

IN THE SENATE

SENATE BILL NO. 1259

BY BILYEU

AN ACT

RELATING TO MOTOR VEHICLE RULES OF THE ROAD; AMENDING SECTION 49-124, IDAHO CODE, TO DEFINE A TERM; AND AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-658A, IDAHO CODE, TO PROVIDE AN INFRACTION FOR USE OF A WIRELESS COMMUNICATION DEVICE IN A SCHOOL ZONE.

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

SECTION 1. That Section 49-124, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(3) "Wireless communication device" means a device used for the transfer of information without the use of electrical wires and includes a wireless telephone, personal digital assistant, pager or text messaging device.

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

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

SECTION 2. That Chapter 6, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-658A, Idaho Code, and to read as follows:

49-658A. USE OF WIRELESS COMMUNICATION DEVICE IN SCHOOL ZONE -- INFRACTION. (1) Except as provided in subsection (2) of this section, an operator shall not use a wireless communication device while operating a motor vehicle within a posted school zone while children are present. "While children are present," is defined in section 49-658, Idaho Code.

(2) Subsection (1) of this section shall not apply:

(a) When the motor vehicle is stopped;

(b) During a medical emergency;

(c) When reporting a safety hazard or requesting assistance relating to a safety hazard;

(d) When reporting criminal activity or requesting assistance relating to a criminal activity; or

(e) When used by a law enforcement officer or a person licensed pursuant to sections 56-1011 through 56-1023, Idaho Code, acting within the course and scope of that officer's or person's employment.

1 (3) Violation of the provisions of subsection (1) of this section
2 shall be an infraction punishable by a minimum penalty of not less than
3 seventy-five dollars (\$75.00) for the first offense and not less than one
4 hundred fifty dollars (\$150) for each succeeding offense.