

IN THE SENATE

SENATE BILL NO. 1352

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO DRIVING WHILE TEXTING; AMENDING SECTION 49-121, IDAHO CODE, TO
2 DEFINE THE TERM "TEXTING" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
3 SECTION 49-529, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND
4 AMENDING SECTION 49-1401, IDAHO CODE, TO PROVIDE THAT TEXTING WHILE
5 DRIVING SHALL CONSTITUTE INATTENTIVE DRIVING.
6

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

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

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

26 (2) "Texting" means engaging in the review of, or preparation and
27 transmission of typed messages via wireless devices.

28 (3) "Tires" means:

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

31 (b) Pneumatic. Every tire in which compressed air is designed to
32 support the load.

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

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

37 (e) Studded tire. Every tire with built-in lugs of tungsten carbide
38 or other suitable material designed to contact the road surface for
39 improved winter traction.

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

1 (45) "Traffic lane" or "lane of travel" means that portion of the
2 roadway for movement of a single line of vehicles.

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

7 (67) "Trailer" means:

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

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

15 (c) Fold down camping trailer. A vehicular portable unit mounted on
16 wheels and constructed with collapsible partial side walls, which fold
17 for towing by another vehicle and unfold at the campsite to provide
18 temporary living quarters, for recreational, camping or travel use.

19 (d) Park trailer. A trailer designed to be towed by a motorized
20 vehicle, and of such size and weight as not to require a special highway
21 movement permit. It is designed for seasonal or temporary living
22 quarters and may be connected to utilities necessary for operation of
23 installed fixtures and appliances. It is built on a single permanent
24 chassis and constructed to permit set up by persons without special
25 skills.

26 (e) Pole trailer. Every vehicle without motive power designed to be
27 drawn by another vehicle and attached to the towing vehicle by means of
28 a reach or pole or by being boomed or otherwise secured to the towing
29 vehicle, and ordinarily used for transporting long or irregularly
30 shaped loads such as poles, pipes, or structural members capable,
31 generally, of sustaining themselves as beams between the supporting
32 connections.

33 (f) Semitrailer. Every vehicle without motive power, designed for
34 carrying persons or property and for being drawn by a motor vehicle and
35 so constructed that some part of its weight and that of its load rests
36 upon or is carried by the towing vehicle.

37 (g) Travel trailer. A vehicular unit, mounted on wheels designed to
38 provide temporary living quarters for recreational, camping, travel
39 or emergency use and of such size or weight as not to require special
40 highway movement permits when towed by a motorized vehicle.

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

43 (78) "Transitional ownership document" means a document used to
44 perfect a lien against creditors or subsequent purchasers when the primary
45 ownership document is not available and the selling dealer, new security
46 interest holder or their agent, to the best of their knowledge, will not have
47 possession of the primary ownership document, within thirty (30) days, and
48 contains all of the following:

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

- 1 (b) The name and address of each owner of the vehicle;
 2 (c) The name and address of each security interest holder;
 3 (d) If there are multiple security interest holders, the priorities of
 4 interest if the security interest holders do not jointly hold a single
 5 security interest;
 6 (e) The vehicle identification number;
 7 (f) The name of the security interest holder or person who submits the
 8 transitional ownership document for the security interest holder; and
 9 (g) Any other information the department may require for its records.

10 ~~(89)~~ "Transportation," for the purposes of chapter 22, title 49, Idaho
 11 Code, means the movement of any regulated quantity of hazardous material or
 12 hazardous waste within, through, or to any destination in this state upon the
 13 highways of this state.

14 ~~(910)~~ "Transporter" means every person engaged in the business
 15 of delivering vehicles of a type required to be registered from a
 16 manufacturing, assembling or distributing plant to dealers or sales
 17 agents of a manufacturer, except in chapter 22, title 49, Idaho Code, where
 18 it means any person who transports a hazardous material or hazardous waste
 19 within, through, or to any destination upon the highways of this state.

20 ~~(101)~~ "Truck" means:

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

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

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

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

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

43 ~~(112)~~ "True mileage driven" means the mileage of the vehicle as
 44 registered by the odometer within the manufacturer's designed tolerance.

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

47 49-529. MANDATORY REJECTION OR INVALIDATION OF TRANSITIONAL
 48 OWNERSHIP DOCUMENT BY DEPARTMENT. The transportation department shall

1 reject, return or subsequently invalidate a transitional ownership document
2 if:

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

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

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

12 (4) It is determined the person who submitted the transitional
13 ownership document made false statements in completing the transitional
14 ownership document;

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

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

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

24 SECTION 3. That Section 49-1401, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 49-1401. RECKLESS DRIVING. (1) Any person who drives or is in actual
27 physical control of any vehicle upon a highway, or upon public or private
28 property open to public use, carelessly and heedlessly or without due
29 caution and circumspection, and at a speed or in a manner as to endanger or
30 be likely to endanger any person or property, or who passes when there is a
31 line in his lane indicating a sight distance restriction, shall be guilty
32 of reckless driving and upon conviction shall be punished as provided in
33 subsection (2) of this section.

34 (2) Every person who pleads guilty to or is found guilty of reckless
35 driving for the first time is guilty of a misdemeanor and may be sentenced
36 to jail for not more than six (6) months or may be fined not more than one
37 thousand dollars (\$1,000), or may be punished by both fine and imprisonment.
38 Every person who pleads guilty to or is found guilty of reckless driving, who
39 has previously been found guilty of or has pled guilty to reckless driving,
40 or any substantially conforming foreign criminal violation within five (5)
41 years, notwithstanding the form of the judgment(s) or withheld judgment(s),
42 is guilty of a misdemeanor and may be sentenced to jail for not more than
43 one (1) year or may be fined not more than two thousand dollars (\$2,000), or
44 may be punished by both fine and imprisonment. The department shall suspend
45 the driver's license or privileges of any such person as provided in section
46 49-326, Idaho Code.

47 (3) Inattentive driving shall be considered a lesser offense than
48 reckless driving and shall be applicable in those circumstances where the
49 conduct of the operator has been inattentive, careless or imprudent, in

1 light of the circumstances then existing, rather than heedless or wanton,
2 or in those cases where the danger to persons or property by the motor
3 vehicle operator's conduct is slight. Texting, as that term is defined in
4 section 49-121, Idaho Code, while driving a motor vehicle shall constitute
5 inattentive driving. Every person convicted of inattentive driving under
6 this section shall be guilty of a misdemeanor and may be sentenced to jail
7 for not more than ninety (90) days or may be fined not more than three hundred
8 dollars (\$300), or may be punished by both fine and imprisonment.