

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 729, As Amended in the Senate

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO DRIVING WHILE TEXTING; AMENDING SECTION 49-121, IDAHO CODE, TO  
2 DEFINE THE TERM "TEXTING"; AMENDING SECTION 49-529, IDAHO CODE, TO PRO-  
3 VIDE A CORRECT CODE REFERENCE; AND AMENDING CHAPTER 6, TITLE 49, IDAHO  
4 CODE, BY THE ADDITION OF A NEW SECTION 49-675, IDAHO CODE, TO PROHIBIT  
5 TEXTING WHILE DRIVING A MOTOR VEHICLE, TO PROVIDE FOR EXCEPTIONS AND TO  
6 PROVIDE PENALTIES.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 49-121, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 49-121. DEFINITIONS -- T. (1) "Temporary supplemental lot" means a  
12 location other than the principal place of business, or supplemental lot  
13 within the same or adjacent county as the principal place of business, where  
14 a licensed dealer may secure a license to conduct the business and is li-  
15 censed for a period of time not to exceed ten (10) days for a specific purpose  
16 such as auto shows, auctions, shopping center promotions, tent sales, etc.  
17 Temporary supplemental lots shall meet all local zoning and building codes  
18 for the type of business being conducted. The requirements for a principal  
19 place of business shall not be applicable to temporary supplemental lot lo-  
20 cations. The adjacent county restriction shall not apply if the dealer holds  
21 the franchise for the products to be displayed or sold and has approval from  
22 a manufacturer for the location where the proposed temporary supplemental  
23 lot license will be issued by the department. Nonfranchised dealers shall be  
24 permitted to temporarily display or sell their products within a one hundred  
25 seventy-five (175) mile radius of their principal place of business, upon  
26 approval by the department.

27 (2) "Texting" means engaging in the manual preparation and transmis-  
28 sion of written communications via handheld wireless devices except that  
29 texting by persons driving law enforcement, fire or emergency medical vehi-  
30 cles shall be exempt while engaging in the course and scope of their duties.  
31 This definition does not include voice-operated or hands free devices that  
32 allow the user to review, prepare and transmit a text message without the use  
33 of either hand other than to activate, deactivate or initiate a feature or  
34 function or to dial a telephone number.

35 (3) "Tires" means:

36 (a) Metal. Every tire the surface of which in contact with the highway  
37 is wholly or partly of metal or other hard, nonresilient material.

38 (b) Pneumatic. Every tire in which compressed air is designed to sup-  
39 port the load.

40 (c) Snow tire. Every rubber tire with tread design or material embedded  
41 in the tire to improve winter traction except studded tires.

1 (d) Solid rubber. Every tire of rubber or other resilient material  
2 which does not depend upon compressed air for the support of the load.

3 (e) Studded tire. Every tire with built-in lugs of tungsten carbide  
4 or other suitable material designed to contact the road surface for im-  
5 proved winter traction.

6 ~~(34)~~ "Traffic" means pedestrians, ridden or herded animals, vehicles,  
7 streetcars and other conveyances either singly or together while using any  
8 highway for purposes of travel.

9 ~~(45)~~ "Traffic lane" or "lane of travel" means that portion of the road-  
10 way for movement of a single line of vehicles.

11 ~~(56)~~ "Traffic-control device" means any device, whether manually,  
12 electrically or mechanically operated, placed or erected by authority of a  
13 public body or official having jurisdiction, for the purpose of regulating,  
14 warning or guiding traffic.

15 ~~(67)~~ "Trailer" means:

16 (a) General. Every vehicle without motive power designed for carrying  
17 persons or property and for being drawn by a motor vehicle.

18 (b) Fifth-wheel trailer. A vehicular unit equipped in the same manner  
19 as a travel trailer but constructed with a raised forward section that  
20 allows a bi-level floor plan. This style is designed to be towed by a  
21 vehicle equipped with a device known as a fifth-wheel hitch, which is  
22 typically installed in the bed of a pickup truck.

23 (c) Fold down camping trailer. A vehicular portable unit mounted on  
24 wheels and constructed with collapsible partial side walls, which fold  
25 for towing by another vehicle and unfold at the campsite to provide tem-  
26 porary living quarters, for recreational, camping or travel use.

27 (d) Park trailer. A trailer designed to be towed by a motorized ve-  
28 hicle, and of such size and weight as not to require a special highway  
29 movement permit. It is designed for seasonal or temporary living  
30 quarters and may be connected to utilities necessary for operation of  
31 installed fixtures and appliances. It is built on a single permanent  
32 chassis and constructed to permit set up by persons without special  
33 skills.

34 (e) Pole trailer. Every vehicle without motive power designed to be  
35 drawn by another vehicle and attached to the towing vehicle by means of  
36 a reach or pole or by being boomed or otherwise secured to the towing ve-  
37 hicle, and ordinarily used for transporting long or irregularly shaped  
38 loads such as poles, pipes, or structural members capable, generally,  
39 of sustaining themselves as beams between the supporting connections.

40 (f) Semitrailer. Every vehicle without motive power, designed for car-  
41 rying persons or property and for being drawn by a motor vehicle and so  
42 constructed that some part of its weight and that of its load rests upon  
43 or is carried by the towing vehicle.

44 (g) Travel trailer. A vehicular unit, mounted on wheels designed to  
45 provide temporary living quarters for recreational, camping, travel or  
46 emergency use and of such size or weight as not to require special high-  
47 way movement permits when towed by a motorized vehicle.

48 (h) Utility trailer. (See "Utility trailer," section 49-122, Idaho  
49 Code)

1           (78) "Transitional ownership document" means a document used to per-  
 2           fect a lien against creditors or subsequent purchasers when the primary own-  
 3           ership document is not available and the selling dealer, new security in-  
 4           terest holder or their agent, to the best of their knowledge, will not have  
 5           possession of the primary ownership document, within thirty (30) days, and  
 6           contains all of the following:

7           (a) The date of sale or if no sale is involved, the date the contract or  
 8           security agreement being perfected was signed;

9           (b) The name and address of each owner of the vehicle;

10          (c) The name and address of each security interest holder;

11          (d) If there are multiple security interest holders, the priorities of  
 12          interest if the security interest holders do not jointly hold a single  
 13          security interest;

14          (e) The vehicle identification number;

15          (f) The name of the security interest holder or person who submits the  
 16          transitional ownership document for the security interest holder; and

17          (g) Any other information the department may require for its records.

18          (89) "Transportation," for the purposes of chapter 22, title 49, Idaho  
 19          Code, means the movement of any regulated quantity of hazardous material or  
 20          hazardous waste within, through, or to any destination in this state upon the  
 21          highways of this state.

22          (910) "Transporter" means every person engaged in the business of de-  
 23          livering vehicles of a type required to be registered from a manufacturing,  
 24          assembling or distributing plant to dealers or sales agents of a manufac-  
 25          turer, except in chapter 22, title 49, Idaho Code, where it means any person  
 26          who transports a hazardous material or hazardous waste within, through, or  
 27          to any destination upon the highways of this state.

28          (101) "Truck" means:

29          (a) Refuse/sanitation. Any vehicle designed and used solely for the  
 30          purpose of transporting refuse.

31          (b) General. Every motor vehicle exceeding eight thousand (8,000)  
 32          pounds gross weight designed, used or maintained primarily for the  
 33          transportation of property.

34          (c) Pickup truck. Every motor vehicle eight thousand (8,000) pounds  
 35          gross weight or less which is designed, used or maintained primarily for  
 36          the transportation of property.

37          (d) Truck camper. A portable unit constructed to provide temporary  
 38          living quarters for recreational, travel or camping use, consisting of  
 39          a roof, floor, and sides, designed to be loaded onto and unloaded from  
 40          the bed of a pickup truck, and containing at least one (1) of the follow-  
 41          ing facilities: stove; refrigerator or icebox; self-contained toilet;  
 42          heater or air conditioner; potable water supply including a faucet and  
 43          sink; separate 110-125 volt electrical power supply; or LP-gas supply.  
 44          Truck campers originally constructed with an overall length of six (6)  
 45          feet or longer shall be titled as provided in chapter 5 of this title 49.  
 46          A truck camper does not include pickup hoods, shells or canopies.

47          (e) Truck tractor. Every motor vehicle designed and used primarily for  
 48          drawing other vehicles but not so constructed as to carry a load other  
 49          than a part of the weight of the vehicle and load so drawn.

1           (1~~1~~2) "True mileage driven" means the mileage of the vehicle as regis-  
2           tered by the odometer within the manufacturer's designed tolerance.

3           SECTION 2. That Section 49-529, Idaho Code, be, and the same is hereby  
4           amended to read as follows:

5           49-529. MANDATORY REJECTION OR INVALIDATION OF TRANSITIONAL OWNER-  
6           SHIP DOCUMENT BY DEPARTMENT. The transportation department shall reject,  
7           return or subsequently invalidate a transitional ownership document if:

8           (1) More than thirty (30) days have elapsed between the date of sale,  
9           or if no sale is involved, more than thirty (30) days have elapsed between  
10          the date the contract or security interest being perfected was signed and the  
11          date the transitional ownership document is received by the department;

12          (2) The transitional ownership document does not contain all of the in-  
13          formation contained in section 49-121 (~~78~~), Idaho Code;

14          (3) It is determined that persons named on the transitional ownership  
15          document as having a security interest did not have a security interest on  
16          the date the transitional ownership document was received;

17          (4) It is determined the person who submitted the transitional owner-  
18          ship document made false statements in completing the transitional owner-  
19          ship document;

20          (5) The department does not receive the primary ownership document from  
21          the date of sale within ninety (90) days of the date of sale or if no sale  
22          is involved, within ninety (90) days from the date the security agreement or  
23          contract was signed;

24          (6) The security interest holder or person submitting the transitional  
25          ownership document elects to retain, requests it be returned or requests  
26          that the transitional ownership document be withdrawn; or

27          (7) The information on or in the transitional ownership document has  
28          been changed or altered in a manner that is not acceptable to the department.

29          SECTION 3. That Chapter 6, Title 49, Idaho Code, be, and the same is  
30          hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
31          ignated as Section 49-675, Idaho Code, and to read as follows:

32          49-675. TEXTING WHILE DRIVING PROHIBITED -- PENALTY. (1) Texting, as  
33          that term is defined in section 49-121, Idaho Code, while driving a moving  
34          motor vehicle shall be prohibited. Persons driving law enforcement, fire  
35          or emergency medical vehicles, while acting within the course and scope of  
36          their duties, shall be exempt from the provisions of this section.

37          (2) A first violation of the provisions of this section where no prop-  
38          erty damage or injury to any person occurs shall be an infraction punishable  
39          by a fixed penalty of fifty dollars (\$50.00), plus court costs. A second and  
40          any subsequent violation of the provisions of this section where no property  
41          damage or injury to any person occurs shall be an infraction punishable by a  
42          fixed penalty of one hundred dollars (\$100), plus court costs. A violation  
43          of the provisions of this section where property damage or injury to any per-  
44          son occurs shall be a misdemeanor punishable by a fine of not more than three  
45          hundred dollars (\$300) and imprisonment of up to ninety (90) days in jail, or  
46          both such fine and imprisonment.