

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 76

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO ELECTRIC-ASSISTED BICYCLES; AMENDING SECTION 40-616, IDAHO
2 CODE, TO PROVIDE FOR ELECTRIC-ASSISTED BICYCLES; AMENDING SECTION
3 49-106, IDAHO CODE, TO PROVIDE A DEFINITION AND TO MAKE TECHNICAL COR-
4 RECTIONS; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE DEFINITIONS
5 AND PROVIDE A DEFINITION; AMENDING SECTION 49-123, IDAHO CODE, TO PRO-
6 VIDE FOR ELECTRIC-ASSISTED BICYCLES AND TO MAKE TECHNICAL CORRECTIONS;
7 AMENDING SECTION 49-310, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR ELEC-
8 TRIC-ASSISTED BICYCLES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
9 SECTION 49-720, IDAHO CODE, TO PROVIDE FOR ELECTRIC-ASSISTED BICYCLES,
10 TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS;
11 AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW
12 SECTION 49-725, IDAHO CODE, TO PROVIDE FOR RIGHTS AND DUTIES OF ELEC-
13 TRIC-ASSISTED BICYCLES; AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY
14 THE ADDITION OF A NEW SECTION 49-726, IDAHO CODE, TO PROVIDE EXEMPTION
15 FROM INSURANCE, LICENSING, AND REGISTRATION FOR ELECTRIC-ASSISTED BI-
16 CYCLES; AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF
17 A NEW SECTION 49-727, IDAHO CODE, TO PROVIDE FOR THE LABELING OF ELEC-
18 TRIC-ASSISTED BICYCLES; AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY
19 THE ADDITION OF A NEW SECTION 49-728, IDAHO CODE, TO PROVIDE FOR PATH USE
20 BY ELECTRIC-ASSISTED BICYCLES; AND AMENDING CHAPTER 7, TITLE 49, IDAHO
21 CODE, BY THE ADDITION OF A NEW SECTION 49-729, IDAHO CODE, TO PROVIDE FOR
22 VIOLATIONS.
23

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

25 SECTION 1. That Section 40-616, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 40-616. SIDEWALKS OR SIDE PATHS. Commissioners and boards of commis-
28 sioners of any highway district are empowered to set apart on and along any
29 public highway outside the boundaries of incorporated cities a strip of land
30 not exceeding eight (8) feet in width for a sidewalk or side path and to make
31 an order designating the width of the path and to cause the line separating
32 the path from the highway proper to be located and marked with stakes, posts,
33 grade or other marker. After the sidewalks and paths have been set apart and
34 the line separating them from the highway has been located and marked, the
35 use shall be restricted to pedestrians, and riders of bicycles propelled
36 solely by the power of the rider, and riders of electric-assisted bicycles,
37 if not otherwise prohibited by local ordinance or by signage posted by the
38 public agency with jurisdiction after notice by inclusion on a governing
39 board agenda.

40 SECTION 2. That Section 49-106, Idaho Code, be, and the same is hereby
41 amended to read as follows:

1 49-106. DEFINITIONS -- E. (1) "Electric-assisted bicycle" means a bi-
 2 cycle equipped with fully operable pedals and an electric motor of less than
 3 seven hundred fifty (750) watts and that meets one (1) of the following re-
 4 quirements:

5 (a) "Class 1 electric-assisted bicycle" means an electric-assisted bi-
 6 cycle equipped with a motor that provides assistance only when the rider
 7 is pedaling and ceases when the rider stops pedaling or when the bicycle
 8 reaches the speed of twenty (20) miles per hour.

9 (b) "Class 2 electric-assisted bicycle" means an electric-assisted bi-
 10 cycle equipped with a motor that may be used exclusively to propel the
 11 bicycle and that is not capable of providing assistance when the bicycle
 12 reaches the speed of twenty (20) miles per hour.

13 (c) "Class 3 electric-assisted bicycle" means an electric-assisted bi-
 14 cycle equipped with a motor that provides assistance only when the rider
 15 is pedaling and ceases when the rider stops pedaling or when the bicycle
 16 reaches the speed of twenty-eight (28) miles per hour.

17 (2) "Electric personal assistive mobility device" means a self-balanc-
 18 ing two (2) nontandem wheeled device designed to transport only one (1) per-
 19 son, with an electric propulsion system that limits the maximum speed of the
 20 device to fifteen (15) miles per hour or less.

21 (23) "Emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

22 (34) "Encumbrance." (See "Lien," section 49-113, Idaho Code)

23 (45) "EPA" means the environmental protection agency of the United
 24 States.

25 (56) "Essential parts" means all integral and body parts of a vehicle
 26 of a type required to be registered, the removal, alteration or substitution
 27 of which would tend to conceal the identity of the vehicle or substantially
 28 alter its appearance, model, type or mode of operation.

29 (67) "Established place of business" means a place occupied either con-
 30 tinuously or at regular periods by a dealer or manufacturer where his books
 31 and records are kept and a large share of his business is transacted.

32 (78) "Excessive" or "unusual noise" means any sound made by a passen-
 33 ger motor vehicle or a motorcycle at any time under any condition of grade,
 34 speed, acceleration or deceleration, which exceeds ninety-two (92) deci-
 35 bels, or any lower decibel level that is fixed by law or rules adopted by the
 36 board of health and welfare, on the "A" scale of a general radio company No.
 37 1551-B sound level meter, or equivalent, stationed at a distance of not less
 38 than twenty (20) feet to the side of a vehicle or motorcycle as the vehicle or
 39 motorcycle passes the soundmeter or is stationed not less than twenty (20)
 40 feet from a stationary motor or engine.

41 (89) "Excessive speed" means any speed of fifteen (15) miles per hour
 42 or more above the posted speed limit, and is only for purposes of determining
 43 disqualification of commercial driving privileges.

44 (910) "Executive head," as used in chapter 20, title 49, Idaho Code,
 45 means the governor of the state of Idaho.

46 (101) "Explosives" means any chemical compound or mechanical mixture
 47 that is commonly used or intended for the purpose of producing an explosion
 48 and which contains any oxidizing and combusive units or other ingredients
 49 in proportions, quantities or packing that an ignition by fire, by friction,
 50 by concussion, by percussion or by detonator of any part of the compound or

1 mixture may cause a sudden generation of highly heated gases with which the
 2 resultant gaseous pressures are capable of producing destructive effects on
 3 contiguous objects or of destroying life or limb.

4 (1~~1~~2) "Extraordinary circumstances" means any situation where an emer-
 5 gency exists or public safety is endangered, or any situation in which a ve-
 6 hicle:

- 7 (a) Is blocking or impeding traffic; or
- 8 (b) Is causing a hazard; or
- 9 (c) Has the potential of impeding any emergency vehicle; or
- 10 (d) Is impeding any snow removal or other road maintenance operation;
- 11 or
- 12 (e) Has been stolen but not yet reported as recovered; or
- 13 (f) Is not registered, or displays a license plate registration tag
- 14 which has been expired; or
- 15 (g) Has been involved in an accident and remains on the highway; or
- 16 (h) The driver of which has been arrested.

17 SECTION 3. That Section 49-114, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 49-114. DEFINITIONS -- M. (1) "Major component part" for vehicles
 20 means a rear or rear clip, frame or subframe, body or center, passenger area,
 21 cab, front or front end assembly or front clip or nose section or roof of pas-
 22 senger compartment. "Major component part" for vessels means a hull, bow,
 23 gunnel, stern or transom, or permanently attached propulsion unit.

24 (2) "Manifest" means a form used for identifying the quantity, compo-
 25 sition, origin, routing, waste or material identification code and desti-
 26 nation of hazardous material or hazardous waste during any transportation
 27 within, through, or to any destination in this state.

28 (3) "Manufactured home." (See section 39-4105, Idaho Code)

29 (4) "Manufacturer" means every person engaged in the business of con-
 30 structing or assembling vehicles of a type required to be registered at an
 31 established place of business in this state. The term, for purposes of sec-
 32 tions 49-1613 through 49-1615, 49-1617, 49-1622 and 49-1623, Idaho Code,
 33 shall include a distributor and other factory representatives.

34 (5) "Manufacturer's year designation" means the model year designated
 35 by the vehicle manufacturer, and not the year in which the vehicle is, in
 36 fact, manufactured.

37 (6) "Maximum gross weight" means the scale weight of a vehicle,
 38 equipped for operation, to which shall be added the maximum load to be car-
 39 ried as declared by the owner in making application for registration. When
 40 a vehicle against which a registration fee is assessed is a combination of
 41 vehicles, the term "maximum gross weight" means the combined maximum gross
 42 weights of all vehicles in the combination.

43 (7) "Metal tire." (See "Tires," section 49-121, Idaho Code)

44 (8) "Mileage" means actual distance that a vehicle has traveled.

45 (9) "Moped" means a limited-speed motor-driven cycle having wheels
 46 less than twenty (20) inches in diameter and:

- 47 (a) ~~Both m~~Motorized and ~~pedal~~ propulsion that is not capable of pro-
 48 pelling the vehicle at a speed in excess of thirty (30) miles per hour
 49 on level ground, whether two (2) or three (3) wheels are in contact with

1 the ground during operation. If an internal combustion engine is used,
2 the displacement shall not exceed fifty (50) cubic centimeters and the
3 moped shall have a power drive system that functions directly or auto-
4 matically without clutching or shifting by the operator after the drive
5 system is engaged; or

6 (b) Two (2) wheels or three (3) wheels with no pedals, which is powered
7 solely by electrical energy, has an automatic transmission, a motor
8 which produces less than two (2) gross brake horsepower, is capable of
9 propelling the device at a maximum speed of not more than thirty (30)
10 miles per hour on level ground and, as originally manufactured, meets
11 federal motor vehicle safety standards for motor-driven cycles. A
12 moped is not required to be titled and no motorcycle endorsement is re-
13 quired for its operator.

14 A moped does not include an electric-assisted bicycle.

15 (10) "Motorbike" means a vehicle as defined in section 67-7101, Idaho
16 Code. Such vehicle shall be titled and may be approved for motorcycle reg-
17 istration pursuant to section 49-402, Idaho Code, upon certification by the
18 owner of the installation and use of conversion components that make the mo-
19 torbike compliant with federal motor vehicle safety standards. A motorbike
20 does not include an electric-assisted bicycle.

21 (11) "Motorcycle" means every motor vehicle having a seat or saddle for
22 the use of the rider, designed to travel on not more than three (3) wheels
23 in contact with the ground or designed to travel on two (2) wheels in con-
24 tact with the ground which is modified by the addition of two (2) stabilizing
25 wheels on the rear of the motor vehicle, that meets the federal motor vehi-
26 cle safety standards as originally designed, and includes a converted motor-
27 bike, but does not include a motor-driven cycle, a motorbike, a tractor, an
28 electric-assisted bicycle, or a moped.

29 (12) "Motor carrier" means an individual, partnership, corporation or
30 other legal entity engaged in the transportation by motor vehicle of persons
31 or property in the furtherance of a business or for hire.

32 (13) "Motor-driven cycle" means a cycle with a motor that produces five
33 (5) brake horsepower or less as originally manufactured that meets federal
34 motor vehicle safety standards as originally designed, and does not include
35 mopeds or electric-assisted bicycles. Such vehicle shall be titled and a mo-
36 torcycle endorsement is required for its operation.

37 (14) "Motor home" means a vehicular unit designed to provide temporary
38 living quarters, built into an integral part or permanently attached to a
39 self-propelled motor vehicle chassis. The vehicle must contain permanently
40 installed independent life support systems ~~which~~ that meet the national fire
41 protection association (NFPA) 1192 standard on recreational vehicles, and
42 provide at least four (4) of the following facilities: cooking, refriger-
43 ation or icebox, self-contained toilet, heating and/or air conditioning, a
44 potable water supply system, including a faucet and sink, separate 110-125
45 volt electrical power supply and/or LP-gas supply.

46 (15) "Motorized wheelchair" means a motor vehicle with a speed not in
47 excess of eight (8) miles per hour, designed for and used by a person with a
48 disability.

49 (16) "Motor number." (See "Identifying number," section 49-110, Idaho
50 Code)

1 (17) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

2 (18) "Motor vehicle liability policy" means an owner's or operator's
3 policy of liability insurance, certified as provided in section 49-1210,
4 Idaho Code, as proof of financial responsibility, and issued by an insurance
5 carrier duly authorized to transact business in this state, to or for the
6 benefit of the person named therein as insured.

7 (19) "Motor vehicle record" means any record that pertains to a motor
8 vehicle registration, motor vehicle title or identification documents or
9 other similar credentials issued by the department or other state or local
10 agency.

11 (20) "Multiuse path" means a path physically separated from motor vehi-
12 cle traffic by an open space or barrier and within either a public right-of-
13 way or easement that accommodates two-way nonmotorized travelers including
14 pedestrians, bicyclists, joggers, and skaters.

15 SECTION 4. That Section 49-123, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
18 axle or axles designed to support a part of the vehicle and load and which
19 can be regulated to vary the amount of load supported by such an axle or axles
20 and which can be deployed or lifted by the operator of the vehicle. (See also
21 section 49-117, Idaho Code)

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

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

28 (2) "Vehicle" means:

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

32 (b) Assembled vehicle or vessel. A vehicle or vessel, not including a
33 salvage vehicle or vessel, that has been constructed using major compo-
34 nent parts from two (2) or more vehicles or vessels or that has been re-
35 paired using new factory major component parts so that the resulting ve-
36 hicle or vessel has the same appearance as a vehicle or vessel that was
37 manufactured under a specific make and model by a manufacturer. A vehi-
38 cle or vessel utilizing a kit for the entire body or a glider kit vehicle
39 is not an assembled vehicle.

40 (c) Authorized emergency vehicle. Vehicles operated by any fire
41 department or law enforcement agency of the state of Idaho or any po-
42 litical subdivision of the state, ambulances, vehicles belonging to
43 personnel of voluntary fire departments while in performance of offi-
44 cial duties only, vehicles belonging to, or operated by EMS personnel
45 certified or otherwise recognized by the EMS bureau of the Idaho depart-
46 ment of health and welfare while in the performance of emergency medical
47 services, sheriff's search and rescue vehicles that are under the imme-
48 diate supervision of the county sheriff, wreckers that are engaged in
49 motor vehicle recovery operations and are blocking part or all of one

1 (1) or more lanes of traffic, other emergency vehicles designated by the
 2 director of the Idaho state police or vehicles authorized by the Idaho
 3 transportation board and used in the enforcement of laws specified
 4 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand
 5 (10,000) pounds or greater.

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

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

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

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

18 (iv) Is of any size and is used in the transportation of materials
 19 found to be hazardous for the purposes of the hazardous material
 20 transportation act and which require the motor vehicle to be plac-
 21 arded under the hazardous materials regulations (49 CFR part 172,
 22 subpart F).

23 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
 24 registration, a vehicle or combination of vehicles of a type used or
 25 maintained for the transportation of persons for hire, compensation or
 26 profit, or the transportation of property for the owner of the vehicle,
 27 or for hire, compensation, or profit, and shall include fixed load spe-
 28 cially constructed vehicles exceeding the limits imposed by chapter
 29 10, title 49, Idaho Code, and including drilling rigs, construction,
 30 drilling and wrecker cranes, log jammers, log loaders, and similar
 31 vehicles which are normally operated in an overweight or oversize
 32 condition or both, but shall not include those vehicles registered pur-
 33 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
 34 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
 35 that has a seating capacity for not more than fifteen (15) persons,
 36 including the driver, shall not be a "commercial vehicle" under the pro-
 37 visions of this title relating to equipment requirements, rules of the
 38 road, or registration.

39 (e) Farm vehicle. A vehicle or combination of vehicles owned by a
 40 farmer or rancher, or by ~~their~~ his designated agent, which are operated
 41 over public highways, and used exclusively to transport unprocessed
 42 agricultural products raised, owned or grown by the owner of the vehicle
 43 to market or place of storage; and shall include the transportation by
 44 the farmer or rancher of any equipment, supplies or products purchased
 45 by that farmer or rancher for his own use, and used in the farming or
 46 ranching operation or used by a farmer partly in transporting agricul-
 47 tural products or livestock from the farm of another farmer that were
 48 originally grown or raised on the farm, or when used partly in trans-
 49 porting agricultural supplies, equipment, materials or livestock to
 50 the farm of another farmer for use or consumption on the farm but not

1 transported for hire, and shall not include vehicles of husbandry or ve-
2 hicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

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

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

13 (h) Motor vehicle. Every vehicle ~~which~~ that is self-propelled, and
14 for the purpose of titling and registration meets federal motor vehi-
15 cle safety standards as defined in section 49-107, Idaho Code. Motor
16 vehicle does not include vehicles moved solely by human power, elec-
17 tric personal assistive mobility devices, personal delivery devices,
18 electric-assisted bicycles, and motorized wheelchairs or other such
19 vehicles that are specifically exempt from titling or registration re-
20 quirements under title 49, Idaho Code.

21 (i) Multipurpose passenger vehicle (MPV). For the purposes of section
22 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
23 persons which is constructed either on a truck chassis or with special
24 features for occasional off-road operation.

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

34 (k) Noncommercial vehicle. For the purposes of chapter 4, title 49,
35 Idaho Code, motor vehicle registration, a noncommercial vehicle shall
36 not include those vehicles required to be registered under sections
37 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
38 nations of vehicles which are not commercial vehicles or farm vehicles,
39 but shall include motor homes. A noncommercial vehicle shall include
40 those vehicles having a combined gross weight not in excess of sixty
41 thousand (60,000) pounds and not held out for hire, used for purposes
42 related to private use and not used in the furtherance of a business or
43 occupation for compensation or profit or for transporting goods for
44 other than the owner.

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

48 (m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previ-
49 ously determined or declared to be a salvage vehicle that has been re-
50 built or repaired using like make and model parts and visually appears

1 as a vehicle or vessel that was originally constructed under a distinc-
2 tive manufacturer. This includes a salvage vehicle or vessel which is
3 damaged to the extent that a "rebuilt salvage" brand is required to be
4 added to the title.

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

12 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-
13 vage certificate of title, salvage bill of sale or other documentation
14 has been issued showing evidence that the vehicle or vessel has been de-
15 clared salvage or which has been damaged to the extent that the owner,
16 or an insurer, or other person acting on behalf of the owner, determines
17 that the cost of parts and labor minus the salvage value makes it uneco-
18 nomical to repair or rebuild. When an insurance company has paid money
19 or has made other monetary settlement as compensation for a total loss
20 of any vehicle or vessel, such vehicle shall be considered to be a sal-
21 vage vehicle or vessel.

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

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

31 (ii) A vehicle or vessel that has been constructed entirely from
32 homemade parts and materials not obtained from other vehicles or
33 vessels; or

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

37 (iv) A vehicle or vessel constructed by the use of a custom kit
38 that cannot be visually identified as a specific make or model.
39 All specially constructed vehicles of a type required to be reg-
40 istered shall be certified by the owner to meet all applicable
41 federal motor vehicle safety standards in effect at the time con-
42 struction is completed, and all requirements of chapter 9, title
43 49, Idaho Code.

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

46 (r) Tank vehicle.

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

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

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

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

14 (s) Total loss vehicle. Every vehicle that is deemed to be uneconomi-
15 cal to repair. A total loss shall occur when an insurance company or any
16 other person pays or makes other monetary settlement to the owner when
17 it is deemed to be uneconomical to repair the damaged vehicle. The com-
18 pensation for total loss as defined herein shall not include payments
19 by an insurer or other person for medical care, bodily injury, vehicle
20 rental or for anything other than the amount paid for the actual damage
21 to the vehicle.

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

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

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

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

32 (7) "Violation" means a conviction of a misdemeanor charge involving a
33 moving traffic violation, or an admission or judicial determination of the
34 commission of an infraction involving a moving traffic infraction, except
35 bicycle infractions.

36 SECTION 5. That Section 49-310, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 49-310. APPLICATIONS OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS. (1)
39 The application of any person under the age of eighteen (18) years for any
40 class D instruction permit, restricted driver's license, restricted school
41 attendance driving permit, driver training instruction permit or driver's
42 license shall be signed and verified before a person authorized to adminis-
43 ter oaths by either the father or mother of the applicant, if both are living
44 and have custody of him; or if either be dead, then by the surviving parent
45 who has custody of him; or by the Idaho resident host of a foreign exchange
46 student, or in the event neither parent is living, or if living and does not
47 have the custody of the applicant, then by the person or guardian having
48 such custody, with verifiable custody or guardianship documents, or by an
49 employer of the applicant. In the event there is no guardian or employer,

1 then some other responsible person willing to assume the obligation for the
2 applicant may sign the application. Any person who signs the applicant's
3 application shall attest that the applicant is in compliance with the school
4 attendance provisions of section 49-303A, Idaho Code. When the minor per-
5 son applies for a class D driver's license, a parent or guardian or a person
6 authorized by the parent or guardian shall attest that the minor person has
7 satisfied the requirements and conditions applicable to the class D super-
8 vised instruction permit pursuant to section 49-307, Idaho Code. The person
9 willing to assume responsibility for the applicant must be at least eighteen
10 (18) years of age. When signing for a restricted school attendance driving
11 permit, the person signing the applicant's application shall attest that
12 the conditions set forth within section 49-307A, Idaho Code, are met. Each
13 application for a restricted school attendance driving permit shall also be
14 signed by the local county sheriff, the president of the board of trustees
15 of the local school district, and the school principal of the applicant's
16 school, verifying that the conditions set forth within section 49-307A,
17 Idaho Code, are met.

18 (2) Any negligence or willful misconduct of a person under the age of
19 eighteen (18) years when operating a motor vehicle upon a highway shall be
20 imputed to the person who signed the application of that person for a permit
21 or driver's license, and that person shall be jointly and severally liable
22 with the permit or driver's license holder for any damage caused by negli-
23 gence or willful misconduct, except as otherwise provided by law.

24 (3) In the event a permit or driver's license holder under the age of
25 eighteen (18) years maintains, or there is maintained upon his behalf, proof
26 of financial responsibility as required under the motor vehicle financial
27 responsibility laws of this state, or by the director if the form and amount
28 is not fixed by law, then the department may accept the application when
29 signed by one (1) parent or guardian of the applicant, and while that proof is
30 maintained, the parent or guardian shall not be subject to liability for the
31 negligence or willful misconduct of the person under the age of eighteen (18)
32 years, as imposed under subsection (2) of this section.

33 (4) Any person who has signed the application of a minor for a permit or
34 driver's license shall be liable civilly for the payment of any court penalty
35 imposed because the minor has been found to have committed an infraction vi-
36 olation. The provisions of this section shall not apply or create any civil
37 liability for the person signing the application in connection with any
38 pedestrian, ~~or~~ bicycle, or electric-assisted bicycle infraction, and pro-
39 vided this subsection shall not apply to any civil action where the plaintiff
40 is other than the state of Idaho.

41 SECTION 6. That Section 49-720, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 49-720. STOPPING -- TURN AND STOP SIGNALS. (1) A person operating a bi-
44 cycle, ~~or~~ human-powered vehicle, or an electric-assisted bicycle approach-
45 ing a stop sign shall slow down and, if required for safety, stop before en-
46 tering the intersection. After slowing to a reasonable speed or stopping,
47 the person shall yield the right-of-way to any vehicle in the intersection or
48 approaching on another highway so closely as to constitute an immediate haz-
49 ard during the time the person is moving across or within the intersection

1 or junction of highways, except that a person, after slowing to a reasonable
2 speed and yielding the right-of-way, if required, may cautiously make a turn
3 or proceed through the intersection without stopping.

4 (2) A person operating a bicycle or human-powered vehicle approaching a
5 steady red traffic control light shall stop before entering the intersection
6 and shall yield to all other traffic. Once the person has yielded, he may
7 proceed through the steady red light with caution. Provided however, that a
8 person, after slowing to a reasonable speed and yielding the right-of-way,
9 if required, may cautiously make a right-hand turn. A left-hand turn onto
10 a one-way highway may be made on a red light after stopping and yielding to
11 other traffic.

12 (3) A person riding a bicycle shall comply with the provisions of sec-
13 tion 49-6434, Idaho Code.

14 (4) A signal of intention to turn right or left shall be given during
15 not less than the last one hundred (100) feet traveled by the bicycle before
16 turning, provided that a signal by hand and arm need not be given if the hand
17 is needed in the control or operation of the bicycle.

18 SECTION 7. That Chapter 7, Title 49, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 49-725, Idaho Code, and to read as follows:

21 49-725. RIGHTS AND DUTIES OF ELECTRIC-ASSISTED BICYCLES. Except as
22 otherwise provided in this title, an electric-assisted bicycle shall be
23 subject to all the safety requirements of a bicycle. A rider of an elec-
24 tric-assisted bicycle shall be afforded all the rights and privileges and be
25 subject to all of the duties and safety requirements as the rider of a bicy-
26 cle. Subject to the provisions in this chapter, electric-assisted bicycles
27 may be ridden where bicycles are permitted to travel, unless excluded by
28 local ordinance or by signage posted by the public agency with jurisdiction
29 after notice by inclusion on a governing board agenda.

30 SECTION 8. That Chapter 7, Title 49, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 49-726, Idaho Code, and to read as follows:

33 49-726. INSURANCE, LICENSING, AND REGISTRATION. Electric-assisted
34 bicycles are not subject to the provisions of section 49-301, Idaho Code,
35 relating to driver's licenses. An electric-assisted bicycle and any person
36 operating an electric-assisted bicycle are not subject to the provisions of
37 this title relating to financial responsibility, driver's licenses, titles,
38 registration, and license plate requirements. An electric-assisted bicycle
39 shall be considered a motor vehicle to the extent required by 23 U.S.C. 154.

40 SECTION 9. That Chapter 7, Title 49, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
42 ignated as Section 49-727, Idaho Code, and to read as follows:

43 49-727. LABELING. On and after September 1, 2019, manufacturers or
44 distributors of electric bicycles shall apply a label that is permanently
45 affixed, in a prominent location, to each electric bicycle. The label shall

1 contain the classification number, top assisted speed, and motor wattage of
2 the electric bicycle, and shall be printed in arial font in at least 9-point
3 type.

4 SECTION 10. That Chapter 7, Title 49, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 49-728, Idaho Code, and to read as follows:

7 49-728. PATH USE BY ELECTRIC-ASSISTED BICYCLES. Electric-assisted
8 bicycles may be used in places where bicycles are permitted to travel includ-
9 ing but not limited to multiuse paths, unless excluded by local ordinance
10 or by signage posted by the public agency with jurisdiction after notice by
11 inclusion on a governing board agenda.

12 SECTION 11. That Chapter 7, Title 49, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 49-729, Idaho Code, and to read as follows:

15 49-729. VIOLATION. A violation of applicable provisions in this chap-
16 ter or in chapter 6, title 49, Idaho Code, by a rider of an electric-assisted
17 bicycle shall be an infraction.