

IN THE SENATE

SENATE BILL NO. 1001, As Amended

BY MCGEE

AN ACT

1 RELATING TO ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY
2 OFF-HIGHWAY VEHICLES OR MOTORBIKES; AMENDING SECTION 49-302, IDAHO
3 CODE, TO REVISE PROVISIONS RELATING TO CERTAIN OPERATORS OF ALL-TERRAIN
4 VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES OR MO-
5 TORBIKES ON CERTAIN ROADS, TO PROVIDE THAT CERTAIN UNLICENSED OPERATORS
6 ON NATIONAL FOREST ROADS MUST HAVE COMPLETED A SAFETY COURSE, TO PROVIDE
7 THAT A CERTIFICATE OR PROOF OF COMPLETION SHALL BE IN THE POSSESSION OF
8 THE UNLICENSED OPERATOR OR PRESENT IN THE VEHICLE, TO PROVIDE THAT THE
9 CERTIFICATE OR PROOF OF COMPLETION SHALL BE PROVIDED FOR INSPECTION,
10 TO PROVIDE THAT NO PERSON SHALL BE CONVICTED OF A CERTAIN VIOLATION IF
11 THAT PERSON PRODUCES, PRIOR TO CONVICTION, THE CERTIFICATE OR PROOF OF
12 COMPLETION THAT SHOWS COMPLETION OF THE COURSE PRIOR TO THE VIOLATION,
13 TO PROVIDE FOR AN INFRACTION, AND TO DEFINE A TERM.
14

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

16 SECTION 1. That Section 49-302, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons
19 are exempt from licensing if driving privileges are not suspended, canceled,
20 revoked, disqualified, denied or refused:

21 (1) Any person while driving or operating any farm tractor or implement
22 of husbandry when incidentally operated on a highway.

23 (2) Farmers are exempt from obtaining a class A, B or C driver's license
24 to operate a commercial motor vehicle which is:

25 (a) Controlled and operated by a farmer, including operation by employ-
26 ees or family members; and

27 (b) Used to transport either agricultural products, farm machinery,
28 farm supplies, or both, to or from a farm; and

29 (c) Not used in the operations of a common or contract motor carrier;
30 and

31 (d) Used within one hundred fifty (150) miles of the person's farm.

32 (3) Any person is exempt from obtaining a class A, B or C driver's li-
33 cense for the operation of commercial motor vehicles which are necessary to
34 the preservation of life or property or the execution of emergency govern-
35 mental functions, are equipped with audible and visual signals, and are not
36 subject to normal traffic regulations.

37 (4) Any person is exempt from obtaining a class A, B or C license to op-
38 erate a commercial vehicle which is exclusively used to transport personal
39 possessions or family members for nonbusiness or recreational purposes.

40 (5) A nonresident who is at least fifteen (15) years of age and who has
41 in his immediate possession a valid driver's license issued to him in his
42 home state or country may operate a motor vehicle in Idaho only as a class D

1 operator with driving privileges restricted to daylight hours only except as
2 provided in section 49-307(9), Idaho Code, and with full privileges at six-
3 teen (16) years of age, and only if Idaho residency is not established.

4 (6) A nonresident who is at least fifteen (15) years of age and who has
5 in his possession a valid driver's license with a motorcycle endorsement or
6 who has a valid motorcycle driver's license issued to him in his home state or
7 country may operate a motorcycle in Idaho with driving privileges restricted
8 to daylight hours only, and with full privileges at sixteen (16) years of
9 age.

10 (7) A nonresident who has in his immediate possession a valid commer-
11 cial driver's license issued to him in his home state or country may operate a
12 motor vehicle in Idaho.

13 (8) A nonresident on active duty in the armed forces of the United
14 States who has a valid driver's license issued by his home jurisdiction,
15 and such nonresident's spouse or dependent son or daughter who has a valid
16 driver's license issued by such person's home jurisdiction.

17 (9) Any active duty military personnel, active duty U.S. coast guard
18 personnel, and members of the reserves and national guard on active duty in-
19 cluding personnel on full-time national guard duty, personnel on part-time
20 training and national guard military technicians who as civilians are re-
21 quired to wear military uniforms and are subject to the code of military
22 justice, are exempt from obtaining a commercial driver's license to operate
23 military vehicles. This exemption does not apply to U.S. reserve techni-
24 cians.

25 (10) Any person with a valid driver's license issued in their name is ex-
26 empt from the requirement to obtain a motorcycle endorsement on the license
27 when operating a motorcycle on highways or sections of highways designated
28 for unregistered motorcycle use under section 49-426(3), Idaho Code.

29 (11) Any person under the age of sixteen (16) years when operating an
30 ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or
31 state land where the road is not part of the highway system of the state of
32 Idaho or ~~any political subdivision thereof when the person~~ local road man-
33 agement authority and is supervised by a licensed adult operator eighteen
34 (18) years of age or older, and the road is open for such use, subject to the
35 following:

36 (a) Any unlicensed operators under the age of sixteen (16) years, on
37 national forest roads must have completed a motorbike or ATV safety
38 course approved by the Idaho department of parks and recreation, and a
39 certificate or other proof of completion of such safety course shall be
40 in the possession of the unlicensed operator of any ATV, UTV, specialty
41 off-highway vehicle or motorbike, or shall be present in the vehicle at
42 all times when the vehicle is operated on national forest roads. The
43 certificate or proof of completion shall be provided for inspection to
44 any peace officer upon request. No person shall be convicted of violat-
45 ing the provisions of this subsection if that person produces, at any
46 time prior to conviction, the certificate or proof of completion of the
47 approved safety course where the certificate shows completion of the
48 course prior to the violation. In the event of a violation of the provi-
49 sions of this subsection, the supervising adult may be charged with an
50 infraction.

1 (b) For purposes of this subsection, "supervised" means that the su-
2 pervising adult must be in a position, on another ATV, UTV, specialty
3 off-highway vehicle or motorbike, or if on the ground, within three hun-
4 dred (300) feet of the unlicensed operator, to provide close support,
5 assistance or direction to the unlicensed operator.