

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 619, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SPEED LIMITS; AMENDING SECTION 49-105, IDAHO CODE, TO REMOVE A  
2 PROVISION RELATING TO REGULATION OF SPEED BY LOCAL AUTHORITIES; AMEND-  
3 ING SECTION 49-201, IDAHO CODE, TO REMOVE A PROVISION RELATING TO REGU-  
4 LATION OF SPEED BY LOCAL AUTHORITIES AND TO MAKE TECHNICAL CORRECTIONS;  
5 AMENDING SECTION 49-202, IDAHO CODE, TO REMOVE A PROVISION RELATING  
6 TO REGULATION OF SPEED BY LOCAL AUTHORITIES; AMENDING SECTION 49-207,  
7 IDAHO CODE, TO REMOVE PROVISIONS RELATING TO REGULATION OF SPEED BY LO-  
8 CAL AUTHORITIES, TO REVISE PROVISIONS RELATING TO REGULATION OF SPEED  
9 BY LOCAL AUTHORITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-  
10 TION 49-208, IDAHO CODE, TO REMOVE A PROVISION RELATING TO REGULATION  
11 OF SPEED BY LOCAL AUTHORITIES AND TO MAKE TECHNICAL CORRECTIONS; AND  
12 AMENDING SECTION 49-654, IDAHO CODE, TO REVISE PROVISIONS RELATING TO  
13 MAXIMUM SPEED LIMITS.  
14

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

16 SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the busi-  
19 ness of buying, selling or exchanging five (5) or more new or used vehicles,  
20 new or used neighborhood electric vehicles, new or used motorcycles, motor-  
21 driven cycles, snow machines or motorbikes, travel trailers, truck campers,  
22 all-terrain vehicles, utility type vehicles or motor homes in any calendar  
23 year, either outright or on conditional sale, bailment, lease, chattel mort-  
24 gage, or otherwise, or who has an established place of business for the sale,  
25 lease, trade, or display of these vehicles. No insurance company, bank, fi-  
26 nance company, public utilities company, or other person coming into posses-  
27 sion of any vehicle, as an incident to its regular business, who shall sell  
28 that vehicle under any contractual rights it may have, shall be considered a  
29 dealer. See also "salvage pool," section 49-120, Idaho Code.

30 (2) "Dealer's selling agreement." (See "Franchise," section 49-107,  
31 Idaho Code)

32 (3) "Department" means the Idaho transportation department acting di-  
33 rectly or through its duly authorized officers and agents, except in chap-  
34 ters 6 and 9, title 49, Idaho Code, where the term means the Idaho state po-  
35 lice, except as otherwise specifically provided.

36 (4) "Designated family member" means the spouse, child, grandchild,  
37 parent, brother or sister of the owner of a vehicle dealership who, in the  
38 event of the owner's death, is entitled to inherit the ownership interest in  
39 the dealership under the same terms of the owner's will, or who has been nom-  
40 inated in any other written instrument, or who, in the case of an incapaci-  
41 tated owner of a dealership, has been appointed by a court as the legal repre-  
42 sentative of the dealer's property.

1 (5) "Director" means the director of the Idaho transportation depart-  
2 ment, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term  
3 means the director of the Idaho state police.

4 (6) "Disclose" means to engage in any practice or conduct to make avail-  
5 able and make known personal information contained in records of the depart-  
6 ment about a person to any other person, organization or entity, by any means  
7 of communication.

8 (7) "Disqualification" as defined in 49 CFR part 383, means withdrawal  
9 by the department of commercial vehicle driving privileges.

10 (8) "Distributor" means any person, firm, association, corporation or  
11 trust, resident or nonresident, who has a franchise from a manufacturer of  
12 vehicles to distribute vehicles in this state, and who in whole or in part  
13 sells or distributes new vehicles to dealers or who maintains distributor  
14 representatives.

15 (9) "Distributor branch" means a branch office similarly maintained by  
16 a distributor for the same purposes a factory branch is maintained.

17 (10) "Distributor representative" means any person, firm, association,  
18 corporation or trust, and each officer and employee thereof engaged as a rep-  
19 resentative of a distributor or distributor branch of vehicles for the pur-  
20 pose of making or promoting the sale of vehicles, or for supervising or con-  
21 tacting dealers or prospective dealers.

22 (11) "District" means:

23 (a) Business district. The territory contiguous to and including a  
24 highway when within any six hundred (600) feet along the highway there  
25 are buildings in use for business or industrial purposes, including ho-  
26 tels, banks or office buildings, railroad stations and public buildings  
27 which occupy at least three hundred (300) feet of frontage on one side or  
28 three hundred (300) feet collectively on both sides of the highway.

29 (b) Residential district. The territory contiguous to and including  
30 a highway not comprising a business district when the property on the  
31 highway for a distance of three hundred (300) feet or more is in the main  
32 improved with residences, or residences and buildings in use for busi-  
33 ness.

34 (c) Urban district. The territory contiguous to and including any  
35 highway which is built up with structures devoted to business, industry  
36 or dwelling houses. For purposes of establishing speed limits in accor-  
37 dance with the provisions of section 49-654, Idaho Code, no state high-  
38 way or any portion thereof lying within the boundaries of an urban dis-  
39 trict is subject to the limitations which otherwise apply to nonstate  
40 highways within an urban district. ~~Provided, this subsection shall not~~  
41 ~~limit the authority of the duly elected officials of an incorporated~~  
42 ~~city acting as a local authority to decrease speed limits on state high-~~  
43 ~~ways passing through any district within the incorporated city.~~

44 (12) "Documented vessel" means a vessel having a valid marine document  
45 as a vessel of the United States.

46 (13) "Downgrade" as it pertains to commercial drivers licensing shall  
47 mean either:

48 (a) The driver has changed his or her medical requirement self-certifi-  
49 cation to interstate but operates exclusively in transportation or op-

1 erations excepted from part 391 of the federal motor carrier safety reg-  
2 ulations; or

3 (b) The driver has changed his or her medical requirement self-certifi-  
4 cation to intrastate and operates exclusively in transportation or op-  
5 erations as listed in section 67-2901B(2), Idaho Code; or

6 (c) The driver no longer has commercial motor vehicle driving privi-  
7 leges, but has retained privileges to drive noncommercial motor vehi-  
8 cles.

9 (14) "Drag race" means the operation of two (2) or more vehicles from a  
10 point side by side at accelerating speeds in a competitive attempt to out-  
11 distance each other, or the operation of one (1) or more vehicles over a com-  
12 mon selected course, from the same point to the same point, for the purpose  
13 of comparing the relative speeds or power of acceleration of the vehicles  
14 within a certain distance or time limit.

15 (15) "Driver" means every person who drives or is in actual physical  
16 control of a vehicle.

17 (16) "Driver's license" means a license or permit issued by the depart-  
18 ment or by any other jurisdiction to an individual which authorizes the indi-  
19 vidual to operate a motor vehicle or commercial motor vehicle on the highways  
20 in accordance with the requirements of title 49, Idaho Code.

21 (17) "Driver's license -- Classes of" are issued for the operation of a  
22 vehicle based on the size of the vehicle or the type of load and mean:

23 (a) Class A. This license shall be issued and valid for the operation  
24 of any combination of motor vehicles with a manufacturer's gross combi-  
25 nation weight rating (GCWR) in excess of twenty-six thousand (26,000)  
26 pounds, provided the manufacturer's gross vehicle weight rating (GVWR)  
27 of the vehicle(s) being towed is in excess of ten thousand (10,000)  
28 pounds. Persons holding a valid class A license may also operate vehi-  
29 cles requiring a class B, C or D license.

30 (b) Class B. This license shall be issued and valid for the operation  
31 of any single vehicle with a manufacturer's gross vehicle weight rat-  
32 ing (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such  
33 vehicle towing a vehicle not in excess of ten thousand (10,000) pounds  
34 manufacturer's gross vehicle weight rating (GVWR). Persons holding a  
35 valid class B license may also operate vehicles requiring a class C li-  
36 cense or a class D license.

37 (c) Class C. This license shall be issued and valid for the operation  
38 of any single vehicle or combination of vehicles that does not meet the  
39 definition of class A or class B, as defined in this section, but that  
40 either is designed to transport sixteen (16) or more people including  
41 the driver, or is of any size which does not meet the definition of class  
42 A or class B and is used in the transportation of materials found to be  
43 hazardous according to the hazardous material transportation act and  
44 which requires the motor vehicle to be placarded under the federal haz-  
45 ardous materials regulations 49 CFR part 172, subpart F. Persons hold-  
46 ing a valid class C license may also operate vehicles requiring a class D  
47 license.

48 (d) Class D. This license shall be issued and valid for the operation of  
49 a motor vehicle that is not a commercial vehicle as defined in section  
50 49-123, Idaho Code.

1 (e) "Seasonal driver's license" means a special restricted class B or  
2 C driver's license to operate certain commercial vehicles in farm-re-  
3 lated industries under restrictions imposed by the department. As used  
4 in this definition, "farm-related industry" shall mean custom har-  
5 vesters, farm retail outlets and suppliers, agri-chemical businesses  
6 and livestock feeders. Seasonal driver's licenses are not valid for  
7 driving vehicles carrying any quantities of hazardous material requir-  
8 ing placarding, except for diesel fuel in quantities of one thousand  
9 (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients,  
10 in vehicles or implements of husbandry with total capacities of three  
11 thousand (3,000) gallons or less, and solid fertilizers, i.e., solid  
12 plant nutrients, that are not mixed with any organic substance.

13 (18) "Driver record" means any record that pertains to an individual's  
14 driver's license, driving permit, driving privileges, driving history,  
15 identification documents or other similar credentials issued by the depart-  
16 ment.

17 (19) "Driver's license endorsements" means special authorizations that  
18 are required to be displayed on a driver's license which permit the driver to  
19 operate certain types of commercial vehicles or commercial vehicles hauling  
20 certain types of cargo, or to operate a motorcycle or a school bus.

21 (a) "Endorsement T -- Double/Triple trailer" means this endorsement is  
22 required on a class A, B or C license to permit the licensee to operate a  
23 vehicle authorized to tow more than one (1) trailer.

24 (b) "Endorsement H -- Hazardous material" means this endorsement is re-  
25 quired on a class A, B or C license if the driver is operating a vehicle  
26 used in the transportation of materials found to be hazardous according  
27 to the hazardous material transportation act and which requires the mo-  
28 tor vehicle to be placarded under the federal hazardous materials regu-  
29 lations 49 CFR part 172, subpart F.

30 (c) "Endorsement P -- Passenger" means this endorsement is required on  
31 a class A, B or C license to permit the licensee to operate a vehicle de-  
32 signed to transport sixteen (16) or more people including the driver.

33 (d) "Endorsement N -- Tank vehicle" means this endorsement is required  
34 on a class A, B or C license to permit the licensee to operate a vehicle  
35 which is designed to transport any liquid or gaseous materials within a  
36 tank that is either permanently or temporarily attached to the vehicle.  
37 Such vehicles include, but are not limited to, cargo tanks and portable  
38 tanks, as defined in federal regulations 49 CFR part 171. This defini-  
39 tion does not include portable tanks having a rated capacity under one  
40 thousand (1,000) gallons.

41 (e) "Endorsement M -- Motorcycle" means this endorsement is required on  
42 a driver's license to permit the driver to operate a motorcycle or mo-  
43 tor-driven cycle.

44 (f) "Endorsement S -- School bus" means this endorsement is required on  
45 a class A, B or C license to permit the licensee to operate a school bus  
46 in accordance with 49 CFR part 383, to transport preprimary, primary or  
47 secondary school students from home to school, from school to home, or  
48 to and from school-sponsored events. School bus does not include a bus  
49 used as a common carrier.

1 (20) "Driveway" means a private road giving access from a public way to a  
2 building on abutting grounds.

3 (21) "Dromedary tractor" means every motor vehicle designed and used  
4 primarily for drawing a semitrailer and so constructed as to carry mani-  
5 fested cargo in addition to a part of the weight of the semitrailer.

6 SECTION 2. That Section 49-201, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 49-201. DUTIES OF BOARD. (1) With the exception of requirements for  
9 sections 49-217 and 49-218 and chapters 6 and 9, title 49, Idaho Code, which  
10 shall be the responsibility of the director of the Idaho state police, and  
11 section 49-447, Idaho Code, which shall be the responsibility of the di-  
12 rector of the department of parks and recreation, the board shall adopt  
13 and enforce administrative rules and may designate agencies or enter into  
14 agreements with private companies or public entities as may be necessary to  
15 carry out the provisions of this title. It shall also provide suitable forms  
16 for applications, registration cards, vehicle licenses, and all other forms  
17 requisite for the purpose of the provisions of this title, and shall prepay  
18 all transportation charges.

19 (2) The board may enter into agreements, compacts or arrangements with  
20 other jurisdictions on behalf of Idaho for the purpose of conforming proce-  
21 dures for proportional registration of commercial vehicles and other types  
22 of reciprocal agreements. Copies of agreements, compacts or arrangements  
23 shall be placed on file in the department and the board shall, as to all fil-  
24 ings and adoption, conform with the provisions of chapter 52, title 67, Idaho  
25 Code. The board may approve, on a case-by-case basis, exemption from oper-  
26 ating fees for private nonprofit entities who are bringing public interest  
27 programs into the state. These entities may not be in competition with com-  
28 panies who transport goods and services for hire.

29 (3) The board shall adopt a manual and specifications for a uniform sys-  
30 tem of traffic-control devices consistent with the provisions of this title  
31 for use upon highways within the state. The uniform system shall correlate  
32 with, and, so far as possible, conform to the system set forth in the most  
33 recent edition of the manual on uniform traffic-control devices for streets  
34 and highways and other standards issued or endorsed by the federal highway  
35 administrator.

36 (4) Whenever the board shall determine upon the basis of an engineering  
37 and traffic investigation that any maximum speed is greater or less than is  
38 reasonable or safe under the conditions found to exist at any intersection or  
39 other place or upon any part of the state highway or interstate highway sys-  
40 tem, the board may determine and declare a reasonable and safe maximum limit,  
41 thereat, not exceeding a maximum limit of seventy-five (75) miles per hour  
42 on interstate highways and sixty-five (65) miles per hour on state highways,  
43 which shall be effective when appropriate signs giving notice are erected.  
44 The speed limit may be declared to be effective at all times or at the times as  
45 indicated upon the signs. Differing limits may be established for different  
46 times of day, different types of vehicles, varying weather conditions, and  
47 other factors bearing on safe speeds, which shall be effective when posted  
48 upon appropriate fixed or variable signs. ~~The authority of the board to es-~~  
49 ~~tablish speed limits on state highways pursuant to this section does not re-~~

1 ~~strict the authority of the duly elected officials of an incorporated city~~  
2 ~~acting in the capacity of a local authority to establish lower speed limits~~  
3 ~~for portions of state highways, excluding controlled access and interstate~~  
4 ~~highways, that pass through residential, urban or business districts within~~  
5 ~~the jurisdiction of the incorporated city, for the purpose of enhancing mo-~~  
6 ~~torist and pedestrian safety.~~

7 (5) The board shall adopt and enforce rules as may be consistent with  
8 and necessary to determine the classification of and the basis on which fees  
9 shall be computed.

10 SECTION 3. That Section 49-202, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's li-  
13 cense records in the office of the department shall be public records and  
14 open to inspection by the public during normal business hours, except for  
15 those records declared by law to be for the confidential use of the depart-  
16 ment, or those records containing personal information subject to restric-  
17 tions or conditions regarding disclosure. If the department has contracted  
18 for a service to be provided by another entity, an additional fee shall be  
19 charged by that contractor whether the service is rendered during normal  
20 business hours, other than normal business hours or on weekends.

21 (2) In addition to other fees required by law to be collected by the de-  
22 partment, the department shall collect the following:

- 23 (a) For certifying a copy of any record pertaining to any vehicle li-  
24 cense, any certificate of title, or any driver's license ..... \$14.00
- 25 (b) For issuing every Idaho certificate of title ..... \$14.00
- 26 (c) For furnishing a duplicate copy of any Idaho certificate  
27 of title ..... \$14.00
- 28 (d) For issuance or transfer of every certificate of title on a new or  
29 used vehicle or other titled vehicle in an expedited manner (rush ti-  
30 tles), in addition to any other fee required by this section .... \$26.00
- 31 (e) For recording a transitional ownership document, in addition to any  
32 other fee required by this section ..... \$26.00
- 33 (f) For furnishing a replacement of any receipt  
34 of registration ..... \$5.00
- 35 (g) For furnishing copies of registration or ownership of motor vehi-  
36 cles or driver's license records, per vehicle registration, accident  
37 report records, title or per driver's license record ..... \$7.00
- 38 Additional contractor fee, not to exceed ..... \$4.00
- 39 (h) For services in searching files of vehicle or other  
40 registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- 41 (i) Placing "stop" cards in vehicle registration or title  
42 files, each ..... \$21.00
- 43 (j) For issuance of an assigned or replacement vehicle  
44 identification number (VIN) ..... \$18.00
- 45 (k) For a vehicle identification number (VIN) inspection whether con-  
46 ducted by a city or county peace officer or any other peace officer or  
47 designated agent of the state of Idaho, per inspection ..... \$5.00
- 48 (l) For all replacement registration stickers, each ..... \$2.00
- 49 (m) For issuing letters of temporary vehicle clearance

- 1 to Idaho-based motor carriers ..... \$18.00
- 2 (n) For all sample license plates, each .....\$21.00
- 3 (o) For filing release of liability statements ..... \$3.50
- 4 (p) For safety and insurance programs for each vehicle operated
- 5 by a motor carrier ..... \$3.00

6 A lesser amount may be set by rule of the board.

7 (3) The fees required in this section shall not apply when the service  
8 is furnished to any federal, state, county or city peace officer when such  
9 service is required in the performance of their duties as peace officers.

10 (4) The department may enter into agreements with private companies or  
11 public entities to provide the services for which a fee is collected in sub-  
12 section (2) (g) of this section. Such private contractor shall collect the  
13 fee prescribed and remit the fee to the department. The contractor shall  
14 also collect and retain the additional fee charged for his services.

15 (5) (a) The department shall pay three dollars (\$3.00) of the fee col-  
16 lected by a county assessor or other agent of the department as provided  
17 in subsection (2) (a) through (f) of this section, and four dollars  
18 (\$4.00) as provided in subsection (2) (g) of this section, to the county  
19 assessor or sheriff of the county or agent collecting such fee, which  
20 shall be deposited with the county treasurer and credited to the county  
21 current expense fund. The remainder of the fees collected as provided  
22 in that subsection shall be paid by the department to the state trea-  
23 surer and placed in the state highway account.

24 (b) The fee collected under subsection (2) (k) of this section for a VIN  
25 inspection shall be placed in the city general fund if conducted by a  
26 city peace officer, in the county current expense fund if conducted by a  
27 county peace officer, shall be retained by the special agent authorized  
28 to perform the inspection, or paid to the state treasurer and placed to  
29 the credit of the Idaho state police if conducted by the Idaho state po-  
30 lice or in the state highway account if conducted by the department.

31 (c) The fee collected under subsection (2) (o) of this section for fil-  
32 ing release of liability statements shall be retained by the county as-  
33 sessor of the county collecting such fee, and shall be deposited with  
34 the county treasurer and credited to the county current expense fund.

35 (d) The fee in subsection (2) (m) of this section shall not apply when  
36 the Idaho-based motor carrier or its representative obtains and prints  
37 the document using internet access.

38 (e) The fee collected under subsection (2) (p) of this section for mo-  
39 tor carriers shall be paid by the department to the state treasurer and  
40 placed in the state highway account. The director and the director of  
41 the Idaho state police shall jointly determine the amount to be trans-  
42 ferred from the state highway account to the law enforcement fund for  
43 motor carrier safety programs conducted by the Idaho state police pur-  
44 suant to the provisions of section 67-2901A, Idaho Code.

45 (6) The department as often as practicable may provide to law enforce-  
46 ment agencies the record of suspensions and revocations of driver licenses  
47 via the Idaho law enforcement telecommunications system (ILETS).

48 (7) The department shall provide the forms prescribed in chapter 5 of  
49 this title, shall receive and file in its office in Ada county all instru-  
50 ments required in chapter 5 of this title to be filed with the department,

1 shall prescribe a uniform method of numbering certificates of title, and  
2 shall maintain in the department indices for such certificates of title. All  
3 indices shall be by motor or identification number and alphabetical by name  
4 of the owner.

5 (8) The department shall file each registration received under a  
6 distinctive registration number assigned to the vehicle and to the owner  
7 thereof.

8 (9) The department shall not renew a driver's license or identification  
9 card when fees required by law have not been paid or where fees for past pe-  
10 riods are due, owing and unpaid including insufficient fund checks, until  
11 those fees have been paid.

12 (10) The department shall not grant the registration of a vehicle when:

13 (a) The applicant is not entitled to registration under the provisions  
14 of this title; or

15 (b) The applicant has neglected or refused to furnish the department  
16 with the information required in the appropriate form or reasonable ad-  
17 ditional information required by the department; or

18 (c) The fees required by law have not been paid, or where fees for past  
19 registration periods are due, owing and unpaid including insufficient  
20 fund checks.

21 (11) The department or its authorized agents have the authority to re-  
22 quest any person to submit to medical, vision, highway, or written examina-  
23 tions, to protect the safety of the public upon the highways. The depart-  
24 ment or its authorized agents may exercise such authority based upon evi-  
25 dence which may include, but is not limited to, observations made.

26 (12) The department shall revoke the registration of any vehicle:

27 (a) Which the department shall determine is unsafe or unfit to be oper-  
28 ated or is not equipped as required by law;

29 (b) Whenever the person to whom the registration card or registration  
30 plate has been issued shall make or permit to be made any unlawful use of  
31 the same or permit their use by a person not entitled thereto;

32 (c) For any violation of vehicle registration requirements by the owner  
33 or operator in the current or past registration periods;

34 (d) Whenever a motor carrier requests revocation, or whenever an inter-  
35 state carrier's federal operating authority has been revoked;

36 (e) For failure of the owner or operator to file the reports required  
37 or nonpayment of audit assessments or fees assessed against the owner by  
38 the department or the state tax commission pursuant to audit under the  
39 provisions of section 49-439, Idaho Code;

40 (f) Identified by any city or county administering a program estab-  
41 lished by ordinance for the inspection and readjustment of motor vehi-  
42 cles (which program is part of an approved state implementation plan  
43 adopted by both the state and federal governments under 42 U.S.C. sec-  
44 tion 7410) as having failed to comply with an ordinance requiring motor  
45 vehicle emission inspection and readjustment; provided that no vehicle  
46 shall be identified to the department under this subsection (f) unless:

47 (i) The city or county certifies to the department that the owner  
48 of the motor vehicle has been given notice and had the opportunity  
49 for a hearing concerning compliance with the ordinance and has ex-

1           hausted all remedies and appeals from any determination made at  
2           such hearing; and

3           (ii) The city or county reimburses the department for all direct  
4           costs associated with the registration revocation procedure.

5           (13) The department shall not reregister or permit a vehicle to oper-  
6           ate on a special trip permit until all fees, penalties and interest have been  
7           paid.

8           (14) The department shall institute educational programs, demonstra-  
9           tions, exhibits and displays.

10          (15) The department shall cancel a driver's license or identification  
11          card when fees required by law have not been paid or where fees are due, owing  
12          and unpaid including insufficient fund checks, until those fees have been  
13          paid.

14          (16) The department shall examine persons and vehicles by written,  
15          oral, vision and skills tests without compulsion except as provided by law.

16          (17) The department shall employ expert and special help as needed in  
17          the department.

18          (18) The department shall compile accident statistics and disseminate  
19          information relating to those statistics.

20          (19) The department shall cooperate with the United States in the elimi-  
21          nation of road hazards, whether of a physical, visual or mental character.

22          (20) The department shall place and maintain traffic-control devices,  
23          conforming to the board's manual and specifications, upon all state highways  
24          as it shall deem necessary to indicate and to carry out the provisions of this  
25          title or to regulate, warn, or guide traffic. No local authority shall place  
26          or maintain any traffic-control device upon any highway under the jurisdic-  
27          tion of the department except by the latter's permission, ~~except where the~~  
28          ~~duly elected officials of an incorporated city have established speed limits~~  
29          ~~lower than those set by the department on the portion of state highways, ex-~~  
30          ~~cluding controlled-access and interstate highways, that pass through resi-~~  
31          ~~dential, urban or business districts within the jurisdiction of the incorpo-~~  
32          ~~rated city.~~ The placement and maintenance of such a traffic-control device  
33          by a local authority shall be made according to the board's manual and speci-  
34          fications for a uniform system of traffic-control devices.

35          (21) The department may conduct an investigation of any bridge or other  
36          elevated structure constituting a part of a highway, and, if it shall find  
37          that the structure cannot with safety to itself withstand vehicles travel-  
38          ing at a speed otherwise permissible under this title, shall determine and  
39          declare the maximum speed of vehicles which the structure can safely with-  
40          stand, and shall cause or permit suitable signs stating the maximum speed to  
41          be erected and maintained before each end of the structure.

42          (22) Whenever the department shall determine on the basis of an engi-  
43          neering and traffic investigation that slow speeds on any highway or part of  
44          a highway impede the normal and reasonable movement of traffic, the depart-  
45          ment may determine and declare a minimum speed limit below which no person  
46          shall drive a vehicle except when necessary for safe operation or in compli-  
47          ance with law, and that limit shall be effective when posted upon appropriate  
48          fixed or variable signs, ~~except in cases where the duly elected officials of~~  
49          ~~an incorporated city have established speed limits lower than those set by~~  
50          ~~the department on portions of state highways, excluding controlled-access~~

1 ~~and interstate highways, that pass through residential, urban or business~~  
2 ~~districts within the jurisdiction of the incorporated city.~~

3 (23) The department shall regulate or prohibit the use of any con-  
4 trolled-access highway by any class or kind of traffic which is found to be  
5 incompatible with the normal and safe movement of traffic.

6 (24) The department shall erect and maintain traffic-control devices on  
7 controlled-access highways on which any prohibitions are applicable.

8 (25) Wherever a highway crosses one (1) or more railroads at grade, the  
9 department or local authorities within their respective jurisdictions shall  
10 place and maintain stop signs, directing vehicular traffic approaching the  
11 crossing to come to a full stop prior to entering the crossing at all railroad  
12 crossings where electric or mechanical warning signals do not exist. Place-  
13 ment of these stop signs shall be mandatory except when in the determination  
14 of public highway agencies the existence of stop signs at a given crossing  
15 would constitute a greater hazard than their absence based on a recognized  
16 engineering study.

17 Nothing in this subsection shall be construed as granting immunity to  
18 any railroad company as to liability, if any, for an accident which might oc-  
19 cur at a crossing where stop signs are erected and in place, but liability, if  
20 any, shall be determined as provided by law. Liability on the part of govern-  
21 mental authorities on account of absence of any stop sign at a crossing shall  
22 be determined as provided by law.

23 (26) The department and local authorities are authorized to determine  
24 those portions of any highway under their respective jurisdictions where  
25 overtaking and passing or driving on the left side of the roadway would be  
26 especially hazardous and may by appropriate signs or markings on the roadway  
27 indicate the beginning and end of those zones and when signs or markings are  
28 in place and clearly visible to an ordinarily observant person, every driver  
29 of a vehicle shall obey those directions.

30 (27) The department and local authorities in their respective juris-  
31 dictions may in their discretion issue special permits authorizing the  
32 operation upon a highway of traction engines or tractors having movable  
33 tracks with transverse corrugations upon the periphery of the movable tracks  
34 or farm tractors or other farm machinery, the operation of which upon a high-  
35 way would otherwise be prohibited under this title or title 40, Idaho Code.

36 (28) The department and local highway authorities within their respec-  
37 tive jurisdictions may place official traffic-control devices prohibiting,  
38 limiting or restricting the stopping, standing or parking of vehicles on any  
39 highway where such stopping, standing or parking is dangerous to those using  
40 the highway or where the stopping, standing or parking of vehicles unduly in-  
41 terferes with the free movement of traffic thereon.

42 (29) On any informational material printed after July 1, 1995, by or at  
43 the order of the department and distributed to counties, school districts  
44 or individuals for the purpose of assisting a person to successfully pass  
45 a driver's license test, the department shall include material about the  
46 state's open range law and responsibilities, liabilities and obligations of  
47 drivers driving in the open range.

48 SECTION 4. That Section 49-207, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1           49-207. MUNICIPAL REGISTRATION PROHIBITED -- POWER TO ENACT REGULA-  
2 TORY ORDINANCES NOT ABOLISHED. (1) Authorities of counties and cities shall  
3 have no power to pass, enforce or maintain any ordinance requiring, from any  
4 owner of a vehicle or any dealer to which this title shall be applicable, any  
5 tax, license or permit for the free use of the public highways of a county  
6 or city, or prohibiting or excluding any owner or dealer from the free use  
7 of such highways or excluding or prohibiting any vehicle registered in com-  
8 pliance with the provisions of this title from the free use of the highways.  
9 Powers given by general statutes to local authorities in cities to enact gen-  
10 eral ordinances applicable equally and generally to all vehicles and the use  
11 of highways to bring about the orderly passage of vehicles upon certain high-  
12 ways in such cities where the traffic is heavy and continuous, and powers  
13 given to cities to regulate vehicles offered to the public for hire, or pro-  
14 ceSSIONS, assemblages or parades on the highways or in public places shall  
15 remain in full force and effect, and all ordinances which may have been or  
16 which may be enacted in pursuance of those powers shall remain in full force  
17 and effect. These provisions of law shall not be construed to prevent cities  
18 from enacting and enforcing general ordinances prescribing additional re-  
19 quirements as to speed, manner of driving, or operating vehicles on any of  
20 the highways of such cities, and prescribing other requirements pertaining  
21 to signals to be given by drivers or operators of motor vehicles, the carry-  
22 ing of lights on motor vehicles, the turning of motor vehicles on highways,  
23 and requirements for motor vehicles in passing other vehicles and pedestri-  
24 ans.

25           (2) Whenever local authorities in their respective jurisdictions,  
26 ~~including the duly elected officials of an incorporated city acting in the~~  
27 ~~capacity of a local authority,~~ determine on the basis of an engineering or  
28 traffic investigation, and the residential, urban or business character of  
29 the neighborhood abutting the highway in a residential, business or urban  
30 district that the speed limit permitted under this title is greater than is  
31 reasonable and safe under the conditions found to exist upon a highway or  
32 part of a highway or because of the residential, urban or business character  
33 of the neighborhood abutting the highway in a residential, business or urban  
34 district, the local authority may determine and declare a reasonable and  
35 safe maximum limit which:

36           (a) Decreases the limit within a residential, business or urban dis-  
37 trict; ~~or~~

38           (b) Increases the limit within a nonresidential area of an urban dis-  
39 trict but not to more than sixty-five (65) miles per hour; or

40           (c) Decreases the limit outside an urban district.

41           (3) Local authorities in their respective jurisdictions shall deter-  
42 mine by an engineering or traffic investigation the proper maximum speed not  
43 exceeding a maximum limit of sixty-five (65) miles per hour for all arterial  
44 highways and shall declare a reasonable and safe maximum limit which may be  
45 greater or less than the limit permitted under this title for an urban dis-  
46 trict.

47           (4) Any ~~decreased~~ altered speed limit established shall be effective at  
48 all times or during hours of darkness or at other times as may be determined  
49 when appropriate signs giving notice are erected upon the highway ~~accord-~~  
50 ~~to requirements of.~~ Any alteration of maximum limits on state highways or

1 extensions in a municipality by local authorities shall not be effective  
2 until the alteration has been approved by the department. Provided however,  
3 that any alteration of speed limits must be based upon a traffic engineer-  
4 ing study approved by the department and completed according to department  
5 standards. The alteration of speed limits by local authorities shall be done  
6 in consultation with the department. In the event of disagreement between  
7 the department and local authorities, the department traffic study shall  
8 be adopted, unless the local government traffic study is submitted to the  
9 Idaho transportation department board and the board adopts the local study  
10 in whole or in part.

11 ~~(5) Upon the decision of the duly elected officials of an incorporated~~  
12 ~~city to decrease the speed limit on highways within the city, excluding con-~~  
13 ~~trolled access and interstate highways, the city will notify in writing the~~  
14 ~~local district office of the department prior to implementing the change in~~  
15 ~~speed limits. The department shall have thirty (30) days from the day writ-~~  
16 ~~ten notice is received to assist implementation, such as providing transi-~~  
17 ~~tional speed limit signs and taking other steps necessary to preserve public~~  
18 ~~safety.~~

19 SECTION 5. That Section 49-208, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 49-208. POWERS OF LOCAL AUTHORITIES. (1) The provisions of this title  
22 shall not be deemed to prevent local authorities with respect to highways  
23 under their jurisdiction and within the reasonable exercise of the police  
24 power from:

- 25 (a) Regulating or prohibiting stopping, standing or parking;
- 26 (b) Regulating traffic by means of peace officers or traffic-control
- 27 devices;
- 28 (c) Regulating or prohibiting processions or assemblages on the high-
- 29 ways;
- 30 (d) Designating particular highways for use by traffic moving in one
- 31 (1) direction;
- 32 (e) Establishing speed limits for vehicles in public parks;
- 33 (f) Designating any highway as a through highway or designating any in-
- 34 tersection or junction of highways as a stop or yield intersection or
- 35 junction;
- 36 (g) Restricting the use of highways as authorized in chapter 10, title
- 37 49, Idaho Code;
- 38 (h) Regulating or prohibiting the turning of vehicles or specified
- 39 types of vehicles;
- 40 (i) Altering or establishing speed limits;
- 41 (j) Designating no-passing zones;
- 42 (k) Prohibiting or regulating the use of controlled-access highways by
- 43 any class or kind of traffic;
- 44 (l) Prohibiting or regulating the use of heavily traveled highways by
- 45 any class or kind of traffic found to be incompatible with the normal and
- 46 safe movement of traffic;
- 47 (m) Establishing minimum speed limits;
- 48 (n) Prohibiting pedestrians from crossing a highway in a business dis-
- 49 trict or any designated highway except in a crosswalk;

- 1 (o) Restricting pedestrian crossings at unmarked crosswalks;  
 2 (p) Establishing the maximum speed of vehicles on a bridge or other ele-  
 3 vated structure;  
 4 (q) Requiring written accident reports;  
 5 (r) Regulating persons propelling pushcarts;  
 6 (s) Regulating persons upon skates, coasters, sleds and other toy vehi-  
 7 cles;  
 8 (t) Adopting and enforcing temporary or experimental regulations as  
 9 may be necessary to cover emergencies or special conditions-; i  
 10 (u) Prohibiting drivers of ambulances from exceeding maximum speed  
 11 limits;  
 12 (v) Adopting such other traffic regulations as are specifically autho-  
 13 rized by this title-;  
 14 ~~(w) Allowing the duly elected officials of an incorporated city acting~~  
 15 ~~in the capacity as a local authority to establish maximum speed limits~~  
 16 ~~on portions of state highways, excluding controlled access and inter-~~  
 17 ~~state highways, in residential, urban or business districts within the~~  
 18 ~~jurisdiction of the incorporated city, so long as the maximum speed~~  
 19 ~~limit established by the incorporated city is lower than the maximum~~  
 20 ~~speed limit established by the department and is intended to promote~~  
 21 ~~motorist and pedestrian safety.~~

22 (2) No ordinance or regulation enacted under paragraphs (d) through (p)  
 23 of subsection (1) of this section shall be effective until traffic-control  
 24 devices giving notice of local traffic regulations are erected upon or at the  
 25 entrances to the highway or part affected as may be most appropriate.

26 (3) No local authority shall erect or maintain any traffic-control de-  
 27 vice at any location so as to require traffic on any state highway to stop be-  
 28 fore entering or crossing any intersecting highway unless approval in writ-  
 29 ing has first been obtained from the department.

30 (4) Local authorities by ordinance may adopt by reference all or any  
 31 part of title 49, Idaho Code, without publishing or posting in full the pro-  
 32 visions thereof, provided that not less than one (1) copy is available for  
 33 public use and examination in the office of the clerk.

34 (5) Local authorities may adopt an ordinance establishing procedures  
 35 for the abatement and removal of abandoned, junk, dismantled or inoperative  
 36 vehicles or their parts from private or public property, including highways,  
 37 provided the ordinance is not in conflict with the provisions of this title.

38 SECTION 6. That Section 49-654, Idaho Code, be, and the same is hereby  
 39 amended to read as follows:

40 49-654. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) No person shall drive  
 41 a vehicle at a speed greater than is reasonable and prudent under the con-  
 42 ditions and having regard to the actual and potential hazards then exist-  
 43 ing. Consistent with the foregoing, every person shall drive at a safe and  
 44 appropriate speed when approaching and crossing an intersection or railroad  
 45 grade crossing, when approaching and going around a curve, when approaching  
 46 a hillcrest, when traveling upon any narrow or winding highway, and when spe-  
 47 cial hazards exist with respect to pedestrians or other traffic or by reason  
 48 of weather or highway conditions.

1           (2) Where no special hazard or condition exists that requires lower  
2 speed for compliance with subsection (1) of this section the limits as here-  
3 inafter authorized shall be maximum lawful speeds, and no person shall drive  
4 a vehicle at a speed in excess of the maximum limits:

5           (a) ~~Thirty-five (35) miles per hour or a lesser maximum speed adopted~~  
6 ~~pursuant to in any residential, business or urban district, unless~~  
7 ~~otherwise posted in accordance with section 49-207(2) (a) or (3), Idaho~~  
8 ~~Code, in any residential, business or urban district;~~

9           (b) ~~Thirty-five (35) miles per hour in any urban district;~~

10          ~~(c) Seventy-five (75) miles per hour on interstate highways;~~

11          ~~(d) Sixty-five (65) miles per hour on state highways;~~

12          ~~(e) Fifty-five (55) miles per hour in other locations unless otherwise~~  
13 ~~posted up to a maximum of sixty-five (65) miles per hour.~~

14           (3) The maximum lawful speed limit on interstate highways shall not  
15 exceed sixty-five (65) miles per hour for vehicles with five (5) or more  
16 axles operating at a gross weight of more than twenty-six thousand (26,000)  
17 pounds.