

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 131

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE
THE DEFINITION OF "PRINCIPAL PLACE OF BUSINESS."

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

SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby
amended to read as follows:

49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing
of a vehicle, whether occupied or not, other than temporarily for the pur-
pose of and while actually engaged in loading or unloading property or pas-
sengers.

(2) "Park trailer." (See "Trailer," section 49-121, Idaho Code)

(3) "Part-time salesman" means any person employed as a vehicle sales-
man on behalf of a dealer less than thirty (30) hours per week.

(4) "Peace officer." (See section 19-5101(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a
wheelchair or a motorized wheelchair or an electric personal assistive mo-
bility device.

(6) "Pedestrian path" means any path, sidewalk or way set-aside and
used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, copart-
nership, association, corporation, trustee, receiver or assignee for
the benefit of creditors, political subdivision, state or federal gov-
ernmental department, agency, or instrumentality, and for the purposes
of chapter 22 of this title shall include a private, common or contract
carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more
unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more
without the aid of a walker, cane, crutches, braces, prosthetic
device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or
more without great difficulty or discomfort due to the following
impairments: neurological, orthopedic, respiratory, cardiac,
arthritic disorder, blindness, or the loss of function or absence
of a limb.

(iv) For the purposes of chapters 3 and 4 of this title, a person
with a permanent disability is one whose physician certifies that
the person qualifies as a person with a disability pursuant to this
subsection (7) (b), and further certifies that there is no expecta-
tion for a fundamental or marked change in the person's condition
at any time in the future.

1 (8) "Personal information" means information that identifies an indi-
2 vidual, including an individual's photograph or computerized image, social
3 security number, driver identification number, name, address, telephone
4 number, and medical or disability information, but does not include infor-
5 mation on vehicular accidents, driving or equipment-related violations,
6 the five-digit zip code of the person's address, or status of the driver's
7 license or motor vehicle registration.

8 (9) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

9 (10) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

10 (11) "Possessory lien" means a lien dependent upon possession for com-
11 pensation to which a person is legally entitled for making repairs or per-
12 forming labor upon, and furnishing supplies or materials for, and for the
13 towing, storage, repair, or safekeeping of, any vehicle of a type subject to
14 registration.

15 (12) "Possessory lienholder" means any person claiming a lien, that
16 lien claimed to have accrued on a basis of services rendered to the vehicle
17 which is the subject of the lien.

18 (13) "Preceding year" means, for the purposes of section 49-435, Idaho
19 Code, a period of twelve (12) consecutive months fixed by the department,
20 prior to July 1 of the year immediately preceding the commencement of the
21 registration or license year for which proportional registration is sought.
22 The department in fixing the period shall make it conform to the terms, con-
23 ditions and requirements of any applicable agreement or arrangement for the
24 proportional registration of vehicles.

25 (14) "Pressure regulator valve" means a device or system which governs
26 the load distribution and controls the weight borne by a variable load sus-
27 pension axle in accordance with a predetermined valve setting.

28 (15) "Principal place of business" means an enclosed commercial struc-
29 ture located within the state, easily accessible and open to the public at
30 all reasonable times, or for which the dealer's telephone number is posted
31 on the structure; with an improved display area large enough to display five
32 (5) or more vehicles of the type the dealer is licensed to sell, immediately
33 adjoining the building, and at which the business of a dealership, including
34 the display and repair of vehicles, may be lawfully carried on in accordance
35 with the terms of all applicable building codes, zoning and other land-use
36 regulatory ordinances, and in which building the public shall be able to con-
37 tact the dealer or his salesmen in person or by telephone at all reasonable
38 times. The books, records and files necessary to conduct the business of the
39 dealership must be kept or reproduced electronically at the dealership's li-
40 censed location(s). A dealership keeping its physical books, records and
41 files at an off-site location must notify the department in writing of such
42 location at least thirty (30) days in advance of moving such books, records
43 and files off-site. Physical books, records and files must be made avail-
44 able to the department upon request within three (3) business days of such
45 request. The principal place of business shall display an exterior sign per-
46 manently affixed to the land or building, with letters clearly visible to the
47 major avenue of traffic. In no event shall a room or rooms in a hotel, room-
48 ing house, or apartment house building or a part of any single or multiple
49 unit dwelling house be considered a "principal place of business" within the
50 terms and provisions of this title unless the entire ground floor of that ho-

1 tel, apartment house, or rooming house building or dwelling house be devoted
2 principally to and occupied for commercial purposes, and the office or of-
3 fices of the dealer be located on the ground floor.

4 (16) "Private property open to the public" means real property not owned
5 by the federal government or the state of Idaho or any of its political sub-
6 divisions, but is available for vehicular traffic or parking by the general
7 public with the permission of the owner or agent of the real property.

8 (17) "Private road" means every way or place in private ownership and
9 used for vehicular travel by the owner and those having express or implied
10 permission from the owner, but not by other persons.

11 (18) "Proof of financial responsibility" means proof of ability to re-
12 spond in damages for liability, on account of accidents occurring subsequent
13 to the effective date of the proof, arising out of the ownership, mainte-
14 nance or use of a motor vehicle, in the amount of twenty-five thousand dol-
15 lars (\$25,000) because of bodily injury to or death of one (1) person in any
16 one (1) accident, and, subject to the limit for one (1) person, in the amount
17 of fifty thousand dollars (\$50,000) because of bodily injury to or death of
18 two (2) or more persons in any one (1) accident, and in the amount of fifteen
19 thousand dollars (\$15,000) because of injury to or destruction of property
20 of others in any one (1) accident.

21 (19) "Proper authority" means a public highway agency.

22 (20) "Public highway agency" means the state transportation depart-
23 ment, any city, county, highway district or any other state agency which has
24 jurisdiction over public highway systems and public rights-of-way.

25 (21) "Public right-of-way" means a right-of-way open to the public and
26 under the jurisdiction of a public highway agency, where the public highway
27 agency has no obligation to construct or maintain said right-of-way for ve-
28 hicular traffic.

29 (22) "Public road jurisdiction" means a public highway agency.

30 (23) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho
31 Code)