

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 160

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1
2 RELATING TO DEBRIS; AMENDING SECTION 18-3906, IDAHO CODE, AS AMENDED IN SEC-
3 TION 1 OF HOUSE BILL NO. 104, AS ENACTED BY THE FIRST REGULAR SESSION
4 OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO PROVIDE THAT WILLFULLY PLACING
5 DEBRIS ON A HIGHWAY UNDER CERTAIN CONDITIONS SHALL BE A MISDEMEANOR AND
6 TO PROVIDE A PENALTY.

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

8 SECTION 1. That Section 18-3906, Idaho Code, as amended in Section 1 of
9 House Bill No. 104, as enacted by the First Regular Session of the Sixty-
10 third Idaho Legislature, be, and the same is hereby amended to read as fol-
11 lows:

12 18-3906. PLACING DEBRIS ON HIGHWAYS. (1) It shall constitute an in-
13 fraction for any person to throw from any vehicle, place, deposit or permit
14 to be deposited upon or alongside of any highway, street, alley or easement
15 used by the public for public travel, any debris, paper, litter, glass bot-
16 tles, glass, nails, tacks, hooks, hoops, cans, barbed wire, boards, trash
17 or garbage, lighted material, or other waste substance, and is punishable by
18 a fine of one hundred fifty dollars (\$150). A second conviction under this
19 section within two (2) years of the commission of the prior offense for which
20 the person was convicted shall constitute an infraction and be punishable by
21 a fine not exceeding three hundred dollars (\$300). A third conviction under
22 this section within three (3) years of the first offense for which the person
23 was convicted shall constitute a misdemeanor and be punishable by a fine not
24 exceeding one thousand dollars (\$1,000) and by imprisonment in the county
25 jail not exceeding thirty (30) days. For the purposes of this section, the
26 terms "highway," "street," "alley" or "easement" shall be construed to in-
27 clude the entire right-of-way of such highway, street, alley or easement.
28 The Idaho transportation department is directed to post along state high-
29 ways, at convenient and appropriate places, notices of the context of said
30 law.

31 (2) Notwithstanding the provisions of section 19-4705, Idaho Code, the
32 court may order that fifty dollars (\$50.00) of the fine imposed under the
33 provisions of this section be paid by the defendant to the person or persons,
34 other than the officer making the arrest, who, in the judgment of the court,
35 provided information that led directly to the arrest and conviction of the
36 defendant.

37 (3) It shall constitute a misdemeanor for any person to willfully
38 throw, deposit, or place, or to lose and willfully leave upon or alongside
39 of any highway or street used by the public for public travel, any debris,
40 substance, object or material that impedes traffic or creates a hazardous
41 driving condition, and is punishable by a fine not exceeding two thousand

1 five hundred dollars (\$2,500) or by imprisonment in the county jail not ex-
2 ceeding six (6) months, or by both.