

IN THE SENATE

SENATE BILL NO. 1044

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTORCYCLES; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE THE DEFINITION OF MOTORCYCLE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-114, Idaho Code, be, and the same is hereby amended to read as follows:

49-114. DEFINITIONS -- M. (1) "Major component part" means a rear clip, cowl, frame or inner structure forward of the cowl, body, cab, front end assembly, front clip or such other part which is critical to the safety of the vehicle.

(2) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste or material identification code and destination of hazardous material or hazardous waste during any transportation within, through, or to any destination in this state.

(3) "Manufactured home." (See section 39-4105, Idaho Code)

(4) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered at an established place of business in this state. The term, for purposes of sections 49-1613 through 49-1615, 49-1617, 49-1622 and 49-1623, Idaho Code, shall include a distributor and other factory representatives.

(5) "Manufacturer's year designation" means the model year designated by the vehicle manufacturer, and not the year in which the vehicle is, in fact, manufactured.

(6) "Maximum gross weight" means the scale weight of a vehicle, equipped for operation, to which shall be added the maximum load to be carried as declared by the owner in making application for registration. When a vehicle against which a registration fee is assessed is a combination of vehicles, the term "maximum gross weight" means the combined maximum gross weights of all vehicles in the combination.

(7) "Metal tire." (See "Tires," section 49-121, Idaho Code)

(8) "Mileage" means actual distance that a vehicle has traveled.

(9) "Moped" means a limited-speed motor-driven cycle having:

(a) Both motorized and pedal propulsion that is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground, whether two (2) or three (3) wheels are in contact with the ground during operation. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; or

1 (b) Two (2) wheels or three (3) wheels with no pedals, which is powered
 2 solely by electrical energy, has an automatic transmission, a motor
 3 which produces less than two (2) gross brake horsepower, is capable of
 4 propelling the device at a maximum speed of not more than thirty (30)
 5 miles per hour on level ground and as originally manufactured, meets
 6 federal motor vehicle safety standards for motor-driven cycles. A
 7 moped is not required to be titled and no motorcycle endorsement is re-
 8 quired for its operator.

9 (10) "Motorbike" means a vehicle as defined in section 67-7101, Idaho
 10 Code. Such vehicle shall be titled and may be approved for motorcycle reg-
 11 istration pursuant to section 49-402, Idaho Code, upon certification by the
 12 owner of the installation and use of conversion components that make the mo-
 13 torbike compliant with federal motor vehicle safety standards.

14 (11) "Motorcycle" means every motor vehicle having a seat or saddle for
 15 the use of the rider, ~~and~~ designed to travel on not more than three (3) wheels
 16 in contact with the ground or designed to travel on two (2) wheels in con-
 17 tact with the ground which is modified by the addition of two (2) stabilizing
 18 wheels on the rear of the motor vehicle, that meets the federal motor vehi-
 19 cle safety standards as originally designed, and includes a converted motor-
 20 bike, but does not include a motor-driven cycle, a motorbike, a tractor or a
 21 moped.

22 (12) "Motor carrier" means an individual, partnership, corporation or
 23 other legal entity engaged in the transportation by motor vehicle of persons
 24 or property in the furtherance of a business or for hire.

25 (13) "Motor-driven cycle" means a cycle with a motor that produces five
 26 (5) brake horsepower or less as originally manufactured that meets federal
 27 motor vehicle safety standards as originally designed, and does not include
 28 mopeds. Such vehicle shall be titled and a motorcycle endorsement is re-
 29 quired for its operation.

30 (14) "Motor home" means a vehicular unit designed to provide temporary
 31 living quarters, built into an integral part or permanently attached to a
 32 self-propelled motor vehicle chassis. The vehicle must contain permanently
 33 installed independent life support systems which meet the ~~N~~ational ~~F~~ire
 34 ~~P~~rotection ~~A~~ssociation (NFPA) 1192 ~~S~~tandard on ~~R~~ecreational ~~V~~ehicles,
 35 and provide at least four (4) of the following facilities: cooking, refrig-
 36 eration or icebox, self-contained toilet, heating and/or air conditioning,
 37 a potable water supply system, including a faucet and sink, separate 110-125
 38 volt electrical power supply and/or LP-gas supply.

39 (15) "Motorized wheelchair" means a motor vehicle with a speed not in
 40 excess of eight (8) miles per hour, designed for and used by a person with a
 41 disability.

42 (16) "Motor number." (See "Identifying number," section 49-110, Idaho
 43 Code)

44 (17) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

45 (18) "Motor vehicle liability policy" means an owner's or operator's
 46 policy of liability insurance, certified as provided in section 49-1210,
 47 Idaho Code, as proof of financial responsibility, and issued by an insurance
 48 carrier duly authorized to transact business in this state, to or for the
 49 benefit of the person named therein as insured.

1 (19) "Motor vehicle record" means any record that pertains to a motor
2 vehicle registration, motor vehicle title or identification documents or
3 other similar credentials issued by the department or other state or local
4 agency.

5 SECTION 2. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after its
7 passage and approval.