

IN THE SENATE

SENATE BILL NO. 1031

BY BOCK, WERK, THORSON

AN ACT

1 RELATING TO MOTOR VEHICLES AND WIRELESS COMMUNICATIONS DEVICES;
 2 AMENDING SECTION 49-106, IDAHO CODE, TO REVISE DEFINITIONS;
 3 AMENDING SECTION 49-124, IDAHO CODE, TO REVISE DEFINITIONS;
 4 AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A
 5 NEW SECTION 49-1432, IDAHO CODE, TO PROHIBIT THE USE OF A WIRELESS
 6 COMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE, TO
 7 PROVIDE EXCEPTIONS, TO PROVIDE THAT THE SEIZURE OR FORFEITURE
 8 OF A WIRELESS COMMUNICATIONS DEVICE IS NOT AUTHORIZED UNLESS
 9 OTHERWISE PROVIDED FOR IN LAW AND TO PROVIDE A PENALTY.
 10

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

12 SECTION 1. That Section 49-106, Idaho Code, be, and the same is hereby amended to
 13 read as follows:

14 49-106. DEFINITIONS – E. (1) "Electric personal assistive mobility device" means a
 15 self-balancing two (2) nontandem wheeled device designed to transport only one (1) person,
 16 with an electric propulsion system that limits the maximum speed of the device to fifteen (15)
 17 miles per hour or less.

18 (2) "Electronic message" means a self-contained piece of digital communication that
 19 is designed or intended to be transmitted between physical devices. An electronic message
 20 includes, but is not limited to, e-mail, a text message, an instant message, a command or
 21 request to access a world wide web page, or other data that uses a commonly recognized
 22 electronic communications protocol. An electronic message does not include voice or other
 23 data transmitted as a result of making a telephone call, or data transmitted automatically by a
 24 wireless communications device without direct initiation by a person.

25 (3) "Emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

26 (34) "Encumbrance." (See "Lien," section 49-113, Idaho Code)

27 (45) "EPA" means the environmental protection agency of the United States.

28 (56) "Essential parts" means all integral and body parts of a vehicle of a type required to
 29 be registered, the removal, alteration or substitution of which would tend to conceal the identity
 30 of the vehicle or substantially alter its appearance, model, type or mode of operation.

31 (67) "Established place of business" means a place occupied either continuously or at
 32 regular periods by a dealer or manufacturer where his books and records are kept and a large
 33 share of his business is transacted.

34 (78) "Excessive" or "unusual noise" means any sound made by a passenger motor vehicle
 35 or a motorcycle at any time under any condition of grade, speed, acceleration or deceleration,
 36 which exceeds ninety-two (92) decibels, or any lower decibel level that is fixed by law or rules
 37 adopted by the board of health and welfare, on the "A" scale of a general radio company No.
 38 1551-B sound level meter, or equivalent, stationed at a distance of not less than twenty (20) feet

1 to the side of a vehicle or motorcycle as the vehicle or motorcycle passes the soundmeter or is
2 stationed not less than twenty (20) feet from a stationary motor or engine.

3 (~~89~~) "Excessive speed" means any speed of fifteen (15) miles per hour or more above
4 the posted speed limit, and is only for purposes of determining disqualification of commercial
5 driving privileges.

6 (~~910~~) "Executive head," as used in chapter 20, title 49, Idaho Code, means the governor
7 of the state of Idaho.

8 (~~101~~) "Explosives" means any chemical compound or mechanical mixture that is
9 commonly used or intended for the purpose of producing an explosion and which contains any
10 oxidizing and combustive units or other ingredients in proportions, quantities or packing that
11 an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the
12 compound or mixture may cause a sudden generation of highly heated gases with which the
13 resultant gaseous pressures are capable of producing destructive effects on contiguous objects
14 or of destroying life or limb.

15 (~~142~~) "Extraordinary circumstances" means any situation where an emergency exists or
16 public safety is endangered, or any situation in which a vehicle:

- 17 (a) Is blocking or impeding traffic; or
- 18 (b) Is causing a hazard; or
- 19 (c) Has the potential of impeding any emergency vehicle; or
- 20 (d) Is impeding any snow removal or other road maintenance operation; or
- 21 (e) Has been stolen but not yet reported as recovered; or
- 22 (f) Is not registered, or displays a license plate registration tag which has been expired.

23 SECTION 2. That Section 49-124, Idaho Code, be, and the same is hereby amended to
24 read as follows:

25 49-124. DEFINITIONS – W. (1) "Wheelchair, motorized." (See "Motorized
26 wheelchair," section 49-114, Idaho Code)

27 (2) "Wholesaler" means a dealer who sells used vehicles to Idaho dealers.

28 (3) "Wireless communications device" means a portable electronic device that is capable
29 of receiving and transmitting data, including, but not limited to, text messages and e-mail,
30 without an access line for service. A wireless communications device does not include a device
31 that is permanently fixed to the vehicle, or a global positioning system or navigational system
32 when the system is used exclusively for navigation purposes.

33 (~~4~~) "Work zone" means a construction or maintenance area that is located on or adjacent
34 to a highway and marked by appropriate warning signs.

35 (~~45~~) "Wrecker" means a motor vehicle designed and used primarily for towing other
36 vehicles that may be disabled. A wrecker engaged in a motor vehicle recovery operation
37 and which is blocking part or all of one (1) or more lanes of traffic shall be designated an
38 emergency vehicle.

39 SECTION 3. That Chapter 14, Title 49, Idaho Code, be, and the same is hereby amended
40 by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1432,
41 Idaho Code, and to read as follows:

1 49-1432. USE OF WIRELESS COMMUNICATIONS DEVICE WHILE OPERATING
2 A MOTOR VEHICLE. (1) No persons shall operate a motor vehicle upon a public highway
3 while using a wireless communications device to compose, read or send an electronic message.

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

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

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

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

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

13 (3) The provisions of this section shall not be construed as authorizing the seizure or
14 forfeiture of a wireless communications device, unless otherwise provided by law.

15 (4) A violation of the provisions of subsection (1) of this section shall be an infraction
16 offense punishable by a fine of seventy-five dollars (\$75.00).