

IN THE SENATE

SENATE BILL NO. 1052

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-208, IDAHO CODE, TO REVISE
2 PROVISIONS RELATING TO THE POWERS OF LOCAL AUTHORITIES WITH RESPECT TO
3 HIGHWAYS, TO PROVIDE THAT CERTAIN SPEED LIMITS MAY BE ALTERED OR ESTAB-
4 LISHED ON THE BASIS OF CERTAIN ENGINEERING AND TRAFFIC INVESTIGATIONS
5 AND TO PROVIDE THAT MINIMUM SPEED LIMITS MAY BE ESTABLISHED ON THE BASIS
6 OF CERTAIN ENGINEERING AND TRAFFIC INVESTIGATIONS.
7

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

9 SECTION 1. That Section 49-208, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 49-208. POWERS OF LOCAL AUTHORITIES. (1) The provisions of this title
12 shall not be deemed to prevent local authorities with respect to highways
13 under their jurisdiction and within the reasonable exercise of the police
14 power from:

15 (a) Regulating or prohibiting stopping, standing or parking;

16 (b) Regulating traffic by means of peace officers or traffic-control
17 devices;

18 (c) Regulating or prohibiting processions or assemblages on the high-
19 ways;

20 (d) Designating particular highways for use by traffic moving in one
21 (1) direction;

22 (e) Establishing speed limits for vehicles in public parks;

23 (f) Designating any highway as a through highway or designating any in-
24 tersection or junction of highways as a stop or yield intersection or
25 junction;

26 (g) Restricting the use of highways as authorized in chapter 10, title
27 49, Idaho Code;

28 (h) Regulating or prohibiting the turning of vehicles or specified
29 types of vehicles;

30 (i) Altering or establishing speed limits, provided that such speed
31 limits are altered or established on the basis of an engineering and
32 traffic investigation conducted in a manner similar to that which the
33 Idaho transportation department performs in determining speed limits
34 on the state highway system;

35 (j) Designating no-passing zones;

36 (k) Prohibiting or regulating the use of controlled-access highways by
37 any class or kind of traffic;

38 (l) Prohibiting or regulating the use of heavily traveled highways by
39 any class or kind of traffic found to be incompatible with the normal and
40 safe movement of traffic;

41 (m) Establishing minimum speed limits, provided that such minimum
42 speed limits are established on the basis of an engineering and traffic

1 investigation conducted in a manner similar to that which the Idaho
2 transportation department performs in determining speed limits on the
3 state highway system;

4 (n) Prohibiting pedestrians from crossing a highway in a business dis-
5 trict or any designated highway except in a crosswalk;

6 (o) Restricting pedestrian crossings at unmarked crosswalks;

7 (p) Establishing the maximum speed of vehicles on a bridge or other ele-
8 vated structure;

9 (q) Requiring written accident reports;

10 (r) Regulating persons propelling pushcarts;

11 (s) Regulating persons upon skates, coasters, sleds and other toy vehi-
12 cles;

13 (t) Adopting and enforcing temporary or experimental regulations as
14 may be necessary to cover emergencies or special conditions;

15 (u) Prohibiting drivers of ambulances from exceeding maximum speed
16 limits;

17 (v) Adopting such other traffic regulations as are specifically autho-
18 rized by this title.

19 (2) No ordinance or regulation enacted under paragraphs (d) through (p)
20 of subsection (1) of this section shall be effective until traffic-control
21 devices giving notice of local traffic regulations are erected upon or at the
22 entrances to the highway or part affected as may be most appropriate.

23 (3) No local authority shall erect or maintain any traffic-control de-
24 vice at any location so as to require traffic on any state highway to stop be-
25 fore entering or crossing any intersecting highway unless approval in writ-
26 ing has first been obtained from the department.

27 (4) Local authorities by ordinance may adopt by reference all or any
28 part of title 49, Idaho Code, without publishing or posting in full the pro-
29 visions thereof, provided that not less than one (1) copy is available for
30 public use and examination in the office of the clerk.

31 (5) Local authorities may adopt an ordinance establishing procedures
32 for the abatement and removal of abandoned, junk, dismantled or inoperative
33 vehicles or their parts from private or public property, including highways,
34 provided the ordinance is not in conflict with the provisions of this title.