

IN THE SENATE

SENATE BILL NO. 1030

BY BOCK, WERK, THORSON

AN ACT

1 RELATING TO MOTOR VEHICLES AND CELLULAR TELEPHONES; AMENDING
 2 SECTION 49-104, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING
 3 CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
 4 49-1431, IDAHO CODE, TO PROHIBIT THE USE OF A CELLULAR TELEPHONE
 5 WHILE OPERATING A MOTOR VEHICLE, TO PROVIDE FOR EXCEPTIONS, TO
 6 PROVIDE THAT THE SEIZURE OR FORFEITURE OF A CELLULAR TELEPHONE
 7 IS NOT AUTHORIZED UNLESS OTHERWISE PROVIDED FOR IN LAW AND TO
 8 PROVIDE A PENALTY.
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10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 49-104, Idaho Code, be, and the same is hereby amended to
 12 read as follows:

13 49-104. DEFINITIONS – C. (1) "Cancellation of driver’s license" means the annulment
 14 or termination by formal action of the department of a person’s driver’s license because of
 15 some error or defect in the driver’s license or because the licensee is no longer entitled to
 16 the driver’s license. The cancellation of a driver’s license is without prejudice and after
 17 compliance with requirements, the individual may apply for a new driver’s license at any time
 18 after cancellation.

19 (2) "Caravaning" means the transportation of any motor vehicle into, out of, or within
 20 the state operating on its own wheels or in tow for the purpose of sale or offer of sale by
 21 any agent, dealer, manufacturer’s representative, purchaser, or prospective purchaser, regardless
 22 of residence unless the motor vehicle is licensed by the state of Idaho, or is owned by an
 23 automobile dealer, duly licensed as a dealer by this state. It shall also be considered as the
 24 transportation of property for hire by a motor vehicle upon the highways of this state.

25 (3) "Cellular telephone" means a wireless telephone, often used in a motor vehicle,
 26 utilizing low powered radio transmitters, with each transmitter covering a distinct geographical
 27 area (cell), and utilizing electronic equipment to switch a call from one (1) area to another, thus
 28 enabling large-scale portable telephone service.

29 (4) "Certificate of liability insurance" means a certificate of liability insurance issued
 30 by an insurance company authorized to do business in this state or a certificate of liability
 31 insurance issued by the department of insurance which demonstrates current insurance against
 32 loss resulting from liability imposed by law for bodily injury or death or damage to property
 33 suffered by any person caused by accident and arising out of the operation, maintenance or
 34 use of a motor vehicle described in the certificate in an amount not less than that required
 35 by section 49-1212, Idaho Code, and also demonstrates the current existence of any other
 36 coverage required by title 41, Idaho Code, or a certificate of self-insurance issued pursuant
 37 to law for each motor vehicle to be registered. A certificate of liability insurance shall contain
 38 the information required by the department of insurance, including the name and address of

1 the owner of the motor vehicle and a description of the motor vehicle including identification
 2 number if there is one, or a statement that all vehicles owned by a person or entity are covered
 3 by insurance, the inception date of coverage, and the name of the insurer. "Certificate of
 4 liability insurance" may also include the original contract of liability insurance or a true copy,
 5 demonstrating the current existence of the liability insurance described above.

6 (45) "Certification of safety compliance" means that a motor carrier certifies as part of its
 7 registration process that it has knowledge of the federal regulations and rules promulgated by
 8 the Idaho transportation department and the Idaho state police applicable to motor carriers.

9 (56) "Chains" means metal traction devices required pursuant to section 49-948, Idaho
 10 Code, which consist of two (2) circular metal loops, one (1) on each side of the tire, connected
 11 by not less than nine (9) evenly-spaced chains across the tire tread.

12 (67) "Commercial coach." (See section 39-4301, Idaho Code)

13 (78) "Commercial driver's license" means any class A, class B or class C driver's license
 14 as defined in section 49-105, Idaho Code.

15 (89) "Commercial driver license information system (CDLIS)" is the information system
 16 established to serve as a clearinghouse for locating information related to the licensing and
 17 identification of motor vehicle drivers.

18 (910) "Commercial driver training school" means a business enterprise conducted by an
 19 individual, association, partnership, or corporation, for the education and training of persons,
 20 either practically or theoretically, or both, to operate or drive motor vehicles, and charging a
 21 consideration or tuition for such services.

22 (101) "Commercial vehicle" or "commercial motor vehicle." (See "Vehicle," section
 23 49-123, Idaho Code)

24 (142) "Compliance review" means an on-site examination of motor carrier operations,
 25 which may be at the carrier's place of business, including driver's hours of service, vehicle
 26 maintenance and inspection, driver qualifications, commercial driver's license requirements,
 27 financial responsibility, accidents, hazardous materials, and such other related safety and
 28 transportation records to determine safety fitness.

29 (123) "Controlled substance" means any substance so classified under section 102(6) of
 30 the controlled substances act (21 U.S.C. 802(6)), and includes all substances listed on schedules
 31 I through V, of 21, CFR part 1308, as they may be revised from time to time.

32 (134) "Conviction" means the person has pled guilty or has been found guilty,
 33 notwithstanding the form of the judgment or withheld judgment. A conviction for purposes of
 34 this title shall also include an infraction judgment.

35 (145) "Crosswalk" means:

36 (a) That part of a highway at an intersection included within the connections of the
 37 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs
 38 or in the absence of curbs, from the edges of the traversable highway; and in the absence
 39 of a sidewalk on one side of the highway, that part of a highway included within the
 40 extension of the lateral lines of the existing sidewalk at right angles to the centerline.

41 (b) Any portion of a highway at an intersection or elsewhere distinctly indicated for
 42 pedestrian crossing by lines or other markings on the surface.

43 SECTION 2. That Chapter 14, Title 49, Idaho Code, be, and the same is hereby amended
 44 by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1431,
 45 Idaho Code, and to read as follows:

1 49-1431. USE OF CELLULAR TELEPHONE WHILE OPERATING A MOTOR
2 VEHICLE. (1) No person shall operate a motor vehicle upon a public highway while using
3 a cellular telephone to engage in a call, which includes initiating a call, answering a call or
4 listening to or participating in a verbal communication through the cellular telephone.

5 (2) The provisions of subsection (1) of this section shall not apply to an individual who
6 is using a cellular telephone device to do any of the following:

7 (a) Report a traffic accident, medical emergency, fire or serious road hazard;

8 (b) Report a situation in which the person reasonably believes his personal safety is in
9 jeopardy;

10 (c) Report or avert the perpetration or potential perpetration of a criminal act against the
11 individual or another person; or

12 (d) Carry out official duties as a police officer, law enforcement official, member of a
13 paid or volunteer fire department, or operator of an authorized emergency vehicle.

14 (3) The prohibition in subsection (1) of this section shall not apply to an individual who
15 is using a headset, voice-activated or other hands free device.

16 (4) The provisions of this section shall not be construed as authorizing the seizure or
17 forfeiture of a cellular telephone, unless otherwise provided by law.

18 (5) A violation of the provisions of subsection (1) of this section shall be an infraction
19 punishable by a fine of seventy-five dollars (\$75.00).