

IN THE SENATE

SENATE BILL NO. 1283, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; REPEALING SECTION 49-1401A, IDAHO CODE, RELAT-  
2 ING TO TEXTING WHILE DRIVING; AND AMENDING CHAPTER 14, TITLE 49, IDAHO  
3 CODE, BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO DEFINE  
4 TERMS, TO PROHIBIT PERSONS FROM OPERATING A MOTOR VEHICLE WHILE USING  
5 A MOBILE ELECTRONIC DEVICE, TO PROVIDE EXCEPTIONS, TO PROHIBIT PERSONS  
6 FROM OPERATING A MOTOR VEHICLE WHILE WEARING EARPHONES, TO PROHIBIT  
7 CERTAIN ACTIONS REGARDING SOCIAL NETWORKING SITES, TO PROHIBIT CERTAIN  
8 ACTIONS REGARDING PERSONS OPERATING A SCHOOL BUS, TO PROVIDE PENALTIES  
9 AND TO PROVIDE THAT LAW ENFORCEMENT OFFICERS MAY TAKE CERTAIN ACTIONS.  
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section [49-1401A](#), Idaho Code, be, and the same is hereby  
13 repealed.

14 SECTION 2. That Chapter 14, Title 49, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 49-1401A, Idaho Code, and to read as follows:

17 49-1401A. DISTRACTED DRIVING. (1) As used in this section:

18 (a) "Mobile electronic device" means any handheld or portable elec-  
19 tronic device capable of providing wireless data or voice communication  
20 between two (2) or more persons or for amusement, including a cellular  
21 telephone; broadband personal communication device; two-way messag-  
22 ing device; text messaging device; pager; electronic device that can  
23 receive or transmit text or character-based images, access or store  
24 data or connect to the internet; personal digital assistant; laptop  
25 computer; computer tablet; stand-alone computer; portable computing  
26 device; mobile device with a touchscreen display that is designed to be  
27 worn; electronic games; equipment that is capable of playing a video,  
28 taking photographs, capturing images or recording or transmitting  
29 video; and any similar device that is readily removable from a vehicle  
30 and is used to write, send or read text or data or capture images or video  
31 through manual input. "Mobile electronic device" does not include a ra-  
32 dio designed for the citizens band service or the amateur radio service  
33 of the federal communications commission or a commercial two-way radio  
34 communications device.

35 (b) "Operate" means to drive or assume physical control of a motor ve-  
36 hicle in motion upon a public way, street, road or highway. "Operate"  
37 does not include a motor vehicle that is lawfully parked or an automated  
38 vehicle with an SAE level 5 automated driving system performing dynamic  
39 driving tasks in automated mode as referenced in SAE international  
40 standard J3016 (2014).

1 (c) "Social networking site" means any web-based service that allows  
2 individuals to construct a profile within a founded system and communi-  
3 cate with other users of the site.

4 (2) Except as provided in this subsection, a person shall not operate a  
5 motor vehicle while using a mobile electronic device. The provisions of this  
6 subsection shall not apply to:

7 (a) A law enforcement officer, firefighter, emergency medical techni-  
8 cian, paramedic, operator of an authorized emergency vehicle or sim-  
9 ilarly engaged paid or volunteer public safety first responder during  
10 the performance of that person's official duties, and a public utility  
11 employee or contractor acting within the scope of that person's employ-  
12 ment when responding to a public utility emergency;

13 (b) The use of a mobile electronic device for emergency purposes, in-  
14 cluding a text messaging device to contact a 911 system, an emergency  
15 call to a law enforcement agency, health care provider, fire department  
16 or other emergency services agency or entity; reporting a fire, traffic  
17 accident, serious road hazard or medical or hazardous materials emer-  
18 gency to appropriate authorities; reporting the operator of another mo-  
19 tor vehicle who is driving in a reckless or otherwise unsafe manner or  
20 who appears to be driving under the influence of alcohol or drugs; or re-  
21 porting a crime;

22 (c) The use of a global positioning or navigation system feature of a  
23 mobile electronic device, provided that the operator of the vehicle is  
24 not manually entering information into the global positioning or navi-  
25 gation system feature of the device;

26 (d) Reading, selecting or entering a telephone number or name in a mo-  
27 bile electronic device for the purpose of making or receiving a tele-  
28 phone call or if a person otherwise activates or deactivates a feature  
29 or function of a mobile electronic device;

30 (e) The use of a mobile electronic device in a voice-operated or hands-  
31 free mode if the operator of the motor vehicle does not use his hands to  
32 operate the device, except to activate or deactivate a feature or func-  
33 tion of the device; or

34 (f) The use of a mobile electronic device by a governmental or commer-  
35 cial user as long as the mobile electronic device is being used in a sim-  
36 ilar manner as a commercial two-way radio communication device.

37 (3) No person shall operate a motor vehicle while wearing headphones or  
38 earphones in both ears simultaneously for the purposes of listening to mu-  
39 sic, video or other sound broadcasts.

40 (4) No person shall access, read or post to a social networking site  
41 while operating a motor vehicle.

42 (5) No person shall operate a school bus that is transporting one (1) or  
43 more children while using a mobile electronic device, except for emergency  
44 purposes as provided in subsection (2) (b) of this section.

45 (6) A violation of this section shall be a moving violation and shall be  
46 an infraction punishable by a fine of one hundred dollars (\$100). For each  
47 subsequent offense, the offender shall be punished by a fine of two hundred  
48 fifty dollars (\$250).

49 (7) If a person is involved in an accident at the time of the violation  
50 of this section, the fine shall be double the amount of the fine imposed under

1 subsection (6) of this section, and the law enforcement officer investigat-  
2 ing the accident shall indicate in any written accident report that the per-  
3 son was using a mobile electronic device at the time of the accident.

4 (8) A court may suspend a person's driver's license for up to ninety  
5 (90) days if the person has three (3) or more convictions for violations of  
6 this section within a three (3) year period.

7 (9) A law enforcement officer enforcing the provisions of this section  
8 may treat a violation of this section as the primary or sole reason for issu-  
9 ing a citation to a driver.