

IN THE SENATE

SENATE BILL NO. 1250

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 PERSONS FROM OPERATING A MOTOR VEHICLE WHILE WATCHING CERTAIN MOTION
8 UPON THE SCREEN OF A MOBILE ELECTRONIC DEVICE, TO PROVIDE PENALTIES, TO
9 PROVIDE THAT NOTHING IN THIS SECTION SHALL BE USED TO AUTHORIZE SEIZURE
10 OF A MOBILE ELECTRONIC DEVICE, TO PROVIDE THAT A VIOLATION MAY BE THE
11 PRIMARY OR SOLE REASON FOR A TRAFFIC STOP OR CITATION, TO PROVIDE THAT
12 THE STATE PREEMPTS THE FIELD OF REGULATING THE USE OF MOBILE ELECTRONIC
13 DEVICES IN MOTOR VEHICLES WHILE DRIVING, AND TO PROVIDE EFFECTIVE
14 DATES.
15

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

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18 repealed.

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

22 49-1401A. DISTRACTED DRIVING. (1) As used in this section:

23 (a) "Mobile electronic device" means a cellular telephone; broadband
24 personal communication device; two-way messaging device; text mes-
25 saging device; pager; personal digital assistant; laptop computer;
26 computer tablet; stand-alone computer; portable computing device;
27 mobile device with a touchscreen display that is designed to be worn;
28 electronic games; equipment that is capable of playing a video or
29 recording or transmitting video; or any similar electronic device that
30 is used to initiate, receive, or display communication or information.
31 "Mobile electronic device" does not include a radio designed for the
32 citizens band radio service or the amateur radio service of the federal
33 communications commission or a commercial two-way radio communica-
34 tions device, an information or communication system installed within
35 a vehicle, a subscription-based emergency communication device, or a
36 prescribed medical device.

37 (b) "Operate" means to drive or assume physical control of a motor ve-
38 hicle upon a public way, street, road, or highway, including while tem-
39 porarily stationary because of traffic, a traffic control device, or
40 other momentary delays. "Operate" does not include a motor vehicle that
41 is lawfully parked or that has pulled to the side of or off the road at

1 a location where it is legal to do so and where the vehicle remains sta-
2 tionary.

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

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

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

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

25 (d) The selection of a telephone number or name for the purpose of mak-
26 ing or receiving a telephone call, provided that the action is performed
27 through one-touch access or by voice command;

28 (e) The use of a mobile electronic device in a voice-operated or hands-
29 free mode if the operator of the motor vehicle does not use his hands
30 to operate the device, except through one-touch activation or deactiva-
31 tion of a feature or function of the device; or

32 (f) The use of a mobile electronic device by a governmental or commer-
33 cial user during the performance of that person's official duties, as
34 long as the mobile electronic device is being used in a similar manner as
35 a commercial two-way radio communication device.

36 (3) No person shall operate a motor vehicle while wearing headphones
37 or earphones in both ears simultaneously for the purpose of listening to mu-
38 sic, video, or other sound broadcasts. This section shall not apply to the
39 use of a medical device for the purpose of enhancing hearing or to the use of
40 built-in speakers of helmeted riders.

41 (4) No person shall operate a motor vehicle while watching motion upon
42 the screen of a mobile electronic device, other than motion related to the
43 functioning or navigation of the vehicle.

44 (5) A violation of this section shall be a moving violation and shall
45 be an infraction punishable by a fine of seventy-five dollars (\$75.00) for
46 a first offense and one hundred fifty dollars (\$150) for a second offense
47 within a three (3) year period. For each subsequent offense within a three
48 (3) year period, the offender shall be punished by a fine of three hundred
49 dollars (\$300).

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

4 (7) Nothing contained in this section shall be construed to authorize
5 seizure of a mobile electronic device by any law enforcement agency.

6 (8) A conviction under this section for a first offense shall not result
7 in violation point counts as prescribed in section 49-326, Idaho Code.

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

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

15 (11) The state preempts the field of regulating the use of mobile elec-
16 tronic devices in motor vehicles while driving, and this section supersedes
17 any local laws, ordinances, orders, rules, or regulations enacted by any po-
18 litical subdivision or municipality to regulate the use of a mobile elec-
19 tronic device by the operator of a motor vehicle.

20 (12) This section shall be effective July 1, 2020, provided that only
21 warnings and no infractions shall be issued under this section prior to Jan-
22 uary 1, 2021.