

Moved by Hagedorn

Seconded by Wood (35)

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.B. NO. 145

AMENDMENT TO THE BILL

On page 1 of the printed bill, following line 4, insert:

"SECTION 1. That Section 49-102, Idaho Code, be, and the same is hereby amended to read as follows:

49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on private property without the permission of the person having rights to the possession of the property, or on a highway or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.

(2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

(3) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or special mobile equipment.

(4) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or the vehicle moving.

(5) "Administrator" means the federal highway administrator, the chief executive of the federal highway administration, an agency within the U.S. department of transportation.

(6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's year designation of the vehicle from the year in which the designated registration fee is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicle shall be deemed to be one (1) year old.

(7) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(8) "Alcohol or alcoholic beverage" means:

(a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Revenue Code;

(b) Wine of not less than one-half of one percent (.005%) of alcohol by volume; or

(c) Distilled spirits as defined in section 5002(a)(8), of the Internal Revenue Code.

1 (9) "Alley" means a public way of limited use intended only to provide
2 access to the rear or side of lots or buildings in urban districts.

3 (10) "All-terrain vehicle" or "ATV" means ~~any recreation vehicle with~~
4 ~~three (3) or more tires, weighing under nine hundred (900) pounds, fifty (50)~~
5 ~~inches or less in width, having a wheelbase of sixty-one (61) inches or less,~~
6 ~~has handlebar steering and a seat designed to be straddled by the operator an~~
7 all-terrain vehicle or ATV as defined in section 67-7101, Idaho Code.

8 (11) "Amateur radio operator." (See "Radio operator, amateur," section
9 49-119, Idaho Code)

10 (12) "Ambulance" means a motor vehicle designed and used primarily for
11 the transportation of injured, sick, or deceased persons, on stretchers,
12 cots, beds, or other devices for carrying persons in a prone position.

13 (13) "Applicant" means an individual who applies to obtain, transfer,
14 upgrade, or renew a driver's license.

15 (14) "Approved driver training course" means a training course from a
16 school licensed under the provisions of chapter 21 of this title or a driver
17 training course approved by another United States jurisdiction provided the
18 course was taken while an individual was a resident of that United States ju-
19 risdiction.

20 (15) "Approved testing agency" means a person, firm, association, part-
21 nership or corporation approved by the director of the Idaho state police
22 which is:

23 (a) In the business of testing equipment and systems;

24 (b) Recognized by the director as being qualified and equipped to do ex-
25 perimental testing; and

26 (c) Not under the jurisdiction or control of any single manufacturer or
27 supplier for an affected industry.

28 (16) "Armed forces" means the army, navy, marine corps, coast guard and
29 the air force of the United States.

30 (17) "Authorized emergency vehicle." (See "Vehicle," section 49-123,
31 Idaho Code)

32 (18) "Authorized officer" means any member of the Idaho state police, or
33 any regularly employed and salaried deputy sheriff, or other county employee
34 designated to perform the function of removing abandoned vehicles or junk
35 vehicles by the board of county commissioners of the county in which a vehi-
36 cle is located, or any regularly employed and salaried city peace officer or
37 other city employee designated to perform the function of removing abandoned
38 vehicles or junk vehicles by the city council, or a qualified person depu-
39 tized or appointed by the proper authority as reserve deputy sheriff or city
40 policeman, authorized within the jurisdiction in which the abandoned vehi-
41 cle or junk vehicle is located.

42 (19) "Authorized transportation department employee" means any em-
43 ployee appointed by the board to perform duties relating to enforcement of
44 vehicle laws as have been specifically defined and approved by order of the
45 board (see section 40-510, Idaho Code).

46 (20) "Auto transporter" means a vehicle combination constructed for the
47 purpose of transporting vehicles.

48 SECTION 2. That Section 49-122, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 49-122. DEFINITIONS -- U. (1) "Unauthorized vehicle" means any vehi-
2 cle parked or otherwise left on private property without the consent of the
3 person owning or controlling that property.

4 (2) "United States" means the fifty (50) states and the District of Co-
5 lumbia.

6 (3) "Unladen weight." (See "Light weight," section 49-113, Idaho Code)

7 (4) "Unregistered vehicle" means a vehicle without current registra-
8 tion on file with the department or with the appropriate agency of another
9 state, unless exempt from registration.

10 (5) "Unusual noise." (See "Excessive," section 49-106, Idaho Code)

11 (6) "Urban district." (See "District," section 49-105, Idaho Code)

12 (7) "Utility trailer" means a trailer or semitrailer designed primar-
13 ily to be drawn behind a passenger car or pickup truck for domestic and util-
14 ity purposes. Utility or domestic use shall include a farm trailer while
15 being used to haul agricultural products or livestock from farm to storage,
16 market or processing plant, or returning therefrom.

17 (8) "Utility type vehicle" or ("UTV") means ~~any recreational motor~~
18 ~~vehicle other than an ATV, motorbike or snowmobile as defined in section~~
19 ~~67-7101, Idaho Code, designed for and capable of travel over designated~~
20 ~~roads, traveling on four (4) or more tires, maximum width less than sev-~~
21 ~~enty-four (74) inches, maximum weight less than two thousand (2,000) pounds,~~
22 ~~and having a wheelbase of one hundred ten (110) inches or less. A util-~~
23 ~~ity type vehicle must have a minimum width of fifty (50) inches, a minimum~~
24 ~~weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one~~
25 ~~(61) inches. Utility type vehicle does not include golf carts, vehicles~~
26 ~~specially designed to carry a disabled person, implements of husbandry as~~
27 ~~defined in section 49-110(2), Idaho Code, or vehicles otherwise registered~~
28 ~~under title 49~~ a utility type vehicle or UTV as defined in section 67-7101,
29 Idaho Code.";

30 and renumber the subsequent section accordingly.

31 CORRECTION TO TITLE

32 On page 1, in line 2, following "ACTIVITIES;" insert: "AMENDING SECTION
33 49-102, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-122, IDAHO
34 CODE, TO REVISE A DEFINITION; AND".