

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 580

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO EASEMENTS; AMENDING SECTION 55-603, IDAHO CODE, TO PROVIDE FOR
2 EASEMENTS IN GROSS OF A COMMERCIAL CHARACTER; AND DECLARING AN EMER-
3 GENCY AND PROVIDING AN EFFECTIVE DATE.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 55-603, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 55-603. EASEMENTS PASS WITH PROPERTY -- EASEMENTS IN GROSS OF A COM-
9 MERCIAL CHARACTER. (1) A transfer of real property passes all easements at-
10 tached thereto, and creates in favor thereof an easement to use other real
11 property of the person whose estate is transferred, in the same manner and
12 to the same extent as such property was obviously and permanently used by the
13 person whose estate is transferred, for the benefit thereof, at the time when
14 the transfer was agreed upon or completed.

15 (2) Easements in gross of a commercial character, whether existing or
16 created in the future, may be transferred, assigned, or conveyed in accor-
17 dance with the express language of the instrument. As used in this section,
18 "easement in gross of a commercial character" means an easement that is a
19 personal interest in or right to use the land of another:

20 (a) For the transmission or distribution of water, sewer, natural gas,
21 or petroleum products;

22 (b) For the provision of telephone or data service;

23 (c) For the transmission, distribution, or transformation of electric-
24 ity; or

25 (d) For purposes of commercial agricultural uses, including without
26 limitation grazing of livestock, farming, and propagation and harvest
27 of timber crops.

28 SECTION 2. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after
30 July 1, 2022.