

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 618

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION AND PENALTIES; AMENDING SECTION
49-438, IDAHO CODE, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR A WARNING
AND TO PROVIDE FOR MEASURING OF GROSS WEIGHT FOR CERTAIN VEHICLES.

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

SECTION 1. That Section 49-438, Idaho Code, be, and the same is hereby
amended to read as follows:

49-438. PENALTY FOR EXCEEDING REGISTERED GROSS WEIGHT OR PERMITTED
MAXIMUM REGISTERED GROSS WEIGHT -- EXCEPTIONS. (1) Any person who shall
operate, cause, permit, or suffer to be operated upon any highway any vehicle
or combination of vehicles with a gross weight in excess of the registered
maximum gross weight of the vehicle specified in this title shall have
committed a violation under the infraction or misdemeanor provisions of
section 49-1013, Idaho Code.

(2) Any person who shall operate, cause, permit, or suffer to be
operated upon any highway any vehicle or combination of vehicles with a gross
weight in excess of the registered maximum gross weight not authorized by
a valid permit issued pursuant to section 49-432, Idaho Code, shall have
committed a violation under the infraction or misdemeanor provisions of
section 49-1013, Idaho Code.

(3) (a) Any person who shall operate, cause, permit, or suffer to be
operated upon any highway any vehicle or combination of vehicles with
a gross weight that violates the provisions of subsection (1) or (2)
of this section shall have no penalty assessed, but shall be issued a
written warning for the first such violation during a harvest season,
provided that such violation is due to mud, snow or ice and that the
vehicle or combination of vehicles at issue is loaded with and is
transporting fresh agricultural produce from the field to market or raw
cut timber products to market. The provisions of this subsection (3) (a)
shall not apply to a person who commits a second or subsequent violation
of the provisions of subsection (1) or (2) of this section when such
second or subsequent violation occurs during the same harvest season as
the person's first violation.

(b) For any person who shall operate, cause, permit, or suffer to
be operated upon any highway any vehicle or combination of vehicles,
where the gross weight of such vehicle or vehicles is governed by the
provisions of chapter 4, title 49, Idaho Code, and where such vehicle or
combination of vehicles is primarily loaded with and transporting fresh
agricultural produce from the field to market or raw cut timber products
to market, the following shall apply: The measuring of gross weight,
by the state of Idaho or any political subdivision of the state, of any
such vehicle or combination of vehicles, shall be conducted in an area

1 or locale of the lowest possible motor vehicle congestion in order to
2 provide for the safety of the traveling public.