

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 209

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MOTOR CARRIERS; AMENDING SECTION 49-301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO OPERATING A COMMERCIAL MOTOR VEHICLE; AND AMENDING SECTION 67-2901B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO OPERATING A MOTOR CARRIER AND CERTAIN HOURS OF OPERATIONS.

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

SECTION 1. That Section 49-301, Idaho Code, be, and the same is hereby amended to read as follows:

49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a current and valid Idaho driver's license. Provided however, that those persons holding a restricted school attendance driving permit may drive upon a highway pursuant to the restrictions set forth in section 49-307A, Idaho Code.

(2) No person shall operate a motorcycle upon a highway unless he has a motorcycle endorsement on his valid driver's license.

(3) No person shall operate a motor vehicle in violation of any valid restriction identified on, or attached to, his valid driver's license.

(4) No person shall receive a class D driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction for use within the United States, or any identification cards issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess a driver's license or any identification cards.

(5) No person shall be permitted to have more than one (1) driver's license issued for use within the United States at any time.

(6) No person shall operate a commercial motor vehicle as defined in section 49-123, Idaho Code, upon a highway:

- (a) Without obtaining a commercial driver's license.
- (b) Without having the appropriate class A, B or C commercial driver's license in the operator's possession.
- (c) Without the proper license class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.
- (d) Unless the operator has a seasonal or class A, B or C driver's license with required endorsements in his possession.
- (e) Without having a current and valid medical examiner's certificate on file with the department while operating in a "non-excepted" status as required by the federal motor carrier safety administration. Medical examiner's certificates submitted for filing must be legible and shall be submitted in a manner acceptable to the department. If the federal motor carrier safety administration has issued a medical ex-

1 emption letter or skill performance evaluation certificate, the driver
 2 must have the current and valid documentation in physical possession
 3 and available upon request to a duly authorized federal, state or local
 4 enforcement official. Provided however, that an operator of a com-
 5 mercial motor vehicle who operates such vehicle in a solely intrastate
 6 capacity, where the operator does not meet or exceed hours of service
 7 restrictions provided pursuant to the federal motor carrier safety
 8 administration, shall not be required to obtain and hold a medical ex-
 9 aminers's certificate.

10 (7) Any holder of a class A, B or C commercial driver's license issued
 11 by a jurisdiction other than Idaho shall apply for an Idaho-issued commer-
 12 cial driver's license within thirty (30) days of establishing a domicile in
 13 Idaho. In accordance with the federal motor carrier safety regulations, no
 14 person shall receive a class A, B or C driver's license unless and until he
 15 surrenders to the department all driver's licenses in his possession issued
 16 to him by Idaho or any other jurisdiction.

17 (8) Except as provided in section 49-304, Idaho Code, a violation of
 18 this section is a misdemeanor.

19 SECTION 2. That Section 67-2901B, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 67-2901B. INSPECTION OF MOTOR CARRIERS -- EXEMPTIONS -- CERTIFICATION
 22 OF REPAIR -- COMPLIANCE REVIEW -- PENALTIES. (1) All motor carriers, except
 23 those exempted under the provisions of subsection (2) of this section, are
 24 subject to compliance review and inspection by authorized state police em-
 25 ployees for compliance with federal motor carrier safety and hazardous ma-
 26 terials regulations and for compliance with applicable Idaho laws and rules
 27 promulgated by the director pursuant to the provisions of section 67-2901A,
 28 Idaho Code. A motor carrier shall submit any vehicle to a safety inspection
 29 when requested to do so by an authorized state police employee. Such inspec-
 30 tions shall comply, to the extent possible, with national and industry stan-
 31 dards for truck inspections and truck safety as adopted by the commercial ve-
 32 hicle safety alliance. A written inspection report shall be provided to the
 33 owner, operator or agent of the vehicle following any inspection review pur-
 34 suant to this section.

35 (2) The following intrastate motor carriers shall be exempt from safety
 36 inspections and compliance reviews:

37 (a) Motor vehicles employed solely in transporting school children and
 38 teachers to or from school or to and from approved school activities,
 39 when the motor vehicles are either:

40 (i) Wholly owned and operated by such school, or

41 (ii) Leased or contracted by such school and the motor vehicle is
 42 not used in the furtherance of any other commercial enterprise; or

43 (b) Taxicabs or other motor vehicles performing a licensed or fran-
 44 chised taxicab service, having a seating capacity of not more than seven
 45 (7) passengers within twenty-five (25) miles of the boundaries of the
 46 licensing or franchising jurisdiction; or

47 (c) Motor vehicles owned or operated by or on behalf of hotels and used
 48 exclusively for the transportation of hotel patrons between hotels and
 49 local railroads or airports or other common carrier stations; or

1 (d) Motor vehicles controlled and operated by any farmer when used in
2 the transportation of his farm equipment or in the transportation of
3 supplies to his farm; or

4 (e) Motor vehicles used exclusively in the distribution of newspapers;
5 or

6 (f) Transportation of persons or property by motor vehicle at an air-
7 port when incidental to transportation by aircraft or other transporta-
8 tion in substitution for scheduled airline service when the carrier
9 cannot provide the scheduled service because of weather and/or mechan-
10 ical conditions and the transportation is arranged for and paid by the
11 affected airlines; or

12 (g) Transportation of persons and/or property, including mobile and
13 modular houses manufactured with wheels and undercarriage as part of
14 the substructure, but not transportation of other houses, buildings
15 or structures within a municipality or territory contiguous to such
16 municipality if such operation outside such municipality be a part of
17 a service maintained within the limits of the municipality with the
18 privilege of transfer of passengers to vehicles within the municipality
19 without additional fare; or

20 (h) The transportation of agricultural products including fresh fruits
21 and vegetables, livestock, livestock feed or manure at any time of the
22 year; or

23 (i) Motor propelled vehicles for the sole purpose of carrying United
24 States mail or property belonging to the United States; or

25 (j) Motor carriers transporting products of the forest at any time of
26 the year; or

27 (k) Motor carriers transporting products of the mine including sand,
28 gravel and aggregates thereof, except petroleum products and wet con-
29 crete; or

30 (l) Motor carriers transporting household goods as defined by the fed-
31 eral surface transportation board; or

32 (m) Vehicles properly equipped, designed and customarily used for the
33 transportation of disabled or abandoned vehicles by means of a crane,
34 hoist, tow bar, dolly or roll bed, which vehicle shall be known as a
35 "wrecker (tow truck)."

36 (3) A motor carrier which has received a written inspection report pre-
37 pared pursuant to subsection (1) of this section indicating that his vehicle
38 does not comply with applicable federal laws or regulations or Idaho laws or
39 rules, shall certify in writing to the director or his designee within fif-
40 teen (15) days of his receipt of the inspection report that he has brought
41 his vehicle into compliance with said laws, regulations or rules. The di-
42 rector or his designee may assess an administrative penalty to any person
43 who does not comply with the certification provisions of this section or who
44 makes a false certification. The penalty shall not exceed one hundred dol-
45 lars (\$100) for failure to comply with an inspection report or for making a
46 false certification. If an assessment is contested, the director shall com-
47 ply with the provisions governing contested cases under the administrative
48 procedure act, chapter 52, title 67, Idaho Code.

49 (4) Any motor carrier subject to rules promulgated under the provisions
50 of section 67-2901A, Idaho Code, shall submit to a compliance review upon re-

1 quest of the director or any officer designated by him, by providing for in-
2 spection or copying at any reasonable time, the records, books, papers and
3 documents relating to the safety management systems or program of such motor
4 carrier.

5 (5) Any penalties collected pursuant to subsection (3) of this section
6 shall be deposited to the state highway account.

7 (6) Notwithstanding any other provision of chapter 29, title 67, Idaho
8 Code, or the provisions of title 49 CFR, parts 390 through 396, the operator
9 of a motor carrier, operating solely in an intrastate capacity, who does not
10 meet or exceed hours of service provisions established by the federal motor
11 carrier safety administration, shall not be required to maintain a log book
12 or meet other recording requirements established by the federal motor car-
13 rier safety administration relating to hours of service.