

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 308

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-208, IDAHO CODE, TO PROHIBIT
2 LOCAL AUTHORITIES FROM ADOPTING ORDINANCES THAT PROHIBIT OR RESTRICT
3 THE USE OF HANDHELD WIRELESS DEVICES AND TO PROVIDE THAT CERTAIN REGULA-
4 TIONS, RESOLUTIONS, AND ORDINANCES SHALL BE NULL, VOID, AND OF NO FORCE
5 AND EFFECT ON AND AFTER A SPECIFIED DATE; AND AMENDING SECTION 49-1401A,
6 IDAHO CODE, TO PROVIDE FOR DISTRACTED DRIVING AND TO REVISE PROVISIONS
7 REGARDING TEXTING WHILE DRIVING.
8

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

10 SECTION 1. That Section 49-208, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-208. POWERS OF LOCAL AUTHORITIES. (1) The provisions of this title
13 shall not be deemed to prevent local authorities with respect to highways
14 under their jurisdiction and within the reasonable exercise of the police
15 power from:

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

1 (p) Establishing the maximum speed of vehicles on a bridge or other ele-
 2 vated structure;

3 (q) Requiring written accident reports;

4 (r) Regulating persons propelling pushcarts;

5 (s) Regulating persons upon skates, coasters, sleds and other toy vehi-
 6 cles;

7 (t) Adopting and enforcing temporary or experimental regulations as
 8 may be necessary to cover emergencies or special conditions;

9 (u) Prohibiting drivers of ambulances from exceeding maximum speed
 10 limits;

11 (v) Adopting such other traffic regulations as are specifically autho-
 12 rized by this title.

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

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

21 (4) No local authority shall adopt an ordinance that prohibits or re-
 22 stricts the use of a handheld wireless device while driving a moving motor
 23 vehicle. Any such regulation, resolution, or ordinance implemented prior to
 24 July 1, 2020, shall be null, void, and of no force and effect on and after July
 25 1, 2020.

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

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

34 SECTION 2. That Section 49-1401A, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 49-1401A. ~~TEXTING WHILE DISTRACTED DRIVING. (1) As used in this sec-~~
 37 ~~tion, "texting" means engaging in the review of, or manual preparation and~~
 38 ~~transmission of, written communications via handheld wireless devices.~~
 39 ~~This definition does not include voice-operated or hands free devices that~~
 40 ~~allow the user to review, prepare and transmit a text message without the~~
 41 ~~use of either hand except to activate, deactivate or initiate a feature or~~
 42 ~~function. For purposes of this section:~~

43 (a) "Distracted driving" means operating a moving or idling motor ve-
 44 hicle while engaging in an activity not related to the actual operation
 45 of the moving or idling motor vehicle in such a manner that it interferes
 46 with the safe operation of such motor vehicle on any highway or lane of
 47 traffic and it endangers pedestrians or other road users. Activities
 48 not related to the actual driving of a moving or idling motor vehicle may

1 include but are not limited to the use of a handheld communication de-
2 vice, grooming, or consuming food.

3 (b) "Operate" means to drive or assume physical control of a motor vehi-
4 cle in motion or idling upon a public way, lane of traffic, street, road,
5 or highway.

6 (2) A driver endangers pedestrians or other road users if he is:

7 (a) Driving in an erratic, unpredictable, or inconsistent manner;

8 (b) Driving in violation of section 49-635, 49-637, or 49-638, Idaho
9 Code; or

10 (c) In violation of any other equivalent local ordinance or committing
11 any other traffic infraction.

12 ~~(23) Texting~~ Distracted driving, as that term is defined in subsection
13 (1) of this section, ~~while driving of~~ a moving or idling motor vehicle shall
14 constitute an infraction ~~provided this does not apply to voice-operated or~~
15 ~~hands free devices that allow the user to review, prepare and transmit a text~~
16 ~~message without the use of either hand except to activate, deactivate or ini-~~
17 ~~tiate a feature or function.~~ Every person who violates this section shall be
18 guilty of an infraction. A conviction under this section shall not result in
19 violation point counts as prescribed in section 49-326, Idaho Code. In ad-
20 dition, a conviction under this section shall not be deemed to be a moving
21 traffic violation for the purpose of establishing rates of motor vehicle in-
22 surance charged by a casualty insurer.