

IN THE SENATE

SENATE BILL NO. 1140

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-103, IDAHO CODE,  
3 TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
4 40-117, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS;  
5 AMENDING SECTION 40-207, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
6 VIOLATIONS AND TO PROVIDE FOR PUBLIC EMPLOYEE PROTECTION; AND DECLARING  
7 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

9 SECTION 1. That Section 40-103, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 40-103. DEFINITIONS -- B. (1) "Base technical concept" means the  
12 project specific concepts and technical information provided in the request  
13 for proposals ~~upon~~ on which design-build firms will develop their technical  
14 and price proposals.

15 (2) "Benefit primarily motor vehicles" and "primary benefit of motor  
16 vehicles" means highway projects that are designed and constructed to reduce  
17 traffic congestion, travel delays, engine idle time, and unproductive fuel  
18 consumption.

19 ~~(2)~~ (3) "Best value selection" means any selection process in which  
20 proposals contain both price and qualitative components and award is based  
21 ~~upon~~ on a combination of price and qualitative considerations.

22 ~~(3)~~ (4) "Board" means the Idaho transportation board.

23 ~~(4)~~ (5) "Business" means any lawful activity, excepting a farm opera-  
24 tion, conducted primarily for the purchase, resale, lease and rental of per-  
25 sonal and real property, and for the manufacture, processing or marketing  
26 of products, commodities, or other personal property; for the sale of ser-  
27 vices to the public; or solely for the purpose of section 40-2004(1), Idaho  
28 Code, for assisting in the purchase, sale, resale, manufacture, process-  
29 ing, or marketing of products, commodities, personal property, or services  
30 by the erection and maintenance of an outdoor advertising display or dis-  
31 plays, whether or not displays are located on the premises on which any of the  
32 activities are conducted.

33 ~~(5)~~ (6) "Business entity" means a corporation, professional corpora-  
34 tion, limited liability company, professional limited liability company,  
35 general partnership, limited partnership, limited liability partnership,  
36 professional limited liability partnership or any other form of business ex-  
37 cept a sole proprietorship.

38 SECTION 2. That Section 40-117, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

1 40-117. DEFINITIONS -- P. (1) "Person" includes every natural per-  
 2 son, firm, fiduciary, copartnership, association, corporation, trustee,  
 3 receiver or assignee for the benefit of creditors.

4 (2) "Place." (See "Maintain," section 40-114, Idaho Code)

5 (3) "Preliminary design," as used in section 40-904, Idaho Code, means  
 6 the general project location and design concepts. It includes, but is not  
 7 limited to, preliminary engineering and other activities and analyses,  
 8 such as environmental assessments, topographic surveys, metes and bounds  
 9 surveys, geotechnical investigations, hydrologic analyses, hydraulic  
 10 analyses, utility engineering, traffic studies, financial plans, revenue  
 11 estimates, hazardous materials assessments, general estimates of the types  
 12 and quantities of materials and other work needed to establish parameters  
 13 for the final design.

14 (4) "Price proposal" means the price submitted by a design-build  
 15 firm to provide the required design and construction services described  
 16 in the request for proposals or the price submitted by a construction  
 17 ~~manager/general~~ manager or general contractor firm to provide the required  
 18 construction services described in the request for proposal.

19 (5) "Primary benefit of motor vehicles" and "benefit primarily motor  
 20 vehicles" means highway projects that are designed and constructed to re-  
 21 duce traffic congestion, travel delays, engine idle time, and unproductive  
 22 fuel consumption. "Primary benefit of motor vehicles" also includes and is  
 23 limited to improving vehicle traffic flow and travel times through expand-  
 24 ing vehicle travel lanes, improving intersection efficiency, adding turn-  
 25 ing lanes, improving transportation management systems, or a combination of  
 26 such methods. Highway improvements to existing or new bicycle and pedes-  
 27 trian facilities may only be included in a project for the primary benefit of  
 28 motor vehicles if such facilities:

29 (a) Provide a collateral or secondary benefit to the project; or

30 (b) Are highway design improvements that are necessary to comply with  
 31 existing federal law.

32 ~~(5)~~ (6) "Primary system" or "primary highway" means any portion of the  
 33 highways of the state, as officially designated, or as may hereafter be so  
 34 designated, by the Idaho transportation board, and approved by the secretary  
 35 of transportation, pursuant to the provisions of title 23, U.S. Code, "High-  
 36 ways."

37 ~~(6)~~ (7) "Public highway agency" means the state transportation depart-  
 38 ment, any city, county, highway district or other political subdivision of  
 39 the state with jurisdiction over public highway systems and public rights-  
 40 of-way.

41 ~~(7)~~ (8) "Public highways" means all highways open to public use in the  
 42 state, whether maintained by the state or by any county, highway district,  
 43 city, or other political subdivision. (Also see "Highways," section 40-109,  
 44 Idaho Code)

45 ~~(8)~~ (9) "Public land survey corner" means any point actually estab-  
 46 lished and monumented in an original survey or resurvey that determines the  
 47 boundaries of remaining public lands, or public lands patented, represented  
 48 on an official plat and in the field notes thereof, accepted and approved un-  
 49 der authority delegated by congress to the United States general land office  
 50 and the United States department of interior, bureau of land management.

1       ~~(9)~~ (10) "Public right-of-way" means a right-of-way open to the public  
 2 and under the jurisdiction of a public highway agency, where the public high-  
 3 way agency has no obligation to construct or maintain, but may expend funds  
 4 for the maintenance of, said public right-of-way or post traffic signs for  
 5 vehicular traffic on said public right-of-way. In addition, a public right-  
 6 of-way includes a right-of-way which was originally intended for develop-  
 7 ment as a highway and was accepted on behalf of the public by deed of pur-  
 8 chase, fee simple title, authorized easement, eminent domain, by plat, pre-  
 9 scriptive use, or abandonment of a highway pursuant to section 40-203, Idaho  
 10 Code, but shall not include federal land rights-of-way, as provided in sec-  
 11 tion 40-204A, Idaho Code, that resulted from the creation of a facility for  
 12 the transmission of water. Public rights-of-way shall not be considered im-  
 13 proved highways for the apportionment of funds from the highway distribution  
 14 account.

15       ~~(10)~~ (11) "Public street" means a road, thoroughfare, alley, highway or  
 16 bridge under the jurisdiction of a public highway agency.

17       ~~(11)~~ (12) "Public transportation services" means, but is not limited  
 18 to, fixed transit routes, scheduled or unscheduled transit services pro-  
 19 vided by motor vehicle, bus, rail, van, aerial tramway and other modes of  
 20 public conveyance; paratransit service for the elderly and disabled; shut-  
 21 tle and commuter service between cities, counties, health care facilities,  
 22 employment centers, educational institutions or park-and-ride locations;  
 23 subscription van and car pooling services; transportation services unique  
 24 to social service programs; and the management and administration thereof.

25       SECTION 3. That Section 40-207, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27       40-207. VIOLATIONS -- PENALTIES. Any elected official, officer, or  
 28 person who shall violate or aid in the violation of any of the provisions  
 29 of this title, unless a different penalty is prescribed by law, shall be  
 30 guilty of a misdemeanor, and upon conviction thereof be punished by a fine  
 31 of not more than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000),  
 32 or imprisonment for a period not to exceed ninety (90) days, or by both such  
 33 fine and imprisonment. The reporting of violations under this title shall be  
 34 afforded protection pursuant to the provisions of chapter 21, title 6, Idaho  
 35 Code. All fines collected for violations of the provisions of this title  
 36 shall be paid into the highway distribution account established in section  
 37 40-701, Idaho Code.

38       SECTION 4. An emergency existing therefor, which emergency is hereby  
 39 declared to exist, this act shall be in full force and effect on and after  
 40 July 1, 2025.