

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 234

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-123, IDAHO CODE, TO REVISE A
DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-123, Idaho Code, be, and the same is hereby
amended to read as follows:

49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
axle or axles designed to support a part of the vehicle and load and which
can be regulated to vary the amount of load supported by such an axle or axles
and which can be deployed or lifted by the operator of the vehicle. (See also
section 49-117, Idaho Code)

(a) "Fully raised" means that the variable load suspension axle is in
an elevated position preventing the tires on such axle from having any
contact with the roadway.

(b) "Fully deployed" means that the variable load suspension axle is
supporting a portion of the weight of the loaded vehicle as controlled
by the preset pressure regulator valve.

(2) "Vehicle" means:

(a) General. Every device in, upon, or by which any person or property
is or may be transported or drawn upon a highway, excepting devices used
exclusively upon stationary rails or tracks.

(b) Assembled vehicle or vessel. A vehicle or vessel, not including a
salvage vehicle or vessel, that has been constructed using major compo-
nent parts from two (2) or more vehicles or vessels or that has been re-
paired using new factory major component parts so that the resulting ve-
hicle or vessel has the same appearance as a vehicle or vessel that was
manufactured under a specific make and model by a manufacturer. A vehi-
cle or vessel utilizing a kit for the entire body or a glider kit vehicle
is not an assembled vehicle.

(c) Authorized emergency vehicle. Vehicles operated by any fire
department or law enforcement agency of the state of Idaho or any polit-
ical subdivision of the state, ambulances, vehicles belonging to per-
sonnel of voluntary fire departments while in performance of official
duties only, vehicles belonging to or operated by a wildland fire agency
or association while responding to a wildland urban interface fire, ve-
hicles belonging to or operated by EMS personnel certified or otherwise
recognized by the EMS bureau of the Idaho department of health and wel-
fare while in the performance of emergency medical services, sheriff's
search and rescue vehicles that are under the immediate supervision of
the county sheriff, wreckers that are engaged in motor vehicle recov-
ery operations and are blocking part or all of one (1) or more lanes of
traffic, other emergency vehicles designated by the director of the

1 Idaho state police or vehicles authorized by the Idaho transportation
2 board and used in the enforcement of laws specified in section 40-510,
3 Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or
4 greater.

5 (d) Commercial vehicle or commercial motor vehicle. For the purposes
6 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-
7 ment, a motor vehicle or combination of motor vehicles designed or used
8 to transport passengers or property if the motor vehicle:

9 (i) Has a manufacturer's gross combination weight rating (GCWR)
10 in excess of twenty-six thousand (26,000) pounds inclusive of
11 a towed unit with a manufacturer's gross vehicle weight rating
12 (GVWR) of more than ten thousand (10,000) pounds; or

13 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in
14 excess of twenty-six thousand (26,000) pounds; or

15 (iii) Is designed to transport sixteen (16) or more people, in-
16 cluding the driver; or

17 (iv) Is of any size and is used in the transportation of materials
18 found to be hazardous for the purposes of the hazardous material
19 transportation act and which require the motor vehicle to be plac-
20 arded under the hazardous materials regulations (49 CFR part 172,
21 subpart F).

22 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
23 registration, a vehicle or combination of vehicles of a type used or
24 maintained for the transportation of persons for hire, compensation or
25 profit, or the transportation of property for the owner of the vehicle,
26 or for hire, compensation, or profit, and shall include fixed load spe-
27 cially constructed vehicles exceeding the limits imposed by chapter
28 10, title 49, Idaho Code, and including drilling rigs, construction,
29 drilling and wrecker cranes, log jammers, log loaders, and similar
30 vehicles which are normally operated in an overweight or oversize
31 condition or both, but shall not include those vehicles registered pur-
32 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
33 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
34 that has a seating capacity for not more than fifteen (15) persons,
35 including the driver, shall not be a "commercial vehicle" under the pro-
36 visions of this title relating to equipment requirements, rules of the
37 road, or registration.

38 (e) Farm vehicle. A vehicle or combination of vehicles owned by a
39 farmer or rancher, or by his designated agent, which are operated over
40 public highways, and used exclusively to transport unprocessed agri-
41 cultural products raised, owned or grown by the owner of the vehicle to
42 market or place of storage; and shall include the transportation by the
43 farmer or rancher of any equipment, supplies or products purchased by
44 that farmer or rancher for his own use, and used in the farming or ranch-
45 ing operation or used by a farmer partly in transporting agricultural
46 products or livestock from the farm of another farmer that were origi-
47 nally grown or raised on the farm, or when used partly in transporting
48 agricultural supplies, equipment, materials or livestock to the farm
49 of another farmer for use or consumption on the farm but not transported

1 for hire, and shall not include vehicles of husbandry or vehicles regis-
2 tered pursuant to sections 49-402 and 49-402A, Idaho Code.

3 (f) Foreign vehicle. Every vehicle of a type required to be registered
4 under the provisions of this title brought into this state from another
5 state, territory or country other than in the ordinary course of busi-
6 ness by or through a manufacturer or dealer and not registered in this
7 state.

8 (g) Glider kit vehicle. Every large truck manufactured from a kit man-
9 ufactured by a manufacturer of large trucks which consists of a frame,
10 cab complete with wiring, instruments, fenders and hood and front axles
11 and wheels. The "glider kit" is made into a complete assembly by the ad-
12 dition of the engine, transmission, rear axles, wheels and tires.

13 (h) Motor vehicle. Every vehicle that is self-propelled, and for the
14 purpose of titling and registration meets federal motor vehicle safety
15 standards as defined in section 49-107, Idaho Code. Motor vehicle does
16 not include vehicles moved solely by human power, electric personal
17 assistive mobility devices, personal delivery devices, electric-as-
18 sisted bicycles, and motorized wheelchairs or other such vehicles that
19 are specifically exempt from titling or registration requirements un-
20 der title 49, Idaho Code.

21 (i) Multipurpose passenger vehicle (MPV). For the purposes of section
22 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
23 persons which is constructed either on a truck chassis or with special
24 features for occasional off-road operation.

25 (j) Neighborhood electric vehicle (NEV). A self-propelled, electri-
26 cally powered, four-wheeled motor vehicle which is emission free and
27 conforms to the definition and requirements for low-speed vehicles as
28 adopted in the federal motor vehicle safety standards for low-speed ve-
29 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-
30 tled, registered and insured according to law as provided respectively
31 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated
32 by a licensed driver. Operation of an NEV on a highway shall be allowed
33 as provided in section 49-663, Idaho Code.

34 (k) Noncommercial vehicle. For the purposes of chapter 4, title 49,
35 Idaho Code, motor vehicle registration, a noncommercial vehicle shall
36 not include those vehicles required to be registered under sections
37 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
38 nations of vehicles which are not commercial vehicles or farm vehicles,
39 but shall include motor homes. A noncommercial vehicle shall include
40 those vehicles having a combined gross weight not in excess of sixty
41 thousand (60,000) pounds and not held out for hire, used for purposes
42 related to private use and not used in the furtherance of a business or
43 occupation for compensation or profit or for transporting goods for
44 other than the owner.

45 (l) Passenger car. For the purposes of section 49-966, Idaho Code, a
46 motor vehicle, except a multipurpose passenger vehicle, motorcycle or
47 trailer, designed to carry ten (10) or fewer persons.

48 (m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previ-
49 ously determined or declared to be a salvage vehicle that has been re-
50 built or repaired using like make and model parts and visually appears

1 as a vehicle or vessel that was originally constructed under a distinc-
2 tive manufacturer. This includes a salvage vehicle or vessel which is
3 damaged to the extent that a "rebuilt salvage" brand is required to be
4 added to the title.

5 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate
6 any vehicle or vessel previously manufactured, using metal, fiberglass
7 or other composite materials. Replica vehicles must look like the origi-
8 nal vehicle being replicated but may use a more modern drive train. At
9 a minimum, replica vehicles shall meet the same federal motor vehicle
10 safety and emission standards in effect for the year and type of vehicle
11 being replicated.

12 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-
13 vage certificate of title, salvage bill of sale or other documentation
14 has been issued showing evidence that the vehicle or vessel has been de-
15 clared salvage or which has been damaged to the extent that the owner,
16 or an insurer, or other person acting on behalf of the owner, determines
17 that the cost of parts and labor minus the salvage value makes it uneco-
18 nomical to repair or rebuild. When an insurance company has paid money
19 or has made other monetary settlement as compensation for a total loss
20 of any vehicle or vessel, such vehicle shall be considered to be a sal-
21 vage vehicle or vessel.

22 (p) Specially constructed vehicle or vessel. Every vehicle or vessel
23 of a type required to be registered not originally constructed under a
24 distinctive name, make, model or type by a generally recognized man-
25 ufacturer of vehicles or vessels and not materially altered from its
26 original construction and cannot be visually identified as a vehicle or
27 vessel produced by a particular manufacturer. This includes:

28 (i) A vehicle or vessel that has been structurally modified so
29 that it does not have the same appearance as a similar vehicle or
30 vessel from the same manufacturer; or

31 (ii) A vehicle or vessel that has been constructed entirely from
32 homemade parts and materials not obtained from other vehicles or
33 vessels; or

34 (iii) A vehicle or vessel that has been constructed by using major
35 component parts from one (1) or more manufactured vehicles or ves-
36 sels and cannot be identified as a specific make or model; or

37 (iv) A vehicle or vessel constructed by the use of a custom kit
38 that cannot be visually identified as a specific make or model.
39 All specially constructed vehicles of a type required to be reg-
40 istered shall be certified by the owner to meet all applicable
41 federal motor vehicle safety standards in effect at the time con-
42 struction is completed, and all requirements of chapter 9, title
43 49, Idaho Code.

44 (q) Specialty off-highway vehicle. A specialty off-highway vehicle as
45 defined in section 67-7101, Idaho Code.

46 (r) Tank vehicle.

47 (i) Any commercial motor vehicle transporting, or designed to
48 transport, any liquid or gaseous materials within:

1 1. A tank that is either permanently or temporarily attached
2 or secured to the vehicle or chassis and has a rated capacity
3 of one thousand (1,000) gallons or more; or

4 2. Multiple tanks either permanently or temporarily at-
5 tached or secured, when the aggregate rated capacity of
6 those tanks is one thousand (1,000) gallons or more, as de-
7 termined by adding the capacity of each individual tank with
8 a capacity of more than one hundred nineteen (119) gallons.

9 (ii) If a commercial motor vehicle transports one (1) or more
10 tanks that are manifested either as empty or as residue and that
11 are actually empty or contain only residue, those tanks shall not
12 be considered in determining whether the vehicle is a tank vehi-
13 cle.

14 (s) Total loss vehicle. Every vehicle that is deemed to be uneconomi-
15 cal to repair. A total loss shall occur when an insurance company or any
16 other person pays or makes other monetary settlement to the owner when
17 it is deemed to be uneconomical to repair the damaged vehicle. The com-
18 pensation for total loss as defined herein shall not include payments
19 by an insurer or other person for medical care, bodily injury, vehicle
20 rental or for anything other than the amount paid for the actual damage
21 to the vehicle.

22 (3) "Vehicle identification number." (See "identifying number," sec-
23 tion 49-110, Idaho Code)

24 (4) "Vehicle salesman" means any person who, for a salary, commission
25 or compensation of any kind, is employed either directly or indirectly, or
26 regularly or occasionally by any dealer to sell, purchase or exchange, or to
27 negotiate for the sale, purchase or exchange of vehicles. (See also "full-
28 time salesman," section 49-107, Idaho Code, and "part-time salesman," sec-
29 tion 49-117, Idaho Code)

30 (5) "Vessel." (See section 67-7003, Idaho Code)

31 (6) "Veteran." (See section 65-203, Idaho Code)

32 (7) "Violation" means a conviction of a misdemeanor charge involving a
33 moving traffic violation, or an admission or judicial determination of the
34 commission of an infraction involving a moving traffic infraction, except
35 bicycle infractions.

36 SECTION 2. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after
38 July 1, 2025.