

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 146

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES AND TRAFFIC; AMENDING SECTION 49-1421A, IDAHO
2 CODE, TO PROVIDE THAT A PERSON MAY DRIVE AN AUTHORIZED EMERGENCY VEHICLE
3 IN A HIGH OCCUPANCY VEHICLE LANE WHEN NECESSARY TO PERFORM MAINTENANCE
4 OF THAT LANE, TO DEFINE A TERM AND TO DELETE LANGUAGE LIMITING THE AP-
5 PPLICATION OF LAW; AND AMENDING SECTION 49-123, IDAHO CODE, TO REVISE A
6 DEFINITION AND TO MAKE A TECHNICAL CORRECTION.
7

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

9 SECTION 1. That Section 49-1421A, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 49-1421A. HIGH OCCUPANCY VEHICLE LANES -- PENALTIES -- DEFINI-
12 TIONS. (1) Except as provided in subsections (2) and (3) of this section,
13 a person shall not drive a vehicle carrying fewer than two (2) persons, in-
14 cluding the driver, in a high occupancy vehicle lane at any time the use of
15 the high occupancy vehicle lane is restricted to vehicles carrying two (2)
16 or more persons, including the driver.

17 (2) A person may drive a motorcycle in a high occupancy vehicle lane at
18 any time regardless of the number of passengers, without penalty.

19 (3) A person may drive a public transportation vehicle in a high occu-
20 pancy vehicle lane at any time regardless of the number of passengers, with-
21 out penalty.

22 (4) A person may drive an emergency vehicle in a high occupancy vehicle
23 lane regardless of the number of passengers, without penalty, when respond-
24 ing to an emergency call, or when in the pursuit of an actual or suspected vi-
25 olator of the law, or when responding to but not upon returning from a fire
26 alarm or when performing normal patrol duties.

27 (5) A person may drive an authorized ~~maintenance~~ emergency vehicle in a
28 high occupancy vehicle lane regardless of the number of passengers, without
29 penalty, when necessary to perform maintenance of that lane.

30 (6) Any violation of the provisions of this section shall be an infrac-
31 tion punishable by a fixed penalty of one hundred dollars (\$100).

32 (7) For the purposes of this section, the following terms have the fol-
33 lowing meanings:

34 (a) "Emergency vehicle" shall have the same meaning as the term "au-
35 thorized emergency vehicle" as that term is defined in section 49-123,
36 Idaho Code.

37 (b) "High occupancy vehicle lane" means a designated lane of laned
38 roadway where the use of such designated lane is restricted to vehicles
39 carrying at least the minimum number of persons as provided for in this
40 section and as designated by the director of the Idaho transportation
41 department as indicated on official signs and other official traf-
42 fic-control devices.

- 1 ~~(b)~~ "Public transportation vehicle" means a vehicle that:
- 2 (i) Provides a designated public transportation as defined in
- 3 section 221 of the Americans with disabilities act of 1990 or pro-
- 4 vides public school transportation (that is, to and from public or
- 5 private primary, secondary or tertiary schools); and
- 6 (ii) Is owned or operated by a public entity, or is operated un-
- 7 der a contract with a public entity, or is operated pursuant to a
- 8 license by the secretary of the United States department of trans-
- 9 portation or an agency of the state of Idaho, to provide motorbus
- 10 or school vehicle transportation services to the public.

11 ~~(8) The provisions of this section shall apply only in counties with a~~

12 ~~population less than twenty-five thousand (25,000), according to the most~~

13 ~~recent census within the state of Idaho, and where such county includes a re-~~

14 ~~sort city authorized to approve certain nonproperty taxes pursuant to sec-~~

15 ~~tion 50-1044, Idaho Code.~~

16 SECTION 2. That Section 49-123, Idaho Code, be, and the same is hereby

17 amended to read as follows:

18 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an

19 axle or axles designed to support a part of the vehicle and load and which can

20 be regulated to vary the amount of load supported by such an axle or axles and

21 which can be deployed or lifted by the operator of the vehicle. See also sec-

22 tion 49-117, Idaho Code.

23 (a) "Fully raised" means that the variable load suspension axle is in

24 an elevated position preventing the tires on such axle from having any

25 contact with the roadway.

26 (b) "Fully deployed" means that the variable load suspension axle is

27 supporting a portion of the weight of the loaded vehicle as controlled

28 by the preset pressure regulator valve.

29 (2) "Vehicle" means:

30 (a) General. Every device in, upon, or by which any person or property

31 is or may be transported or drawn upon a highway, excepting devices used

32 exclusively upon stationary rails or tracks.

33 (b) Authorized emergency vehicle. Vehicles operated by any fire

34 department or law enforcement agency of the state of Idaho or any po-

35 litical subdivision of the state, ambulances, vehicles belonging to

36 personnel of voluntary fire departments while in performance of offi-

37 cial duties only, vehicles belonging to, or operated by EMS personnel

38 certified or otherwise recognized by the EMS bureau of the Idaho depart-

39 ment of health and welfare while in the performance of emergency medical

40 services, sheriff's search and rescue vehicles which are under the im-

41 mediate supervision of the county sheriff, wreckers which are engaged

42 in motor vehicle recovery operations and are blocking part or all of

43 one (1) or more lanes of traffic, highway maintenance vehicles autho-

44 riized by the Idaho transportation board or any political subdivision of

45 the state, other emergency vehicles designated by the director of the

46 Idaho state police or vehicles authorized by the Idaho transportation

47 board and used in the enforcement of laws specified in section 40-510,

48 Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or

49 greater.

1 (c) Commercial vehicle or commercial motor vehicle. For the purposes
2 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-
3 ment, a motor vehicle or combination of motor vehicles designed or used
4 to transport passengers or property if the motor vehicle:

5 (i) Has a manufacturer's gross combination weight rating (GCWR)
6 in excess of twenty-six thousand (26,000) pounds inclusive of
7 a towed unit with a manufacturer's gross vehicle weight rating
8 (GVWR) of more than ten thousand (10,000) pounds; or

9 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in
10 excess of twenty-six thousand (26,000) pounds; or

11 (iii) Is designed to transport sixteen (16) or more people, in-
12 cluding the driver; or

13 (iv) Is of any size and is used in the transportation of materials
14 found to be hazardous for the purposes of the hazardous material
15 transportation act and which require the motor vehicle to be plac-
16 arded under the hazardous materials regulations (49 CFR part 172,
17 subpart F).

18 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
19 registration, a vehicle or combination of vehicles of a type used or
20 maintained for the transportation of persons for hire, compensation or
21 profit, or the transportation of property for the owner of the vehicle,
22 or for hire, compensation, or profit, and shall include fixed load spe-
23 cially constructed vehicles exceeding the limits imposed by chapter
24 10, title 49, Idaho Code, and including drilling rigs, construction,
25 drilling and wrecker cranes, log jammers, log loaders, and similar
26 vehicles which are normally operated in an overweight or oversize
27 condition or both, but shall not include those vehicles registered pur-
28 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
29 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
30 that has a seating capacity for not more than fifteen (15) persons,
31 including the driver, shall not be a "commercial vehicle" under the pro-
32 visions of this title relating to equipment requirements, rules of the
33 road, or registration.

34 (d) Farm vehicle. A vehicle or combination of vehicles owned by a
35 farmer or rancher, which are operated over public highways, and used
36 exclusively to transport unprocessed agricultural, dairy or livestock
37 products raised, owned and grown by the owner of the vehicle to market or
38 place of storage; and shall include the transportation by the farmer or
39 rancher of any equipment, supplies or products purchased by that farmer
40 or rancher for his own use, and used in the farming or ranching opera-
41 tion or used by a farmer partly in transporting agricultural products
42 or livestock from the farm of another farmer that were originally grown
43 or raised on the farm, or when used partly in transporting agricultural
44 supplies, equipment, materials or livestock to the farm of another
45 farmer for use or consumption on the farm but not transported for hire,
46 and shall not include vehicles of husbandry or vehicles registered pur-
47 suant to sections 49-402 and 49-402A, Idaho Code.

48 (e) Foreign vehicle. Every vehicle of a type required to be registered
49 under the provisions of this title brought into this state from another
50 state, territory or country other than in the ordinary course of busi-

1 ness by or through a manufacturer or dealer and not registered in this
2 state.

3 (f) Glider kit vehicle. Every large truck manufactured from a kit man-
4 ufactured by a manufacturer of large trucks which consists of a frame,
5 cab complete with wiring, instruments, fenders and hood and front axles
6 and wheels. The "glider kit" is made into a complete assembly by the ad-
7 dition of the engine, transmission, rear axles, wheels and tires.

8 (g) Motor vehicle. Every vehicle which is self-propelled, and for the
9 purpose of titling and registration meets federal motor vehicle safety
10 standards as defined in section 49-107, Idaho Code. Motor vehicle does
11 not include vehicles moved solely by human power, electric personal as-
12 sistive mobility devices and motorized wheelchairs or other such vehi-
13 cles that are specifically exempt from titling or registration require-
14 ments under title 49, Idaho Code.

15 (h) Multipurpose passenger vehicle (MPV). For the purposes of section
16 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
17 persons which is constructed either on a truck chassis or with special
18 features for occasional off-road operation.

19 (i) Neighborhood electric vehicle (NEV). A self-propelled, electri-
20 cally-powered, four-wheeled motor vehicle which is emission free and
21 conforms to the definition and requirements for low-speed vehicles as
22 adopted in the federal motor vehicle safety standards for low-speed ve-
23 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-
24 tled, registered and insured according to law as provided respectively
25 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated
26 by a licensed driver. Operation of an NEV on a highway shall be allowed
27 as provided in section 49-663, Idaho Code.

28 (j) Noncommercial vehicle. For the purposes of chapter 4, title 49,
29 Idaho Code, motor vehicle registration, a noncommercial vehicle shall
30 not include those vehicles required to be registered under sections
31 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
32 nations of vehicles which are not commercial vehicles or farm vehicles,
33 but shall include motor homes. A noncommercial vehicle shall include
34 those vehicles having a combined gross weight not in excess of sixty
35 thousand (60,000) pounds and not held out for hire, used for purposes
36 related to private use and not used in the furtherance of a business or
37 occupation for compensation or profit or for transporting goods for
38 other than the owner.

39 (k) Passenger car. For the purposes of section 49-966, Idaho Code, a
40 motor vehicle, except a multipurpose passenger vehicle, motorcycle or
41 trailer, designed to carry ten (10) or fewer persons.

42 (l) Rebuilt salvage vehicle. Every vehicle that has been rebuilt or re-
43 paired using like make and model parts and visually appears as a vehicle
44 that was originally constructed under a distinctive manufacturer. This
45 includes a salvage vehicle which is damaged to the extent that a "re-
46 built salvage" brand is required to be added to the title.

47 (m) Reconstructed vehicles. Vehicles which have been reconstructed
48 by the use of a kit designed to be used to construct an exact replica of
49 a vehicle which was previously constructed under a distinctive name,

1 make, model or type by a generally recognized manufacturer of vehicles.
2 A glider kit vehicle is not a reconstructed vehicle.

3 (n) Replica vehicle. A vehicle made to replicate any passenger car or
4 truck previously manufactured, using metal, fiberglass or other com-
5 posite materials. Replica vehicles must look like the original vehi-
6 cle being replicated but may use a more modern drive train. At a mini-
7 mum, replica vehicles shall meet the same federal motor vehicle safety
8 and emission standards in effect for the year and type of vehicle being
9 replicated.

10 (o) Salvage vehicle. Any vehicle for which a salvage certificate,
11 salvage bill of sale or other documentation showing evidence that the
12 vehicle has been declared salvage or which has been damaged to the ex-
13 tent that the owner, or an insurer, or other person acting on behalf of
14 the owner, determines that the cost of parts and labor minus the salvage
15 value makes it uneconomical to repair or rebuild. When an insurance
16 company has paid money or has made other monetary settlement as compen-
17 sation for a total loss of any vehicle, such vehicle shall be considered
18 to be a salvage vehicle.

19 (p) Specially constructed vehicle. Every vehicle of a type required
20 to be registered not originally constructed under a distinctive name,
21 make, model or type by a generally recognized manufacturer of vehicles
22 and not materially altered from its original construction and cannot be
23 visually identified as a vehicle produced by a particular manufacturer.
24 This includes:

25 (i) A vehicle that has been structurally modified so that it does
26 not have the same appearance as a similar vehicle from the same
27 manufacturer; or

28 (ii) A vehicle that has been constructed entirely from homemade
29 parts and materials not obtained from other vehicles; or

30 (iii) A vehicle that has been constructed by using major compo-
31 nent parts from one (1) or more manufactured vehicles and cannot be
32 identified as a specific make or model; or

33 (iv) A vehicle constructed by the use of a custom kit that cannot
34 be visually identified as a specific make or model. All specially
35 constructed vehicles of a type required to be registered shall be
36 certified by the owner to meet all applicable federal motor ve-
37 hicle safety standards in effect at the time construction is com-
38 pleted, and all requirements of chapter 9, title 49, Idaho Code.

39 (q) Specialty off-highway vehicle. A specialty off-highway vehicle as
40 defined in section 67-7101, Idaho Code.

41 (r) Total loss vehicle. Every vehicle that is deemed to be uneconomi-
42 cal to repair. A total loss shall occur when an insurance company or any
43 other person pays or makes other monetary settlement to the owner when
44 it is deemed to be uneconomical to repair the damaged vehicle. The com-
45 pensation for total loss as defined herein shall not include payments
46 by an insurer or other person for medical care, bodily injury, vehicle
47 rental or for anything other than the amount paid for the actual damage
48 to the vehicle.

49 (3) "Vehicle identification number." (See "Identifying number," sec-
50 tion 49-110, Idaho Code)

- 1 (4) "Vehicle salesman" means any person who, for a salary, commission
2 or compensation of any kind, is employed either directly or indirectly, or
3 regularly or occasionally by any dealer to sell, purchase or exchange, or to
4 negotiate for the sale, purchase or exchange of vehicles. (See also "full-
5 time salesman," section 49-107, Idaho Code, and "part-time salesman," sec-
6 tion 49-117, Idaho Code)
- 7 (5) "Vessel." (See section 67-7003, Idaho Code)
- 8 (6) "Veteran." (See section 65-502, Idaho Code)
- 9 (7) "Violation" means a conviction of a misdemeanor charge involving a
10 moving traffic violation, or an admission or judicial determination of the
11 commission of an infraction involving a moving traffic infraction, except
12 bicycle infractions.