s decision in *Reagan v. Idaho Transportation Department*, 169 Idaho 689, 502 P.3d 1027 (2021) (holding that breathalyzer results obtained after an unlawful arrest could not be used to form the basis of an administrative license suspension).

The Idaho Supreme Court affirmed the district court’s decision on judicial review that affirmed the ALS Hearing Officer’s order to sustain White’s administrative license suspension. The Court held the ALS hearing officer could not vacate an administrative license suspension based on a necessity defense because the defense was not among the five enumerated grounds for vacating a suspension under Idaho Code section 18-8002A(7). The Court determined that *Reagan* was distinguishable because the petitioner in *Reagan* challenged the lawfulness of the search (breathalyzer results), the necessity defense was not at issue in *Reagan*, and *Reagan* did not hold that the necessity defense is a constitutionally protected interest of petitioners in ALS proceedings. The Court further determined that White’s Sixth and Fourteenth Amendment arguments failed to demonstrate that the ALS Hearing Officer’s “findings, inferences, conclusions, or decisions” were “in violation of constitutional or statutory provisions.”

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