

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 141, As Amended

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; TO PROVIDE LEGISLATIVE IN-  
2 TENT; AND AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF  
3 A NEW SECTION 49-610, IDAHO CODE, TO PROVIDE THAT NO PERSON OPERATING A  
4 MOTOR VEHICLE SHALL USE AN ELECTRONIC DEVICE THAT CAUSES SUCH PERSON TO  
5 BE DISTRACTED OR OTHERWISE FAIL TO EXERCISE DUE CARE, TO PROVIDE FOR EX-  
6 CEPTIONS AND TO PROVIDE FOR PENALTIES.  
7

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

9 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that  
10 this act is intended to be used to discourage actions such as texting, "web-  
11 bing" and e-mailing while operating a motor vehicle.

12 SECTION 2. That Chapter 6, Title 49, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 49-610, Idaho Code, and to read as follows:

15 49-610. DISTRACTED DRIVING. (1) No person operating a motor vehicle  
16 shall use a hand held electronic device that causes such person to be dis-  
17 tracted or otherwise fail to exercise due care. This section does not pro-  
18 hibit the use of voice operated or hands free devices that allow the user to  
19 review, prepare and transmit a text or voice communication without the use of  
20 either hand or to activate, deactivate or initiate a feature or function or  
21 to dial a telephone number.

22 (2) A violation of the provisions of this section shall be an infrac-  
23 tion with a fixed penalty of seventy-five dollars (\$75.00). A violation of  
24 the provisions of this section where property damage or injury to any per-  
25 son occurs shall be a misdemeanor punishable by a fine of not more than three  
26 hundred dollars (\$300) and imprisonment of up to ninety (90) days in jail, or  
27 both such fine and imprisonment.