

IN THE SENATE

SENATE BILL NO. 1143

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO DRIVING WITHOUT MOTOR VEHICLE INSURANCE; AMENDING SECTION
2 49-1229, IDAHO CODE, TO PROVIDE A FELONY PENALTY FOR A THIRD OR SUBSE-
3 QUENT VIOLATION OF DRIVING WITHOUT REQUIRED MOTOR VEHICLE INSURANCE
4 WITHIN A PERIOD OF FIVE YEARS.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 49-1229, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 49-1229. REQUIRED MOTOR VEHICLE INSURANCE. (1) Every owner of a mo-
10 tor vehicle which is registered and operated in Idaho by the owner or with
11 his permission shall continuously, except as provided in section 41-2516,
12 Idaho Code, provide insurance against loss resulting from liability imposed
13 by law for bodily injury or death or damage to property suffered by any per-
14 son caused by maintenance or use of motor vehicles described therein in an
15 amount not less than that required by section 49-117, Idaho Code, and shall
16 demonstrate the existence of any other coverage required by this title or a
17 certificate of self-insurance issued by the department pursuant to section
18 49-1224, Idaho Code, for each motor vehicle to be registered.

19 (2) A motor vehicle owner who prefers to post an indemnity bond with the
20 director of the department of insurance in lieu of obtaining a policy of lia-
21 bility insurance may do so. Such bond shall guarantee that any loss result-
22 ing from liability imposed by law for bodily injury, death or damage to prop-
23 erty suffered by any person caused by accident and arising out of the opera-
24 tion, maintenance and use of the motor vehicle sought to be registered shall
25 be paid within thirty (30) days. The indemnity bonds shall guarantee payment
26 in an amount no less than fifty thousand dollars (\$50,000) for any one (1) ac-
27 cident of which fifteen thousand dollars (\$15,000) is for property damage,
28 for each vehicle registered up to a maximum of one hundred twenty thousand
29 dollars (\$120,000) for five (5) or more vehicles.

30 (3) Any bond given in connection with this chapter shall be, and shall
31 be construed to be, a continuing instrument and shall cover the period for
32 which the motor vehicle is to be registered and operated. Such bond shall be
33 on a form approved by the director of insurance with a surety company autho-
34 rized to do business in the state.

35 (4) A motor carrier shall continuously provide insurance against loss
36 resulting from liability imposed by law or by rule of the department and
37 shall comply with the insurance requirements of section 49-1233, Idaho Code.

38 (5) It is an infraction punishable by a fine of seventy-five dollars
39 (\$75.00) for any person to violate the provisions of this section for the
40 first time. A second ~~and any subsequent conviction for a violation of the~~
41 provisions of this section or the provisions of section 49-1232 or 49-1428,
42 Idaho Code, within a period of five (5) years shall be a misdemeanor, punish-

1 able by a fine not exceeding one thousand dollars (\$1,000), or by imprison-
2 ment in the county jail not exceeding six (6) months, or both. Any subsequent
3 conviction for a violation of the provisions of this section or the provi-
4 sions of section 49-1232 or 49-1428, Idaho Code, within a period of five (5)
5 years shall be a felony. The department shall notify any person convicted of
6 a violation of this section of the penalties which may be imposed for a second
7 and any subsequent conviction.