

Moved by Bedke

Seconded by Moyle

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO H.B. NO. 628

AMENDMENT TO THE BILL

1  
2 On page 1 of the printed bill, delete lines 7 through 22, and insert:

3 "SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature  
4 that this bill clarifies Section 40-2312, Idaho Code, to reflect the Leg-  
5 islature's intent that Section 40-2312, Idaho Code, applies to highways in  
6 existence in 1985 when the statute was recodified and applies to highways  
7 created thereafter. It is further the intent of the Legislature that high-  
8 ways in existence in 1985 and which were created by prescription or common  
9 law dedication or otherwise established by use are limited to the width of  
10 their historic use and are not required, pursuant to the statute, to be a  
11 minimum of fifty feet wide.

12 SECTION 2. That Section 40-2312, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 40-2312. WIDTH OF HIGHWAYS. (1) All highways, except bridges and those  
15 located within cities, shall be not less than fifty (50) feet wide, ~~except~~  
16 ~~those of a lesser width presently existing, and may be as wide as required~~  
17 ~~for proper construction and maintenance in the discretion of the authority~~  
18 ~~in charge of the construction and maintenance.~~

19 (2) The provisions of subsection (1) of this section shall not apply to  
20 highways of a lesser width. Highways may be as wide as required for his-  
21 torical construction and maintenance in the discretion of the authority in  
22 charge of the construction and maintenance and such space as has histori-  
23 cally been used for installation and maintenance of utilities.

24 (3) Bridges located outside incorporated cities shall be the same width  
25 to and across the river, creek or stream as the highway leading to it."

26 CORRECTION TO TITLE

27 On page 1, delete lines 2 through 5, and insert:

28 "RELATING TO WIDTH OF HIGHWAYS; PROVIDING LEGISLATIVE INTENT; AMENDING SEC-  
29 TION 40-2312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WIDTH OF CER-  
30 TAIN HIGHWAYS AND TO PROVIDE FOR AN EXCEPTION."