

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 690

BY FURNISS

AN ACT

1 RELATING TO MOTOR VEHICLE INSURANCE; AMENDING SECTION 49-1229, IDAHO CODE,
2 TO REVISE A FINE AND TO PROVIDE FOR MOTOR VEHICLE TOWING IN CERTAIN IN-
3 STANCES; AMENDING SECTION 49-1803A, IDAHO CODE, TO PROVIDE FOR THE TOW-
4 ING OF VEHICLES IN CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORREC-
5 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 49-1229, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 49-1229. REQUIRED MOTOR VEHICLE INSURANCE. (1) Every owner of a motor
11 vehicle ~~which~~ that is registered and operated in Idaho by the owner or with
12 his permission shall continuously, except as provided in section 41-2516,
13 Idaho Code, provide insurance against loss resulting from liability imposed
14 by law for bodily injury or death or damage to property suffered by any per-
15 son caused by maintenance or use of motor vehicles described therein in an
16 amount not less than that required by section 49-117, Idaho Code, and shall
17 demonstrate the existence of any other coverage required by this title or a
18 certificate of self-insurance issued by the department pursuant to section
19 49-1224, Idaho Code, for each motor vehicle to be registered.

20 (2) A motor vehicle owner who prefers to post an indemnity bond with the
21 director of the department of insurance in lieu of obtaining a policy of lia-
22 bility insurance may do so. Such bond shall guarantee that any loss result-
23 ing from liability imposed by law for bodily injury, death or damage to prop-
24 erty suffered by any person caused by accident and arising out of the opera-
25 tion, maintenance and use of the motor vehicle sought to be registered shall
26 be paid within thirty (30) days. The indemnity bonds shall guarantee payment
27 in an amount no less than fifty thousand dollars (\$50,000) for any one (1) ac-
28 cident of which fifteen thousand dollars (\$15,000) is for property damage,
29 for each vehicle registered up to a maximum of one hundred twenty thousand
30 dollars (\$120,000) for five (5) or more vehicles.

31 (3) Any bond given in connection with this chapter shall be, and shall
32 be construed to be, a continuing instrument and shall cover the period for
33 which the motor vehicle is to be registered and operated. Such bond shall be
34 on a form approved by the director of insurance with a surety company autho-
35 rized to do business in the state.

36 (4) A motor carrier shall continuously provide insurance against loss
37 resulting from liability imposed by law or by rule of the department and
38 shall comply with the insurance requirements of section 49-1233, Idaho Code.

39 (5) It is an infraction punishable by a fine of ~~seventy-five dollars~~
40 ~~(\$75.00)~~ two hundred dollars (\$200) for any person to violate the provisions
41 of this section for the first time. A second and any subsequent conviction
42 for a violation of the provisions of this section or the provisions of sec-

1 tion 49-1232 or 49-1428, Idaho Code, within a period of five (5) years shall
 2 be a misdemeanor, punishable by a fine not exceeding one thousand dollars
 3 (\$1,000), or by imprisonment in the county jail not exceeding six (6) months,
 4 or both. The department shall notify any person convicted of a violation of a
 5 this section of the penalties ~~which~~ that may be imposed for a second and any
 6 subsequent conviction.

7 (6) A vehicle belonging to an individual who has previously received
 8 two (2) warnings from a peace officer for driving without insurance shall,
 9 upon the third such instance, be towed. A peace officer making such deter-
 10 mination is authorized to cause the vehicle to be placed in the custody of a
 11 tow truck operator. The registered owner shall be liable for all expenses
 12 of towing and storage pursuant to the provisions of section 49-1803A, Idaho
 13 Code.

14 (7) If an uninsured driver is involved in a vehicular accident, the ve-
 15 hicle of such uninsured driver shall be towed regardless of which driver is
 16 at fault in such accident.

17 SECTION 2. That Section 49-1803A, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 49-1803A. REMOVAL OF ACCIDENTS -- DRIVER ARRESTS -- VEHICLES FOUND UN-
 20 DER EXTRAORDINARY CIRCUMSTANCES. (1) Any authorized officer who dispatches
 21 a call to request the removal of a vehicle under the authority of this chap-
 22 ter, ~~or~~ the provisions of section 49-662, Idaho Code, as the result of an
 23 accident, the driver being arrested or extraordinary circumstances, or the
 24 provisions of section 49-1229, Idaho Code, may cause the vehicle to be placed
 25 in the custody of a tow truck operator, all expenses of towing and storage
 26 to be those of the registered owner, unless the registered owner has filed
 27 a release of liability according to the provisions of section 49-526, Idaho
 28 Code, in which case the purchaser or other transferee recorded on the release
 29 of liability statement shall be presumed responsible and liable.

30 (2) At the time of removal, the authorized officer shall complete a no-
 31 tice form containing, ~~but not limited to,~~ the following:

- 32 (a) Names and addresses of registered owner and lienholder;
- 33 (b) Complete vehicle description, including license plate number and
- 34 vehicle identification number;
- 35 (c) Date, time and reason for tow;
- 36 (d) Law enforcement agency directing tow and case number assigned;
- 37 (e) Appraisal value of vehicle and daily storage rate;
- 38 (f) Authorized officer name or badge number;
- 39 (g) Name, address and telephone number of towing company;
- 40 (h) Signature of tow truck operator taking receipt of vehicle and con-
- 41 tents.

42 (3) A copy of this notice shall be provided to the legal or registered
 43 owner at the scene, or may be mailed by first class mail within seventy-two
 44 (72) hours, excluding weekends and holidays. A copy of this notice shall
 45 also be mailed by first class mail to any lienholder within seventy-two (72)
 46 hours, excluding weekends and holidays. This notification shall be in ad-
 47 dition to all notices required for vehicle disposal procedures contained in
 48 this chapter.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.