

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 194

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-102, IDAHO CODE, TO DEFINE  
2 A TERM; AMENDING SECTION 49-107, IDAHO CODE, TO DEFINE A TERM; AMENDING  
3 SECTION 49-123, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION  
4 49-401A, IDAHO CODE, TO REVISE A REFERENCE TO CERTAIN AGRICULTURAL  
5 PRODUCTS; AMENDING SECTION 49-613, IDAHO CODE, TO REVISE A REFERENCE TO  
6 CERTAIN AGRICULTURAL PRODUCTS; AMENDING SECTION 49-674, IDAHO CODE, TO  
7 REVISE PROVISIONS RELATING TO HARVEST SEASON; AMENDING SECTION 49-933,  
8 IDAHO CODE, TO REVISE A BRAKING REQUIREMENT EXEMPTION RELATING TO THE  
9 USE OF FARM TRAILERS; AMENDING SECTION 49-948, IDAHO CODE, TO REVISE A  
10 CHAINING REQUIREMENT EXEMPTION RELATING TO THE TRANSPORTATION OF AGRI-  
11 CULTURAL PRODUCTS; AMENDING SECTION 49-1011, IDAHO CODE, TO REVISE AN  
12 EXCEPTION TO CERTAIN WEIGHT RESTRICTION LIMITATIONS AND TO PROVIDE AN  
13 EXCEPTION TO CERTAIN WEIGHT RESTRICTION LIMITATIONS FOR FARM VEHICLES,  
14 VEHICLES THAT ARE OPERATED TO TRANSPORT FOREST PRODUCTS AND CERTAIN  
15 REFUSE OR SANITATION TRUCKS; AND DECLARING AN EMERGENCY.  
16

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

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

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

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

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

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

37 (5) "Administrator" means the federal highway administrator, the chief  
38 executive of the federal highway administration, an agency within the U.S.  
39 department of transportation.

40 (6) "Age of a motor vehicle" means the age determined by subtracting  
41 the manufacturer's year designation of the vehicle from the year in which the  
42 designated registration fee is paid. If the vehicle has the same manufac-

1 turer's year designation as the year in which the fee is paid, or if a vehicle  
 2 has a manufacturer's year designation later than the year in which the fee is  
 3 paid, the vehicle shall be deemed to be one (1) year old.

4 (7) "Agricultural products" means the following unprocessed or pro-  
 5 cessed products:

6 (a) Agricultural, horticultural, floricultural and viticultural prod-  
 7 ucts;

8 (b) Fruits and vegetable products;

9 (c) Field grains, seeds, hay, sod and nursery stock, and other plants,  
 10 plant products, plant byproducts, plant waste and plant compost;

11 (d) Livestock, dairy animals, swine, furbearing animals, poultry,  
 12 eggs, fish and other aquatic species;

13 (e) Other animals, animal products and animal byproducts, animal waste  
 14 and animal compost; and

15 (f) Bees, bee products and bee byproducts.

16 (8) "Air-conditioning equipment" means mechanical vapor compression  
 17 refrigeration equipment which is used to cool the driver's or passenger com-  
 18 partment of any motor vehicle.

19 (~~9~~) "Alcohol or alcoholic beverage" means:

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

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

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

26 (~~10~~) "Alley" means a public way of limited use intended only to provide  
 27 access to the rear or side of lots or buildings in urban districts.

28 (~~11~~) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or  
 29 ATV as defined in section 67-7101, Idaho Code.

30 (~~12~~) "Amateur radio operator." (See "Radio operator, amateur," sec-  
 31 tion 49-119, Idaho Code)

32 (~~13~~) "Ambulance" means a motor vehicle designed and used primarily for  
 33 the transportation of injured, sick, or deceased persons, on stretchers,  
 34 cots, beds, or other devices for carrying persons in a prone position.

35 (~~14~~) "Applicant" means an individual who applies to obtain, transfer,  
 36 upgrade, or renew a driver's license.

37 (~~15~~) "Approved driver training course" means a training course from a  
 38 school licensed under the provisions of chapter 21 of this title or a driver  
 39 training course approved by another United States jurisdiction provided the  
 40 course was taken while an individual was a resident of that United States ju-  
 41 risdiction.

42 (~~16~~) "Approved testing agency" means a person, firm, association,  
 43 partnership or corporation approved by the director of the Idaho state po-  
 44 lice which is:

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

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

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

1 (167) "Armed forces" means the army, navy, marine corps, coast guard and  
2 the air force of the United States.

3 (178) "Authorized emergency vehicle." (See "Vehicle," section 49-123,  
4 Idaho Code)

5 (189) "Authorized officer" means any member of the Idaho state police,  
6 or any regularly employed and salaried deputy sheriff, or other county em-  
7 ployee designated to perform the function of removing abandoned vehicles or  
8 junk vehicles by the board of county commissioners of the county in which a  
9 vehicle is located, or any regularly employed and salaried city peace of-  
10 ficer or other city employee designated to perform the function of removing  
11 abandoned vehicles or junk vehicles by the city council, or a qualified per-  
12 son deputized or appointed by the proper authority as reserve deputy sheriff  
13 or city policeman, authorized within the jurisdiction in which the abandoned  
14 vehicle or junk vehicle is located.

15 (1920) "Authorized transportation department employee" means any em-  
16 ployee appointed by the board to perform duties relating to enforcement of  
17 vehicle laws as have been specifically defined and approved by order of the  
18 board (see section 40-510, Idaho Code).

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

21 SECTION 2. That Section 49-107, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 49-107. DEFINITIONS -- F. (1) "Factory branch" means a branch office  
24 maintained by a person who manufactures or assembles vehicles for sale to  
25 distributors or to dealers, or for directing or supervising, in whole or in  
26 part, its representatives.

27 (2) "Factory representative" means any person and each officer and em-  
28 ployee engaged as a representative of a manufacturer of vehicles or by a fac-  
29 tory branch for the purpose of making or promoting a sale of their vehicles,  
30 or for supervising or contacting their dealers or prospective dealers.

31 (3) "Farm tractor" means every motor vehicle designed or adapted and  
32 used primarily as a farm implement power unit operated with or without other  
33 farm implements attached in any manner consistent with the structural design  
34 of that power unit.

35 (4) "Farm vehicle." (See "Vehicle," section 49-123, Idaho Code)

36 (5) "Federal motor vehicle safety standards (FMVSS)" means those  
37 safety standards established by the national highway traffic safety admin-  
38 istration, under title 49 CFR part 500-599, for the safe construction and  
39 manufacturing of self-propelled motorized vehicles for operation on public  
40 highways. Such vehicles as originally designed and manufactured shall be  
41 so certified by the manufacturer to meet the federal motor vehicle safety  
42 standards or the standards in force for a given model year or as certified by  
43 the national highway traffic safety administration.

44 (6) "Felony" means any offense under state or federal law that is pun-  
45 ishable by death or imprisonment for a term exceeding one (1) year.

46 (7) "Fifth wheel trailer." (See "Trailer," section 49-121, Idaho Code)

47 (8) "Financial institution" means any bank that is authorized to do  
48 business in the state of Idaho and any other financial institution that is  
49 registered with the department of finance.

1 (9) "Flammable liquid" means any liquid which has a flash point of 70  
2 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent  
3 closed-cup test device.

4 (10) "Fleet" means one (1) or more apportionable vehicles.

5 (11) "Fleet registration" means an optional form of registration  
6 through the department rather than a county assessor for registration of  
7 twenty-five (25) or more commercial or farm vehicles or any combination  
8 thereof. This registration is not an option for fleets of rental vehicles.  
9 Terms and conditions are further specified in section 49-434(5), Idaho Code.

10 (12) "Fold down camping trailer." (See "Trailer," section 49-121, Idaho  
11 Code)

12 (13) "Foreign vehicle." (See "Vehicle," section 49-123, Idaho Code)

13 (14) "Forest products" means all products derived from trees including,  
14 but not limited to, saw logs, veneer logs, poles, cedar products, pulp logs,  
15 fence posts and every form into which a fallen tree may be cut before it is  
16 manufactured into lumber or run through a processing mill or cut into cord-  
17 wood, stove wood or hewn ties.

18 (15) "Franchise" means a sales, service and parts agreement or any other  
19 contract or agreement between a dealer and a manufacturer of new vehicles or  
20 its distributor or factory branch by which the dealer is authorized to engage  
21 in the business of selling any specified make or makes of new vehicles.

22 (156) "Full-time salesman" means any person employed as a vehicle  
23 salesman on behalf of a dealer for thirty (30) or more hours per week, and who  
24 sells, purchases, exchanges or negotiates for the sale, purchase or exchange  
25 of five (5) or more vehicles during each year in which his license is in ef-  
26 fect.

27 SECTION 3. That Section 49-123, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an  
30 axle or axles designed to support a part of the vehicle and load and which  
31 can be regulated to vary the amount of load supported by such an axle or axles  
32 and which can be deployed or lifted by the operator of the vehicle. (See also  
33 section 49-117, Idaho Code)

34 (a) "Fully raised" means that the variable load suspension axle is in  
35 an elevated position preventing the tires on such axle from having any  
36 contact with the roadway.

37 (b) "Fully deployed" means that the variable load suspension axle is  
38 supporting a portion of the weight of the loaded vehicle as controlled  
39 by the preset pressure regulator valve.

40 (2) "Vehicle" means:

41 (a) General. Every device in, upon, or by which any person or property  
42 is or may be transported or drawn upon a highway, excepting devices used  
43 exclusively upon stationary rails or tracks.

44 (b) Assembled vehicle or vessel. A vehicle or vessel, not including a  
45 salvage vehicle or vessel, that has been constructed using major compo-  
46 nent parts from two (2) or more vehicles or vessels or that has been re-  
47 paired using new factory major component parts so that the resulting ve-  
48 hicle or vessel has the same appearance as a vehicle or vessel that was  
49 manufactured under a specific make and model by a manufacturer. A vehi-

1 cle or vessel utilizing a kit for the entire body or a glider kit vehicle  
2 is not an assembled vehicle.

3 (c) Authorized emergency vehicle. Vehicles operated by any fire  
4 department or law enforcement agency of the state of Idaho or any po-  
5 litical subdivision of the state, ambulances, vehicles belonging to  
6 personnel of voluntary fire departments while in performance of offi-  
7 cial duties only, vehicles belonging to, or operated by EMS personnel  
8 certified or otherwise recognized by the EMS bureau of the Idaho depart-  
9 ment of health and welfare while in the performance of emergency medical  
10 services, sheriff's search and rescue vehicles which are under the im-  
11 mediate supervision of the county sheriff, wreckers which are engaged  
12 in motor vehicle recovery operations and are blocking part or all of one  
13 (1) or more lanes of traffic, other emergency vehicles designated by the  
14 director of the Idaho state police or vehicles authorized by the Idaho  
15 transportation board and used in the enforcement of laws specified  
16 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand  
17 (10,000) pounds or greater.

18 (d) Commercial vehicle or commercial motor vehicle. For the purposes  
19 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-  
20 ment, a motor vehicle or combination of motor vehicles designed or used  
21 to transport passengers or property if the motor vehicle:

22 (i) Has a manufacturer's gross combination weight rating (GCWR)  
23 in excess of twenty-six thousand (26,000) pounds inclusive of  
24 a towed unit with a manufacturer's gross vehicle weight rating  
25 (GVWR) of more than ten thousand (10,000) pounds; or

26 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in  
27 excess of twenty-six thousand (26,000) pounds; or

28 (iii) Is designed to transport sixteen (16) or more people, in-  
29 cluding the driver; or

30 (iv) Is of any size and is used in the transportation of materials  
31 found to be hazardous for the purposes of the hazardous material  
32 transportation act and which require the motor vehicle to be plac-  
33 arded under the hazardous materials regulations (49 CFR part 172,  
34 subpart F).

35 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle  
36 registration, a vehicle or combination of vehicles of a type used or  
37 maintained for the transportation of persons for hire, compensation or  
38 profit, or the transportation of property for the owner of the vehicle,  
39 or for hire, compensation, or profit, and shall include fixed load spe-  
40 cially constructed vehicles exceeding the limits imposed by chapter  
41 10, title 49, Idaho Code, and including drilling rigs, construction,  
42 drilling and wrecker cranes, log jammers, log loaders, and similar  
43 vehicles which are normally operated in an overweight or oversize  
44 condition or both, but shall not include those vehicles registered pur-  
45 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section  
46 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement  
47 that has a seating capacity for not more than fifteen (15) persons,  
48 including the driver, shall not be a "commercial vehicle" under the pro-  
49 visions of this title relating to equipment requirements, rules of the  
50 road, or registration.

1 (e) Farm vehicle. A vehicle or combination of vehicles owned by a  
2 farmer or rancher, or by their designated agent, which are operated over  
3 public highways, and used exclusively to transport ~~unprocessed~~ agri-  
4 cultural, ~~dairy or livestock~~ products raised, owned and or grown by the  
5 owner of the vehicle to market or place of storage; and shall include  
6 the transportation by the farmer or rancher of any equipment, supplies  
7 or products purchased by that farmer or rancher for his own use, and  
8 used in the farming or ranching operation or used by a farmer partly in  
9 transporting agricultural products or livestock from the farm of an-  
10 other farmer that were originally grown or raised on the farm, or when  
11 used partly in transporting agricultural supplies, equipment, materi-  
12 als or livestock to the farm of another farmer for use or consumption on  
13 the farm but not transported for hire, and shall not include vehicles  
14 of husbandry or vehicles registered pursuant to sections 49-402 and  
15 49-402A, Idaho Code.

16 (f) Foreign vehicle. Every vehicle of a type required to be registered  
17 under the provisions of this title brought into this state from another  
18 state, territory or country other than in the ordinary course of busi-  
19 ness by or through a manufacturer or dealer and not registered in this  
20 state.

21 (g) Glider kit vehicle. Every large truck manufactured from a kit man-  
22 ufactured by a manufacturer of large trucks which consists of a frame,  
23 cab complete with wiring, instruments, fenders and hood and front axles  
24 and wheels. The "glider kit" is made into a complete assembly by the ad-  
25 dition of the engine, transmission, rear axles, wheels and tires.

26 (h) Motor vehicle. Every vehicle which is self-propelled, and for the  
27 purpose of titling and registration meets federal motor vehicle safety  
28 standards as defined in section 49-107, Idaho Code. Motor vehicle does  
29 not include vehicles moved solely by human power, electric personal as-  
30 sistance mobility devices and motorized wheelchairs or other such vehi-  
31 cles that are specifically exempt from titling or registration require-  
32 ments under title 49, Idaho Code.

33 (i) Multipurpose passenger vehicle (MPV). For the purposes of section  
34 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer  
35 persons which is constructed either on a truck chassis or with special  
36 features for occasional off-road operation.

37 (j) Neighborhood electric vehicle (NEV). A self-propelled, electri-  
38 cally powered, four-wheeled motor vehicle which is emission free and  
39 conforms to the definition and requirements for low-speed vehicles as  
40 adopted in the federal motor vehicle safety standards for low-speed ve-  
41 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-  
42 tled, registered and insured according to law as provided respectively  
43 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated  
44 by a licensed driver. Operation of an NEV on a highway shall be allowed  
45 as provided in section 49-663, Idaho Code.

46 (k) Noncommercial vehicle. For the purposes of chapter 4, title 49,  
47 Idaho Code, motor vehicle registration, a noncommercial vehicle shall  
48 not include those vehicles required to be registered under sections  
49 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-  
50 nations of vehicles which are not commercial vehicles or farm vehicles,

1 but shall include motor homes. A noncommercial vehicle shall include  
2 those vehicles having a combined gross weight not in excess of sixty  
3 thousand (60,000) pounds and not held out for hire, used for purposes  
4 related to private use and not used in the furtherance of a business or  
5 occupation for compensation or profit or for transporting goods for  
6 other than the owner.

7 (l) Passenger car. For the purposes of section 49-966, Idaho Code, a  
8 motor vehicle, except a multipurpose passenger vehicle, motorcycle or  
9 trailer, designed to carry ten (10) or fewer persons.

10 (m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previ-  
11 ously determined or declared to be a salvage vehicle that has been re-  
12 built or repaired using like make and model parts and visually appears  
13 as a vehicle or vessel that was originally constructed under a distinc-  
14 tive manufacturer. This includes a salvage vehicle or vessel which is  
15 damaged to the extent that a "rebuilt salvage" brand is required to be  
16 added to the title.

17 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate  
18 any vehicle or vessel previously manufactured, using metal, fiberglass  
19 or other composite materials. Replica vehicles must look like the orig-  
20 inal vehicle being replicated but may use a more modern drive train. At  
21 a minimum, replica vehicles shall meet the same federal motor vehicle  
22 safety and emission standards in effect for the year and type of vehicle  
23 being replicated.

24 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-  
25 vage certificate of title, salvage bill of sale or other documentation  
26 has been issued showing evidence that the vehicle or vessel has been de-  
27 clared salvage or which has been damaged to the extent that the owner,  
28 or an insurer, or other person acting on behalf of the owner, determines  
29 that the cost of parts and labor minus the salvage value makes it uneco-  
30 nomical to repair or rebuild. When an insurance company has paid money  
31 or has made other monetary settlement as compensation for a total loss  
32 of any vehicle or vessel, such vehicle shall be considered to be a sal-  
33 vage vehicle or vessel.

34 (p) Specially constructed vehicle or vessel. Every vehicle or vessel  
35 of a type required to be registered not originally constructed under a  
36 distinctive name, make, model or type by a generally recognized man-  
37 ufacturer of vehicles or vessels and not materially altered from its  
38 original construction and cannot be visually identified as a vehicle or  
39 vessel produced by a particular manufacturer. This includes:

40 (i) A vehicle or vessel that has been structurally modified so  
41 that it does not have the same appearance as a similar vehicle or  
42 vessel from the same manufacturer; or

43 (ii) A vehicle or vessel that has been constructed entirely from  
44 homemade parts and materials not obtained from other vehicles or  
45 vessels; or

46 (iii) A vehicle or vessel that has been constructed by using major  
47 component parts from one (1) or more manufactured vehicles or ves-  
48 sels and cannot be identified as a specific make or model; or

49 (iv) A vehicle or vessel constructed by the use of a custom kit  
50 that cannot be visually identified as a specific make or model.

1 All specially constructed vehicles of a type required to be reg-  
 2 istered shall be certified by the owner to meet all applicable  
 3 federal motor vehicle safety standards in effect at the time con-  
 4 struction is completed, and all requirements of chapter 9, title  
 5 49, Idaho Code.

6 (q) Specialty off-highway vehicle. A specialty off-highway vehicle as  
 7 defined in section 67-7101, Idaho Code.

8 (r) Tank vehicle.

9 (i) Any commercial motor vehicle transporting, or designed to  
 10 transport, any liquid or gaseous materials within:

11 1. A tank that is either permanently or temporarily attached  
 12 or secured to the vehicle or chassis and has a rated capacity  
 13 of one thousand (1,000) gallons or more; or

14 2. Multiple tanks either permanently or temporarily at-  
 15 tached or secured, when the aggregate rated capacity of  
 16 those tanks is one thousand (1,000) gallons or more, as de-  
 17 termined by adding the capacity of each individual tank with  
 18 a capacity of more than one hundred nineteen (119) gallons.

19 (ii) If a commercial motor vehicle transports one (1) or more  
 20 tanks that are manifested either as empty or as residue and that  
 21 are actually empty or contain only residue, those tanks shall not  
 22 be considered in determining whether the vehicle is a tank vehi-  
 23 cle.

24 (s) Total loss vehicle. Every vehicle that is deemed to be uneconomi-  
 25 cal to repair. A total loss shall occur when an insurance company or any  
 26 other person pays or makes other monetary settlement to the owner when  
 27 it is deemed to be uneconomical to repair the damaged vehicle. The com-  
 28 pensation for total loss as defined herein shall not include payments  
 29 by an insurer or other person for medical care, bodily injury, vehicle  
 30 rental or for anything other than the amount paid for the actual damage  
 31 to the vehicle.

32 (3) "Vehicle identification number." (See "identifying number," sec-  
 33 tion 49-110, Idaho Code)

34 (4) "Vehicle salesman" means any person who, for a salary, commission  
 35 or compensation of any kind, is employed either directly or indirectly, or  
 36 regularly or occasionally by any dealer to sell, purchase or exchange, or to  
 37 negotiate for the sale, purchase or exchange of vehicles. (See also "full-  
 38 time salesman," section 49-107, Idaho Code, and "part-time salesman," sec-  
 39 tion 49-117, Idaho Code)

40 (5) "Vessel." (See section 67-7003, Idaho Code)

41 (6) "Veteran." (See section 65-502, Idaho Code)

42 (7) "Violation" means a conviction of a misdemeanor charge involving a  
 43 moving traffic violation, or an admission or judicial determination of the  
 44 commission of an infraction involving a moving traffic infraction, except  
 45 bicycle infractions.

46 SECTION 4. That Section 49-401A, Idaho Code, be, and the same is hereby  
 47 amended to read as follows:

48 49-401A. OWNER TO SECURE REGISTRATION FROM A COUNTY ASSESSOR OR THE  
 49 DEPARTMENT. (1) Every owner of a motor vehicle, trailer or semitrailer who



1 intends to operate the vehicle upon any highway in this state shall before  
 2 the same is so operated, apply to a county assessor and obtain registration  
 3 for vehicles in sections 49-402(1) through (3), 49-402A, 49-402B and 49-422,  
 4 Idaho Code. All others shall be obtained from the department except as pro-  
 5 vided in subsection (2) of this section. Owners of vehicles specified in  
 6 section 49-426, Idaho Code, are exempt from the provisions of this section.  
 7 Owners of vehicles operating on a temporary basis as provided in sections  
 8 49-431(3), 49-432 and 49-433, Idaho Code, are exempt from the provisions of  
 9 this section to the extent that the temporary permits in use are unexpired.

10 (2) Commercial vehicles in excess of twenty-six thousand (26,000)  
 11 pounds gross weight, farm and noncommercial vehicles in excess of sixty  
 12 thousand (60,000) pounds gross weight and all vehicles registered under  
 13 section 49-435, Idaho Code, shall be registered by the department. All other  
 14 commercial, farm and noncommercial vehicles and the vehicles in paragraphs  
 15 (a), (b), and (c) of this subsection, shall be registered by the county as-  
 16 sessor.

17 (a) Motor vehicles equipped primarily to haul passengers on a commer-  
 18 cial basis, doing strictly an intrastate business, and having gross  
 19 weights of twenty-six thousand (26,000) pounds or less.

20 (b) Any farm vehicle or combination of vehicles where each vehicle or  
 21 combination of vehicles shall not exceed a gross weight of sixty thou-  
 22 sand (60,000) pounds.

23 (c) Nonresident vehicles or combination of vehicles owned by transient  
 24 labor used in hauling ~~unprocessed~~ agricultural products for hire and  
 25 not exceeding sixty thousand (60,000) pounds gross weight shall regis-  
 26 ter their vehicle for the appropriate gross weight scale for the annual  
 27 fee if registered on or before June 30, and for one-half (1/2) the annual  
 28 fee if not registered until on or after July 1 of any year, with the as-  
 29 sessor of the county in which the owner resides.

30 (3) Commercial, farm and noncommercial vehicles of any weight doing  
 31 strictly an intrastate business may be registered by the county assessor by  
 32 mutual agreement between the department and the county.

33 SECTION 5. That Section 49-613, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35 49-613. PUTTING GLASS OR OTHER INJURIOUS MATERIALS ON HIGHWAY PROHIB-  
 36 ITED. The following shall apply to persons and vehicles not otherwise ex-  
 37 empted from the application of this section by federal or state law:

38 (1) No person shall throw or deposit upon any highway any glass bottle,  
 39 glass, nails, tacks, wire, cans, or any other substance likely to injure any  
 40 person, animal or vehicle upon the highway.

41 (2) Any person who drops, or permits to be dropped or thrown, upon any  
 42 highway any destructive or injurious material shall immediately remove that  
 43 material or cause it to be removed.

44 (3) Any person removing a wrecked or damaged vehicle from a highway  
 45 shall remove any glass or other injurious substance dropped upon the highway  
 46 from that vehicle.

47 (4) No vehicle shall be operated on any public highway unless such vehi-  
 48 cle's load is secured to prevent the load from becoming loose, detached or a  
 49 hazard to other users of the highway.

1 (5) No person may operate on any public highway any vehicle with any  
2 load unless the load is secured and such covering as required thereon by sub-  
3 section (6) of this section is securely fastened to prevent the covering or  
4 load from becoming loose, detached or a hazard to other users of the highway.

5 (6) Any vehicle operating on a paved public highway with a load of dirt,  
6 sand or gravel susceptible to being dropped, spilled, leaked or otherwise  
7 escaping therefrom shall be covered so as to prevent spillage. Covering of  
8 such loads is not required if six (6) inches of freeboard is maintained.

9 (7) The provisions of subsections (5) and (6) of this section shall not  
10 apply to a government, quasi-government, their agents or employees or con-  
11 tractors thereof, in performance of maintenance or construction of a high-  
12 way.

13 (8) The provisions of subsections (4), (5) and (6) of this section  
14 shall not apply to vehicles owned by canal companies, irrigation districts,  
15 drainage districts or their boards of control, lateral ditch associations,  
16 water districts or other irrigation water delivery or management entities,  
17 or operated by any employee or agent of such an entity, performing construc-  
18 tion, operation or maintenance of facilities.

19 (9) The provisions of subsections (4), (5) and (6) of this section shall  
20 not apply to vehicles transporting ~~processed or unprocessed~~ agricultural  
21 products, agricultural byproducts, agricultural materials or agricultural  
22 inputs.

23 SECTION 6. That Section 49-674, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 49-674. HARVEST SEASON. Harvest season for the purpose of vehicles  
26 transporting agricultural products, ~~including fresh fruits and vegeta-~~  
27 ~~bles, livestock, livestock feed, products of the forest or manure,~~ shall be  
28 year-round.

29 SECTION 7. That Section 49-933, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 49-933. BRAKES. (1) Every motor vehicle, other than a motorcycle or  
32 motor-driven cycle, when operated upon a highway shall be equipped with  
33 brakes adequate to control the movement of and to stop and hold the vehicle,  
34 including two (2) separate means of applying the brakes, each of which means  
35 shall be effective to apply the brakes to at least two (2) wheels. If the  
36 two (2) separate means of applying the brakes are connected in any way, they  
37 shall be so constructed that failure of any one (1) part of the operating  
38 mechanism shall not leave the motor vehicle without brakes on at least two  
39 (2) wheels.

40 (2) Every motorcycle and every motor-driven cycle, when operated upon a  
41 highway, shall be equipped with at least one (1) brake, which may be operated  
42 by hand or foot.

43 (3) Every trailer or semitrailer of an unladen weight of one thousand  
44 five hundred (1,500) pounds or more when operated upon a highway shall be  
45 equipped with brakes adequate to control the movement of and to stop and hold  
46 the vehicle and be designed to be applied by the driver of the towing motor  
47 vehicle from its cab. The brakes shall be designed and so connected that in

1 case of an accidental breakaway of the towed vehicle, the brakes shall be au-  
 2 tomatically applied.

3 (4) Every new motor vehicle, trailer, or semitrailer sold in this state  
 4 and operated upon the highways shall be equipped with service brakes upon  
 5 all wheels of the vehicle, except that any motorcycle or motor-driven cycle,  
 6 trucks and truck tractors having three (3) or more axles need not have brakes  
 7 on the front wheels. Vehicles equipped with at least two (2) steerable  
 8 axles need not be equipped with brakes on the wheels of one (1) axle, and any  
 9 trailer or semitrailer of less than one thousand five hundred (1,500) pounds  
 10 unladen weight need not be equipped with brakes. Every farm trailer while  
 11 being used hauling agricultural products ~~or livestock~~ from farm to storage,  
 12 marketing or processing plant, or returning therefrom, and used within a  
 13 radius of fifty (50) miles, shall be exempt from these braking requirements.

14 (5) One (1) of the means of brake operation shall consist of a mechani-  
 15 cal connection from the operating lever, or by equivalent means to the brake  
 16 shoes or bands, and this brake shall be capable of holding the vehicle, or  
 17 combination of vehicles, stationary under any condition of loading on any  
 18 upgrade or downgrade upon which it is operated.

19 (6) Brake shoes operating within or upon the drums on the vehicle wheels  
 20 of any motor vehicle may be used for both service and hand operation.

21 (7) Every motor vehicle or combination of vehicles, at all times and un-  
 22 der all conditions of loading, shall, upon application of the service (foot)  
 23 brake, be capable of decelerating and developing a braking force equivalent  
 24 to minimum required deceleration, and stopping within the requirements set  
 25 forth in this subsection:

	Stopping distance in feet	Deceleration in feet per second	Equivalent braking force in percentage of vehicle or combination weight
26 Passenger vehicles, 27 not including buses . . . . .	25	17	53.0%
28 Single-unit vehicles with a 29 manufacturer's gross vehicle 30 weight rating of less than 31 10,000 pounds . . . . .	30	14	43.5%

	Stopping distance in feet	Deceleration in feet per second	Equivalent braking force in percentage of vehicle or combination weight
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds . . . .	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds . . . .	50	14	43.5%

Compliance with these standards shall be determined either by actual road tests conducted on a substantially level, not to exceed a plus or minus one per cent (1%) grade, dry, smooth, hard-surfaced road that is free from loose material, with stopping distances measured from the actual instant braking controls are moved and from an initial speed of twenty (20) miles per hour; or else by suitable mechanical tests in a testing lane which recreates the same conditions; or by a combination of both methods.

(8) All brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

SECTION 8. That Section 49-948, Idaho Code, be, and the same is hereby amended to read as follows:

49-948. RESTRICTIONS AS TO TIRE EQUIPMENT. (1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the highway.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except as allowed herein. It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and it shall be permissible to use tire chains. Tires with built-in lugs of tungsten carbide or other suitable material, hereinafter called studs, may be used upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, that will not unduly damage the highway. Motor vehicles, trailers and semitrailers with tires having built-in studs are prohibited on public highways between the

1 dates of May 1 and September 30, annually, except as provided in paragraphs  
2 (a), (b) and (c) of this subsection:

3 (a) Fire pumper/tanker trucks and ladder trucks belonging to fire  
4 departments and firefighting agencies are exempt from the prohibited  
5 dates.

6 (b) A vehicle may be equipped year-round with tires that have re-  
7 tractable studs if the studs retract pneumatically or mechanically to  
8 at or below the wear bar of the tire when not in use and the retractable  
9 studs protrude beyond the wear bar of the tire only between October 1  
10 and April 30. Retractable studs may be made of metal or other material  
11 and are not subject to the stud weight requirements of subsection (4) of  
12 this section.

13 (c) Special exemptions from the prohibited dates may be granted by the  
14 Idaho transportation board if it is found by the board that enhancements  
15 to public safety outweigh the increased pavement wear.

16 (4) Commercial tire retailers shall not sell studded tires with studs  
17 exceeding the following weight and protrusion limitations after July 1,  
18 2005. Commercial tire retailers and tire shops shall not manually install  
19 studs exceeding the following weight and protrusion limitations after July  
20 1, 2005.

21 (a) Studs shall not protrude more than six-hundredths (.06) of an inch  
22 from the surface of the tire tread when originally installed.

23 (b) Stud size shall be as recommended by the manufacturer of the tire  
24 for the type and size of the tire.

25 (c) Studs shall individually weigh no more than one and one-half (1.5)  
26 grams if the stud is size 14 or less.

27 (d) Studs shall individually weigh no more than two and three-tenths  
28 (2.3) grams if the stud size is 15 or 16.

29 (e) Studs shall individually weigh no more than three (3) grams if the  
30 stud size is 17 or larger.

31 (5) If the Idaho transportation department determines, at any time,  
32 that Lookout Pass or Fourth of July Pass on interstate 90 or Lolo Pass on  
33 state highway 12 is of an unsafe condition so as to require chains, as defined  
34 in section 49-104, Idaho Code, in addition to pneumatic tires, the Idaho  
35 transportation department may establish requirements for the use of chains  
36 on all commercial vehicles as defined in section 49-123(2)(d)(i) and (ii),  
37 Idaho Code, traveling on interstate 90 or state highway 12. If the Idaho  
38 transportation department establishes that chains are so required, the  
39 Idaho transportation department shall:

40 (a) Provide multiple advance notices of the chain requirement;

41 (b) Provide adequate opportunities for pull out;

42 (c) Provide notification at a point at which the commercial vehicle  
43 can safely pull out of the normal flow of traffic, prior to the point at  
44 which chains are required; and

45 (d) In no case post requirements for chains on bare pavement.

46 (6) Provided that the conditions in subsection (5) of this section are  
47 met, the chain requirement shall be met by chaining a minimum of one (1) tire  
48 on each side of:

49 (a) One (1) drive axle, regardless of the number of drive axles; and

1 (b) One (1) axle at or near the rear of each towed vehicle. Such axle  
2 shall not include a variable load suspension axle or an axle of a con-  
3 verter dolly.

4 (7) Chains as required in subsection (6) (a) and (b) of this section mean  
5 "chains" as defined in section 49-104, Idaho Code. Any other traction de-  
6 vice differing from chains in construction, material or design but capable  
7 of providing traction equal to or exceeding that of chains under similar con-  
8 ditions may be used.

9 (8) The Idaho transportation department shall place and maintain signs  
10 and other traffic control devices on the interstate and state highway passes  
11 as designated in subsection (5) of this section that indicate the chain re-  
12 quirements under subsection (6) of this section.

13 (9) Exempt from the chaining requirements provided for in subsections  
14 (5) and (6) of this section are:

15 (a) Motor vehicles operated by the Idaho transportation department  
16 when used in the maintenance of the interstate or state highway system;  
17 and

18 (b) The following:

19 (i) Motor vehicles employed solely in transporting school chil-  
20 dren and teachers to or from school or to or from approved school  
21 activities, when the motor vehicle is either:

22 1. Wholly owned and operated by such school; or

23 2. Leased or contracted by such school and the motor vehi-  
24 cle is not used in furtherance of any other commercial enter-  
25 prise;

26 (ii) Motor vehicles controlled and operated by any farmer when  
27 used in the transportation of the farmer's farm equipment or in the  
28 transportation of supplies to the farmer's farm;

29 (iii) The transportation of agricultural products ~~including fresh~~  
30 ~~fruits and vegetables, livestock, livestock feed or manure~~ at any  
31 time of the year;

32 (iv) Motor propelled vehicles for the sole purpose of carrying  
33 United States mail or property belonging to the United States;

34 (v) Motor carriers transporting products of the forest at any  
35 time of the year, including chip trucks;

36 (vi) Motor carriers transporting products of the mine including  
37 sand, gravel and aggregates thereof, excepting petroleum prod-  
38 ucts; and

39 (vii) Vehicles properly equipped, designed and customarily used  
40 for the transportation of disabled or abandoned vehicles by means  
41 of a crane, hoist, tow bar, dolly or roll bed, commonly known as a  
42 "wrecker truck" or "tow truck."

43 SECTION 9. That Section 49-1011, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

45 49-1011. EXCEPTION TO WEIGHT AND SIZE LIMITATIONS. (1) If federal law  
46 permits the several states to establish size and weight limits in excess of  
47 those prescribed in sections 49-1001 and 49-1010, Idaho Code, the board,  
48 as provided in subsection (2) of this section, may authorize the movement  
49 on highways under its jurisdiction of vehicles, motor vehicles, trailers

1 and/or semitrailers, or combinations thereof, of a size or weight in excess  
2 of the limits prescribed in sections 49-1001 and 49-1010, Idaho Code, but  
3 within the limits necessary to qualify for federal-aid highway funds.

4 (2) The authority granted the board by the provisions of this section  
5 shall be exercised by adoption of rules or regulations pursuant to section  
6 40-312, Idaho Code, or by issuance of permits pursuant to section 49-1004,  
7 Idaho Code, except that the maximum size and weight limits authorized in this  
8 section apply.

9 ~~Vehicles owned and operated by a farmer or designated agents trans-~~  
10 ~~porting agricultural products~~ The following vehicles may be operated on any  
11 highway, ~~except a highway~~ that is not part of the federal-aid interstate sys-  
12 tem, up to two thousand (2,000) pounds in excess of any axle, bridge or gross  
13 vehicle weight limit established in section 49-1001, Idaho Code, as deter-  
14 mined by the vehicle operator:

15 (a) Farm vehicles;

16 (b) Vehicles that are operated to transport forest products; and

17 (c) Refuse or sanitation trucks that are operated by a city, county  
18 or state agency, or by a designated agent of the agency, to transport  
19 refuse.

20 Such extra weight shall not apply to posted bridge weights or other seasonal  
21 or temporary weight limit postings.

22 SECTION 10. An emergency existing therefor, which emergency is hereby  
23 declared to exist, this act shall be in full force and effect on and after its  
24 passage and approval.