

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 17

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO AUTOCYCLES; AMENDING SECTION 49-102, IDAHO CODE, TO DEFINE A
2 TERM; AMENDING SECTIONS 49-301 AND 49-304, IDAHO CODE, TO PROVIDE AN
3 EXEMPTION RELATING TO MOTORCYCLE ENDORSEMENTS FOR AUTOCYCLES; AMENDING
4 SECTION 49-666, IDAHO CODE, TO PROVIDE AN EXEMPTION RELATING TO HELMETS
5 FOR AUTOCYCLES; AND AMENDING CHAPTER 24, TITLE 49, IDAHO CODE, BY THE
6 ADDITION OF A NEW SECTION 49-2448, IDAHO CODE, TO PROVIDE THAT CERTAIN
7 PROVISIONS OF LAW RELATING TO MOTORCYCLE PLATE, TAG, REGISTRATION AND
8 INSURANCE REQUIREMENTS SHALL APPLY TO AUTOCYCLES, TO REQUIRE COMPLI-
9 ANCE WITH SPECIFIED DRIVER'S LICENSE PROVISIONS RELATING TO PERSONS
10 OPERATING AUTOCYCLES AND TO PROVIDE THAT PROVISIONS OF SPECIFIED LAW
11 RELATING TO MOTORCYCLE ENDORSEMENTS AND HELMET REQUIREMENTS SHALL NOT
12 APPLY TO AUTOCYCLES.
13

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

15 SECTION 1. That Section 49-102, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on
18 private property without the permission of the person having rights to the
19 possession of the property, or on a highway or other property open to the
20 public for the purposes of vehicular traffic or parking, or upon or within
21 the right-of-way of any highway, for twenty-four (24) hours or longer.

22 (2) "Abandoned vehicle" means any vehicle observed by an authorized of-
23 ficer or reported by a member of the public to have been left within the lim-
24 its of any highway or upon the property of another without the consent of the
25 property owner for a period of twenty-four (24) hours or longer, except that
26 a vehicle shall not be considered abandoned if its owner-operator is unable
27 to remove it from the place where it is located and has notified a law en-
28 forcement agency and requested assistance.

29 (3) "Accident" means any event that results in an unintended injury or
30 property damage attributable directly or indirectly to the motion of a motor
31 vehicle or its load, a snowmobile or special mobile equipment.

32 (4) "Actual physical control" means being in the driver's position of a
33 motor vehicle with the motor running or the vehicle moving.

34 (5) "Administrator" means the federal highway administrator, the chief
35 executive of the federal highway administration, an agency within the U.S.
36 department of transportation.

37 (6) "Age of a motor vehicle" means the age determined by subtracting
38 the manufacturer's year designation of the vehicle from the year in which the
39 designated registration fee is paid. If the vehicle has the same manufac-
40 turer's year designation as the year in which the fee is paid, or if a vehicle
41 has a manufacturer's year designation later than the year in which the fee is
42 paid, the vehicle shall be deemed to be one (1) year old.

1 (7) "Air-conditioning equipment" means mechanical vapor compression
2 refrigeration equipment which is used to cool the driver's or passenger com-
3 partment of any motor vehicle.

4 (8) "Alcohol or alcoholic beverage" means:

5 (a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Rev-
6 enue Code;

7 (b) Wine of not less than one-half of one percent (.005%) of alcohol by
8 volume; or

9 (c) Distilled spirits as defined in section 5002(a)(8), of the Internal
10 Revenue Code.

11 (9) "Alley" means a public way of limited use intended only to provide
12 access to the rear or side of lots or buildings in urban districts.

13 (10) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or ATV
14 as defined in section 67-7101, Idaho Code.

15 (11) "Amateur radio operator." (See "Radio operator, amateur," section
16 49-119, Idaho Code)

17 (12) "Ambulance" means a motor vehicle designed and used primarily for
18 the transportation of injured, sick, or deceased persons, on stretchers,
19 cots, beds, or other devices for carrying persons in a prone position.

20 (13) "Applicant" means an individual who applies to obtain, transfer,
21 upgrade, or renew a driver's license.

22 (14) "Approved driver training course" means a training course from a
23 school licensed under the provisions of chapter 21 of this title or a driver
24 training course approved by another United States jurisdiction provided the
25 course was taken while an individual was a resident of that United States ju-
26 risdiction.

27 (15) "Approved testing agency" means a person, firm, association, part-
28 nership or corporation approved by the director of the Idaho state police
29 which is:

30 (a) In the business of testing equipment and systems;

31 (b) Recognized by the director as being qualified and equipped to do ex-
32 perimental testing; and

33 (c) Not under the jurisdiction or control of any single manufacturer or
34 supplier for an affected industry.

35 (16) "Armed forces" means the army, navy, marine corps, coast guard and
36 the air force of the United States.

37 (17) "Authorized emergency vehicle." (See "Vehicle," section 49-123,
38 Idaho Code)

39 (18) "Authorized officer" means any member of the Idaho state police, or
40 any regularly employed and salaried deputy sheriff, or other county employee
41 designated to perform the function of removing abandoned vehicles or junk
42 vehicles by the board of county commissioners of the county in which a vehi-
43 cle is located, or any regularly employed and salaried city peace officer or
44 other city employee designated to perform the function of removing abandoned
45 vehicles or junk vehicles by the city council, or a qualified person depu-
46 tized or appointed by the proper authority as reserve deputy sheriff or city
47 policeman, authorized within the jurisdiction in which the abandoned vehi-
48 cle or junk vehicle is located.

49 (19) "Authorized transportation department employee" means any em-
50 ployee appointed by the board to perform duties relating to enforcement of

1 vehicle laws as have been specifically defined and approved by order of the
2 board (see section 40-510, Idaho Code).

3 (20) "Auto transporter" means a vehicle combination constructed for the
4 purpose of transporting vehicles.

5 (21) "Autocycle" means a three (3) wheeled motorcycle on which the
6 driver and passengers ride in a completely enclosed, tandem seating area
7 that is equipped with air bag protection, a roll cage, safety belts for each
8 occupant and antilock brakes and that is designed to be controlled with a
9 steering wheel and pedals.

10 SECTION 2. That Section 49-301, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly
13 exempted by the provisions of this chapter, shall drive any motor vehicle
14 upon a highway unless the person has a current and valid Idaho driver's li-
15 cense. Provided however, that those persons holding a restricted school at-
16 tendance driving permit may drive upon a highway pursuant to the restric-
17 tions set forth in section 49-307A, Idaho Code.

18 (2) No person shall operate a motorcycle upon a highway unless he has
19 a motorcycle endorsement on his valid driver's license. The provisions of
20 this subsection shall not apply to persons operating autocycles.

21 (3) No person shall operate a motor vehicle in violation of any valid
22 restriction identified on, or attached to, his valid driver's license.

23 (4) No person shall receive a class D driver's license unless and un-
24 til he surrenders to the department all driver's licenses in his possession
25 issued to him by Idaho or any other jurisdiction for use within the United
26 States, or any identification cards issued by any other jurisdiction within
27 the United States, or until he executes an affidavit that he does not possess
28 a driver's license or any identification cards.

29 (5) No person shall be permitted to have more than one (1) driver's li-
30 cense issued for use within the United States at any time.

31 (6) No person shall operate a commercial motor vehicle as defined in
32 section 49-123, Idaho Code, upon a highway:

33 (a) Without obtaining a commercial driver's license.

34 (b) Without having the appropriate class A, B or C commercial driver's
35 license in the operator's possession.

36 (c) Without the proper license class of commercial driver's license or
37 endorsements for the specific vehicle group being operated or for the
38 passengers or type of cargo being transported.

39 (d) Unless the operator has a seasonal or class A, B or C driver's li-
40 cense with required endorsements in his possession.

41 (e) Without having a current and valid medical examiner's certificate
42 on file with the department while operating in a "non-excepted" status
43 as required by the federal motor carrier safety administration. Med-
44 ical examiner's certificates submitted for filing must be legible and
45 shall be submitted in a manner acceptable to the department. If the
46 federal motor carrier safety administration has issued a medical ex-
47 emption letter or skill performance evaluation certificate, the driver
48 must have the current and valid documentation in physical possession

1 and available upon request to a duly authorized federal, state or local
2 enforcement official.

3 (7) Any holder of a class A, B or C commercial driver's license issued
4 by a jurisdiction other than Idaho shall apply for an Idaho-issued commer-
5 cial driver's license within thirty (30) days of establishing a domicile in
6 Idaho. In accordance with the federal motor carrier safety regulations, no
7 person shall receive a class A, B or C driver's license unless and until he
8 surrenders to the department all driver's licenses in his possession issued
9 to him by Idaho or any other jurisdiction.

10 (8) Except as provided in section 49-304, Idaho Code, a violation of
11 this section is a misdemeanor.

12 SECTION 3. That Section 49-304, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcy-
15 cle "M" endorsement on a driver's license to applicants who complete the re-
16 quirements to operate a motorcycle.

17 (1) No person may operate a motorcycle upon a highway without a motor-
18 cycle "M" endorsement on a valid driver's license.

19 (2) Any person who applies for a driver's license or renewal of a li-
20 cense may also apply for a motorcycle "M" endorsement. The requirements for
21 obtaining a motorcycle "M" endorsement are:

22 (a) The applicant shall be tested by written examination for his knowl-
23 edge of safe motorcycle operating practices and traffic laws specific
24 to the operation of motorcycles upon payment of the fee specified in
25 section 49-306, Idaho Code.

26 (b) Upon successful completion of the knowledge test and upon payment
27 of the fee required for an "M" endorsement, the applicant shall obtain a
28 motorcycle "M" endorsement on his driver's license.

29 (3) No person under the age of twenty-one (21) years may apply for or ob-
30 tain a motorcycle "M" endorsement on his driver's license unless he has suc-
31 cessfully completed a motorcycle rider training course approved under the
32 provisions of chapter 49, title 33, Idaho Code, in addition to satisfying the
33 requirements specified in subsection (2) of this section. The provisions of
34 this subsection shall not be effective unless and until the motorcycle rider
35 training course is fully implemented by the division of professional-tech-
36 nical education.

37 (4) Any person who applies for a motorcycle endorsement on a driver's
38 license, in addition to the requirements specified in subsection (2) of this
39 section, may also be required to pass the motorcycle "M" skills test before
40 he can obtain the motorcycle "M" endorsement.

41 (5) The operation of a motorcycle upon a highway by any person who has
42 failed to obtain a motorcycle "M" endorsement as provided in this section
43 shall constitute an infraction.

44 (6) The provisions of this section shall not apply to persons operating
45 autocycles.

46 SECTION 4. That Section 49-666, Idaho Code, be, and the same is hereby
47 amended to read as follows:

1 49-666. MOTORCYCLE, MOTORBIKE, UTV AND ATV SAFETY HELMETS -- REQUIRE-
2 MENTS AND STANDARDS. No person under eighteen (18) years of age shall ride
3 upon or be permitted to operate a motorcycle, motorbike, utility type vehi-
4 cle or an all-terrain vehicle unless at all times when so operating or rid-
5 ing upon the vehicle he is wearing, as part of his motorcycle, motorbike, UTV
6 or ATV equipment, a protective safety helmet of a type and quality equal to
7 or better than the standards established for helmets by the director, ex-
8 cept the provisions of this section shall not apply when such vehicles are
9 operated or ridden on private property, or when used as an implement of hus-
10 bandry, and shall also not apply to autocycles.

11 SECTION 5. That Chapter 24, Title 49, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 49-2448, Idaho Code, and to read as follows:

14 49-2448. AUTOCYCLES. (1) The following provisions of law shall apply
15 to autocycles:

16 (a) Motorcycle plate and registration tag requirements;

17 (b) Motorcycle registration requirements. Certification from the na-
18 tional highway traffic safety administration and a manufacturer's cer-
19 tificate of origin stating that the vehicle meets the federal specifi-
20 cations for a motorcycle shall be required for all autocycles prior to
21 registration;

22 (c) Motorcycle insurance requirements.

23 (2) All persons operating autocycles shall be in compliance with the
24 provisions of section 49-301, Idaho Code.

25 (3) The provisions of sections 49-304 and 49-666, Idaho Code, shall not
26 apply to autocycles.