

IN THE SENATE

SENATE BILL NO. 1163

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE THE DEFINITION OF "PROOF OF FINANCIAL RESPONSIBILITY"; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. DEFINITIONS – P. (1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(2) "Park trailer." (See "Trailer," section 49-121, Idaho Code)

(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer less than thirty (30) hours per week.

(4) "Peace officer." (See section 19-5101(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair or an electric personal assistive mobility device.

(6) "Pedestrian path" means any path, sidewalk or way set-aside and used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality, and for the purposes of chapter 22 of this title shall include a private, common or contract carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

(iv) For the purposes of chapters 3 and 4 of this title, a person with a permanent disability is one whose physician certifies that the person qualifies as a person with a disability pursuant to this subsection (7)(b), and further certifies that there is no expectation for a fundamental or marked change in the person's condition at any time in the future.

1 (8) "Personal information" means information that identifies an individual, including an
2 individual's photograph or computerized image, social security number, driver identification
3 number, name, address, telephone number, and medical or disability information, but does
4 not include information on vehicular accidents, driving or equipment-related violations, the
5 five-digit zip code of the person's address, or status of the driver's license or motor vehicle
6 registration.

7 (9) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

8 (10) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

9 (11) "Possessory lien" means a lien dependent upon possession for compensation to which
10 a person is legally entitled for making repairs or performing labor upon, and furnishing supplies
11 or materials for, and for the towing, storage, repair, or safekeeping of, any vehicle of a type
12 subject to registration.

13 (12) "Possessory lienholder" means any person claiming a lien, that lien claimed to have
14 accrued on a basis of services rendered to the vehicle which is the subject of the lien.

15 (13) "Preceding year" means, for the purposes of section 49-435, Idaho Code, a period of
16 twelve (12) consecutive months fixed by the department, prior to July 1 of the year immediately
17 preceding the commencement of the registration or license year for which proportional
18 registration is sought. The department in fixing the period shall make it conform to the terms,
19 conditions and requirements of any applicable agreement or arrangement for the proportional
20 registration of vehicles.

21 (14) "Pressure regulator valve" means a device or system which governs the load
22 distribution and controls the weight borne by a variable load suspension axle in accordance
23 with a predetermined valve setting.

24 (15) "Principal place of business" means an enclosed commercial structure located within
25 the state, easily accessible and open to the public at all reasonable times, with an improved
26 display area large enough to display five (5) or more vehicles of the type the dealer is licensed
27 to sell, immediately adjoining the building, and at which the business of a dealer, including
28 the display and repair of vehicles, may be lawfully carried on in accordance with the terms of
29 all applicable building codes, zoning and other land-use regulatory ordinances, and in which
30 building the public shall be able to contact the dealer or his salesmen in person or by telephone
31 at all reasonable times, and at which place of business shall be kept and maintained the books,
32 records and files necessary to conduct the business. The principal place of business shall
33 display an exterior sign permanently affixed to the land or building, with letters clearly visible
34 to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or
35 apartment house building or a part of any single or multiple unit dwelling house be considered
36 a "principal place of business" within the terms and provisions of this title unless the entire
37 ground floor of that hotel, apartment house, or rooming house building or dwelling house be
38 devoted principally to and occupied for commercial purposes, and the office or offices of the
39 dealer be located on the ground floor.

40 (16) "Private property open to the public" means real property not owned by the federal
41 government or the state of Idaho or any of its political subdivisions, but is available for
42 vehicular traffic or parking by the general public with the permission of the owner or agent of
43 the real property.

44 (17) "Private road" means every way or place in private ownership and used for vehicular
45 travel by the owner and those having express or implied permission from the owner, but not by
46 other persons.

1 (18) "Proof of financial responsibility" means proof of ability to respond in damages for
2 liability, on account of accidents occurring subsequent to the effective date of the proof, arising
3 out of the ownership, maintenance or use of a motor vehicle, in the amount of ~~twenty-five~~ fifty
4 thousand dollars (\$~~250~~,000) because of bodily injury to or death of one (1) person in any one
5 (1) accident, and, subject to the limit for one (1) person, in the amount of ~~fifty~~ one hundred
6 thousand dollars (\$~~5100~~,000) because of bodily injury to or death of two (2) or more persons in
7 any one (1) accident, and in the amount of ~~fifteen~~ thirty thousand dollars (\$~~1530~~,000) because
8 of injury to or destruction of property of others in any one (1) accident.

9 (19) "Proper authority" means a public highway agency.

10 (20) "Public highway agency" means the state transportation department, any city, county,
11 highway district or any other state agency which has jurisdiction over public highway systems
12 and public rights-of-way.

13 (21) "Public right-of-way" means a right-of-way open to the public and under the
14 jurisdiction of a public highway agency, where the public highway agency has no obligation to
15 construct or maintain said right-of-way for vehicular traffic.

16 (22) "Public road jurisdiction" means a public highway agency.

17 (23) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho Code)

18 SECTION 2. This act shall be in full force and effect on and after January 1, 2010.