LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature Second Regular Session - 2020

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 614

BY WAYS AND MEANS COMMITTEE

AN ACT
RELATING TO MOTOR VEHICLES; REPEALING SECTION 49-1401A, IDAHO CODE, RELATING TO TEXTING WHILE DRIVING; AND AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT PERSONS FROM OPERATING A MOTOR VEHICLE WHILE USING A MOBILE ELECTRONIC DEVICE, TO PROVIDE EXCEPTIONS, TO PROHIBIT PERSONS FROM OPERATING A MOTOR VEHICLE WHILE WATCHING CERTAIN MOTION UPON THE SCREEN OF A MOBILE ELECTRONIC DEVICE, TO PROVIDE PENALTIES, TO PROVIDE THAT NOTHING IN THIS SECTION SHALL BE USED TO AUTHORIZE SEIZURE OF A MOBILE ELECTRONIC DEVICE, TO PROVIDE THAT A VIOLATION MAY BE THE PRIMARY OR SOLE REASON FOR A TRAFFIC STOP OR CITATION, TO PROVIDE THAT THE STATE PREEMPTS THE FIELD OF REGULATING THE USE OF MOBILE ELECTRONIC DEVICES IN MOTOR VEHICLES WHILE DRIVING, AND TO PROVIDE EFFECTIVE DATES.

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

SECTION 1. That Section 49-1401A, Idaho Code, be, and the same is hereby repealed.

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

49-1401A. DISTRACTED DRIVING. (1) As used in this section:
(a) "Mobile electronic device" means a cellular telephone; broadband personal communication device; two-way messaging device; text messaging device; pager; personal digital assistant; laptop computer; computer tablet; stand-alone computer; portable computing device; mobile device with a touchscreen display that is designed to be worn; electronic games; equipment that is capable of playing a video or recording or transmitting video; or any similar electronic device that is used to initiate, receive, or display communication or information. "Mobile electronic device" does not include a radio designed for the citizens band radio service or the amateur radio service of the federal communications commission or a commercial two-way radio communications device, an information or communication system installed within a vehicle, a subscription-based emergency communication device, or a prescribed medical device.
(b) "Operate" means to drive or assume physical control of a motor vehicle upon a public way, street, road, or highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. "Operate" does not include a motor vehicle that is lawfully parked or that has pulled to the side of or off the road at a location where it is legal to do so and where the vehicle remains stationary.
(2) Except as provided in this subsection, a person shall not operate a
motor vehicle while using a mobile electronic device. The provisions of this
subsection shall not apply to:
(a) A law enforcement officer, firefighter, emergency medical techni-
cian, paramedic, operator of an authorized emergency vehicle, or sim-
ilarly engaged paid or volunteer public safety first responder during
the performance of that person's official duties, and a public or con-
sumer-owned utility employee or contractor acting within the scope of
that person's employment when responding to a utility emergency;
(b) The use of a mobile electronic device for emergency purposes, in-
cluding a text messaging device to contact a 911 system; an emergency
call to a law enforcement agency, health care provider, fire depart-
ment, or other emergency services agency or entity; reporting a fire,
traffic accident, serious road hazard, or medical or hazardous mate-
rials emergency to appropriate authorities; reporting the operator of
another motor vehicle who is driving in a reckless or otherwise unsafe
manner or who appears to be driving under the influence of alcohol or
drugs; or reporting a crime;
(c) The use of a global positioning or navigation system feature of a
mobile electronic device, provided that the operator of the vehicle is
not manually entering information into the global positioning or navi-
gation system feature of the device;
(d) The selection of a telephone number or name for the purpose of mak-
ing or receiving a telephone call, provided that the action is performed
through one-touch access or by voice command;
(e) The use of a mobile electronic device in a voice-operated or hands-
free mode if the operator of the motor vehicle does not use his hands
to operate the device, except through one-touch activation or deactiva-
tion of a feature or function of the device;
(f) The use of a mobile electronic device by a governmental or commer-
cial user during the performance of that person's official duties, as
long as the mobile electronic device is being used in a similar manner as
a commercial two-way radio communication device; or
(g) The use of a mobile electronic device in a farming or ranching op-
eration to assist in the movement of farm tractors, farm equipment, and
implements of husbandry from one farm operation to another.
(3) No person shall operate a motor vehicle while watching motion upon
the screen of a mobile electronic device, other than motion related to the
functioning or operation of the vehicle.
(4) A violation of this section shall be a moving violation and shall
be an infraction punishable by a fine of seventy-five dollars ($75.00) for
a first offense and one hundred fifty dollars ($150) for a second offense
within a three (3) year period. For each subsequent offense within a three
(3) year period, the offender shall be punished by a fine of three hundred
dollars ($300).
(5) A court may suspend a person's driver's license for up to ninety
(90) days if the person has three (3) or more convictions for violations of
this section within a three (3) year period.
(6) Nothing contained in this section shall be construed to authorize
seizure of a mobile electronic device by any law enforcement agency.
(7) A conviction under this section for a first offense shall not result in violation point counts as prescribed in section 49-326, Idaho Code.

(8) A conviction under this section for a first offense that does not involve an accident may not be used to make an adverse eligibility decision by an insurer or for the purpose of establishing rates of motor vehicle insurance charged by an insurer.

(9) A law enforcement officer enforcing the provisions of this section is hereby authorized to utilize a violation of this section as the primary or sole reason for initiating a traffic stop or issuing a citation to a driver.

(10) The state preempts the field of regulating the use of mobile electronic devices in motor vehicles while driving, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by any political subdivision or municipality to regulate the use of a mobile electronic device by the operator of a motor vehicle.

(11) This section shall be effective July 1, 2020, provided that only warnings and no infractions shall be issued under this section prior to January 1, 2021.