

TITLE 49
MOTOR VEHICLES

CHAPTER 1
DEFINITIONS

49-101. DEFINITIONS. Words and phrases used in this title are defined in sections [49-102](#) through [49-127](#), Idaho Code. Words used in the masculine gender include the feminine gender, and the singular number includes the plural, as well as the plural the singular.

[49-101, added 1988, ch. 265, sec. 2, p. 550.]

49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on private property without the permission of the person having rights to the possession of the property, or on a highway or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.

(2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

(3) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or special mobile equipment.

(4) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or the vehicle moving.

(5) "Administrator" means the federal highway administrator, the chief executive of the federal highway administration, an agency within the U.S. department of transportation.

(6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's year designation of the vehicle from the year in which the designated registration fee is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicle shall be deemed to be one (1) year old.

(7) "Agricultural products" means the following unprocessed products:

(a) Agricultural, horticultural, floricultural and viticultural products;

(b) Fruits and vegetable products;

(c) Field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;

(d) Livestock, dairy animals, swine, furbearing animals, poultry, eggs, fish and other aquatic species;

(e) Other animals, animal products and animal byproducts, animal waste and animal compost; and

(f) Bees, bee products and bee byproducts.

(8) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(9) "Alcohol or alcoholic beverage" means:

- (a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Revenue Code;
- (b) Wine of not less than one-half of one percent (.005%) of alcohol by volume; or
- (c) Distilled spirits as defined in section 5002(a)(8), of the Internal Revenue Code.
- (10) "Alley" means a public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.
- (11) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or ATV as defined in section [67-7101](#), Idaho Code.
- (12) "Amateur radio operator." (See "Radio operator, amateur," section [49-119](#), Idaho Code)
- (13) "Ambulance" means a motor vehicle designed and used primarily for the transportation of injured, sick, or deceased persons, on stretchers, cots, beds, or other devices for carrying persons in a prone position.
- (14) "Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a driver's license.
- (15) "Approved driver training course" means a training course from a school licensed under the provisions of chapter 21 of this title or a driver training course approved by another United States jurisdiction provided the course was taken while an individual was a resident of that United States jurisdiction.
- (16) "Approved testing agency" means a person, firm, association, partnership or corporation approved by the director of the Idaho state police which is:
- (a) In the business of testing equipment and systems;
- (b) Recognized by the director as being qualified and equipped to do experimental testing; and
- (c) Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry.
- (17) "Armed forces" means the army, navy, marine corps, coast guard and the air force of the United States.
- (18) "Authorized emergency vehicle." (See "Vehicle," section [49-123](#), Idaho Code)
- (19) "Authorized officer" means any member of the Idaho state police, or any regularly employed and salaried deputy sheriff, or other county employee designated to perform the function of removing abandoned vehicles or junk vehicles by the board of county commissioners of the county in which a vehicle is located, or any regularly employed and salaried city peace officer or other city employee designated to perform the function of removing abandoned vehicles or junk vehicles by the city council, or a qualified person deputized or appointed by the proper authority as reserve deputy sheriff or city policeman, authorized within the jurisdiction in which the abandoned vehicle or junk vehicle is located.
- (20) "Authorized transportation department employee" means any employee appointed by the board to perform duties relating to enforcement of vehicle laws as have been specifically defined and approved by order of the board (see section [40-510](#), Idaho Code).
- (21) "Auto transporter" means a vehicle combination constructed for the purpose of transporting vehicles.
- (22) "Autocycle" means a motor vehicle designed to travel on not more than three (3) wheels in contact with the ground that has a steering wheel and seating that does not require the operator to straddle or sit astride.

[49-102, added 1988, ch. 265, sec. 2, p. 551; am. 1989, ch. 88, sec. 1, p. 152; am. 1990, ch. 391, sec. 1, p. 1092; am. 1991, ch. 288, sec. 1, p. 739; am. 1992, ch. 238, sec. 1, p. 708; am. 1993, ch. 334, sec. 1, p. 1234; am. 1995, ch. 116, sec. 25, p. 405; am. 2000, ch. 469, sec. 107, p. 1559; am. 2003, ch. 87, sec. 1, p. 266; am. 2008, ch. 18, sec. 1, p. 25; am. 2008, ch. 409, sec. 1, p. 1125; am. 2009, ch. 157, sec. 2, p. 458; am. 2011, ch. 158, sec. 1, p. 443; am. 2015, ch. 208, sec. 1, p. 636; am. 2015, ch. 230, sec. 1, p. 722; am. 2016, ch. 47, sec. 22, p. 116.]

49-103. DEFINITIONS -- B. (1) "Bicycle" means every vehicle propelled exclusively by human power upon which any person may ride, having two (2) tandem wheels, and except scooters and similar devices.

(2) "Board" means the Idaho transportation board.

(3) "Boat transporter" means any vehicle combination designed and used specifically to transport assembled boats and boat hulls.

(4) "Boot" means a device used by a towing company or other entity to temporarily immobilize or disable a motor vehicle for purposes of enforcing parking restrictions.

(5) "Broker" means a person who, for a fee, commission, or other valuable consideration, arranges or offers to arrange a transaction involving the sale, but not resale, of a new vehicle, and who is not:

(a) A representative or an agent or employee of a representative;

(b) A distributor, agent or employee of a distributor; or

(c) At any point in the transaction, the owner of the vehicle involved in the transaction.

(6) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "bus" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(7) "Business district." (See "District", section [49-105](#), Idaho Code)

(8) "Buy." (See "Sell", "sold", and "purchase", section [49-120](#), Idaho Code)

[49-103, added 1988, ch. 265, sec. 2, p. 552; am. 1989, ch. 408, sec. 1, p. 996; am. 1991, ch. 272, sec. 1, p. 686; am. 2018, ch. 324, sec. 2, p. 754.]

49-104. DEFINITIONS -- C. (1) "Cancellation of driver's license" means the annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the driver's license or because the licensee is no longer entitled to the driver's license. The cancellation of a driver's license is without prejudice and after compliance with requirements, the individual may apply for a new driver's license at any time after cancellation.

(2) "Caravaning" means the transportation of any motor vehicle into, out of, or within the state operating on its own wheels or in tow for the purpose of sale or offer of sale by any agent, dealer, manufacturer's representative, purchaser, or prospective purchaser, regardless of residence unless the motor vehicle is licensed by the state of Idaho, or is owned by an automobile dealer, duly licensed as a dealer by this state. It shall also be

considered as the transportation of property for hire by a motor vehicle upon the highways of this state.

(3) "Certificate of liability insurance" means a certificate of liability insurance issued by an insurance company authorized to do business in this state or a certificate of liability insurance issued by the department of insurance which demonstrates current insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle described in the certificate in an amount not less than that required by section [49-117](#) (20), Idaho Code, and also demonstrates the current existence of any other coverage required by [title 41](#), Idaho Code, or a certificate of self-insurance issued pursuant to law for each motor vehicle to be registered. A certificate of liability insurance shall contain the information required by the department of insurance, including the name and address of the owner of the motor vehicle and a description of the motor vehicle including identification number if there is one, or a statement that all vehicles owned by a person or entity are covered by insurance, the inception date of coverage, and the name of the insurer. "Certificate of liability insurance" may also include the original contract of liability insurance or a true copy, demonstrating the current existence of the liability insurance described in this subsection.

(4) "Certification of safety compliance" means that a motor carrier certifies as part of its registration process that it has knowledge of the federal regulations and rules promulgated by the Idaho transportation department and the Idaho state police applicable to motor carriers.

(5) "Chains" means metal traction devices required pursuant to section [49-948](#), Idaho Code, which consist of two (2) circular metal loops, one (1) on each side of the tire, connected by not less than nine (9) evenly spaced chains across the tire tread.

(6) "Coerce" means to compel or attempt to compel by threat or use of force.

(7) "Commercial coach." (See section [39-4301](#), Idaho Code)

(8) "Commercial driver's license" means any class A, class B or class C driver's license as defined in section [49-105](#), Idaho Code.

(9) "Commercial driver license information system (CDLIS)" is the information system established to serve as a clearinghouse for locating information related to the licensing and identification of motor vehicle drivers.

(10) "Commercial driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services.

(11) "Commercial learner's permit" means a permit issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383.5, that when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a commercial vehicle when accompanied by a holder of a valid commercial driver's license (CDL) for purposes of behind-the-wheel training.

(12) "Commercial vehicle" or "commercial motor vehicle." (See "Vehicle," section [49-123](#), Idaho Code)

(13) "Compliance review" means an on-site examination of motor carrier operations, which may be at the carrier's place of business, including

driver's hours of service, vehicle maintenance and inspection, driver qualifications, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and such other related safety and transportation records to determine safety fitness.

(14) "Controlled substance" means any substance so classified under section 102(6) of the controlled substances act, 21 U.S.C. 802(6), and includes all substances listed on schedules I through V, of 21, CFR part 1308, as they may be revised from time to time.

(15) "Conviction" means:

(a) The person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment. A conviction for purposes of this title shall also include an infraction judgment.

(b) For purposes of disqualification or withdrawal of commercial vehicle driving privileges only, "conviction" means an unvacated adjudication of guilt, or determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(16) "Crosswalk" means:

(a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

[49-104, added 1988, ch. 265, sec. 2, p. 552; am. 1989, ch. 88, sec. 2, p. 154; am. 1989, ch. 310, sec. 1, p. 770; am. 1990, ch. 45, sec. 2, p. 72; am. 1996, ch. 370, sec. 1, p. 1245; am. 1998, ch. 110, sec. 5, p. 381; am. 1999, ch. 81, sec. 2, p. 239; am. 1999, ch 383, sec. 3, p. 1054; am. 2000, ch. 469, sec. 108, p. 1561; am. 2005, ch. 83, sec. 1, p. 296; am. 2007, ch. 252, sec. 6, p. 743; am. 2008, ch. 330, sec. 1, p. 902; am. 2010, ch. 49, sec. 1, p. 89; am. 2011, ch. 327, sec. 1, p. 952; am. 2015, ch. 54, sec. 1, p. 127; am. 2017, ch. 147, sec. 5, p. 364.]

49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the business of buying, selling or exchanging five (5) or more new or used vehicles, new or used neighborhood electric vehicles, new or used motorcycles, motor-driven cycles, snow machines or motorbikes, travel trailers, truck campers, all-terrain vehicles, utility type vehicles or motor homes in any calendar year, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, or who has an established place of business for the sale, lease, trade, or display of these vehicles. No insurance company, bank, finance company, public utilities company, or other person coming into possession of any vehicle, as an incident to its regular business, who shall sell that vehicle under any contractual rights it may have, shall be considered a dealer. See also "salvage pool," section [49-120](#), Idaho Code.

(2) "Dealer's selling agreement." (See "Franchise," section [49-107](#), Idaho Code)

(3) "Department" means the Idaho transportation department acting directly or through its duly authorized officers and agents, except in chapters 6 and 9, [title 49](#), Idaho Code, where the term means the Idaho state police, except as otherwise specifically provided.

(4) "Designated family member" means the spouse, child, grandchild, parent, brother or sister of the owner of a vehicle dealership who, in the event of the owner's death, is entitled to inherit the ownership interest in the dealership under the same terms of the owner's will, or who has been nominated in any other written instrument, or who, in the case of an incapacitated owner of a dealership, has been appointed by a court as the legal representative of the dealer's property.

(5) "Director" means the director of the Idaho transportation department, except in chapters 6, 9 and 22, [title 49](#), Idaho Code, where the term means the director of the Idaho state police.

(6) "Disclose" means to engage in any practice or conduct to make available and make known personal information contained in records of the department about a person to any other person, organization or entity, by any means of communication.

(7) "Disqualification" as defined in 49 CFR part 383, means withdrawal by the department of commercial vehicle driving privileges.

(8) "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who has a franchise from a manufacturer of vehicles to distribute vehicles in this state, and who in whole or in part sells or distributes new vehicles to dealers or who maintains distributor representatives.

(9) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.

(10) "Distributor representative" means any person, firm, association, corporation or trust, and each officer and employee thereof engaged as a representative of a distributor or distributor branch of vehicles for the purpose of making or promoting the sale of vehicles, or for supervising or contacting dealers or prospective dealers.

(11) "District" means:

(a) Business district. The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

(b) Residential district. The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences, or residences and buildings in use for business.

(c) Urban district. The territory contiguous to and including any highway which is built up with structures devoted to business, industry or dwelling houses. For purposes of establishing speed limits in accordance with the provisions of section [49-654](#), Idaho Code, no state highway or any portion thereof lying within the boundaries of an urban district is subject to the limitations which otherwise apply to nonstate highways within an urban district.

(12) "Documented vessel" means a vessel having a valid marine document as a vessel of the United States.

(13) "Downgrade" as it pertains to commercial drivers licensing shall mean either:

(a) The driver has changed his or her medical requirement self-certification to interstate but operates exclusively in transportation or operations excepted from part 391 of the federal motor carrier safety regulations; or

(b) The driver has changed his or her medical requirement self-certification to intrastate and operates exclusively in transportation or operations as listed in section [67-2901B\(2\)](#), Idaho Code; or

(c) The driver no longer has commercial motor vehicle driving privileges, but has retained privileges to drive noncommercial motor vehicles.

(14) "Drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicles within a certain distance or time limit.

(15) "Driver" means every person who drives or is in actual physical control of a vehicle.

(16) "Driver's license" means a license or permit issued by the department or by any other jurisdiction to an individual which authorizes the individual to operate a motor vehicle or commercial motor vehicle on the highways in accordance with the requirements of [title 49](#), Idaho Code.

(17) "Driver's license -- Classes of" are issued for the operation of a vehicle based on the size of the vehicle or the type of load and mean:

(a) Class A. This license shall be issued and valid for the operation of any combination of motor vehicles with a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds, provided the manufacturer's gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of ten thousand (10,000) pounds. Persons holding a valid class A license may also operate vehicles requiring a class B, C or D license.

(b) Class B. This license shall be issued and valid for the operation of any single vehicle with a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight rating (GVWR). Persons holding a valid class B license may also operate vehicles requiring a class C license or a class D license.

(c) Class C. This license shall be issued and valid for the operation of any single vehicle or combination of vehicles that does not meet the definition of class A or class B, as defined in this section, but that either is designed to transport sixteen (16) or more people including the driver, or is of any size which does not meet the definition of class A or class B and is used in the transportation of materials found to be hazardous according to the hazardous material transportation act and which requires the motor vehicle to be placarded under the federal hazardous materials regulations 49 CFR part 172, subpart F. Persons holding a valid class C license may also operate vehicles requiring a class D license.

(d) Class D. This license shall be issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in section [49-123](#), Idaho Code.

(e) "Seasonal driver's license" means a special restricted class B or C driver's license to operate certain commercial vehicles in farm-related industries under restrictions imposed by the department. As used in this definition, "farm-related industry" shall mean custom harvesters, farm retail outlets and suppliers, agri-chemical businesses and livestock feeders. Seasonal driver's licenses are not valid for driving vehicles carrying any quantities of hazardous material requiring placarding, except for diesel fuel in quantities of one thousand (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients, in vehicles or implements of husbandry with total capacities of three thousand (3,000) gallons or less, and solid fertilizers, i.e., solid plant nutrients, that are not mixed with any organic substance.

(18) "Driver record" means any record that pertains to an individual's driver's license, driving permit, driving privileges, driving history, identification documents or other similar credentials issued by the department.

(19) "Driver's license endorsements" means special authorizations that are required to be displayed on a driver's license which permit the driver to operate certain types of commercial vehicles or commercial vehicles hauling certain types of cargo, or to operate a motorcycle or a school bus.

(a) "Endorsement T -- Double/Triple trailer" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle authorized to tow more than one (1) trailer.

(b) "Endorsement H -- Hazardous material" means this endorsement is required on a class A, B or C license if the driver is operating a vehicle used in the transportation of materials found to be hazardous according to the hazardous material transportation act and which requires the motor vehicle to be placarded under the federal hazardous materials regulations 49 CFR part 172, subpart F.

(c) "Endorsement P -- Passenger" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle designed to transport sixteen (16) or more people including the driver.

(d) "Endorsement N -- Tank vehicle" means this endorsement is required on a class A, B or C license to permit the licensee to operate a tank vehicle as defined in section [49-123](#), Idaho Code.

(e) "Endorsement M -- Motorcycle" means this endorsement is required on a driver's license to permit the driver to operate a motorcycle or motor-driven cycle.

(f) "Endorsement S -- School bus" means this endorsement is required on a class A, B or C license to permit the licensee to operate a school bus in accordance with 49 CFR part 383, to transport preprimary, primary or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(20) "Driveway" means a private road giving access from a public way to a building on abutting grounds.

(21) "Dromedary tractor" means every motor vehicle designed and used primarily for drawing a semitrailer and so constructed as to carry manifested cargo in addition to a part of the weight of the semitrailer.

[49-105, added 1988, ch. 265, sec. 2, p. 554; am. 1989, ch. 88, sec. 3, p. 156; am. 1989, ch. 285, sec. 1, p. 699; am. 1989, ch. 310, sec. 2, p. 772; am. 1990, ch. 45, sec. 3, p. 74; am. 1991, ch. 89, sec. 1, p. 197; am. 1991, ch. 272, sec. 2, p. 687; am. 1992, ch. 115, sec. 1, p. 346; am. 1993, ch. 300, sec. 1, p. 1106; am. 1994, ch. 234, sec. 1, p. 729; am. 1996, ch. 270, sec. 1, p. 873; am. 1996, ch. 371, sec. 1, p. 1247; am. 1997, ch. 80, sec. 3, p. 173; am. 1997, ch. 155, sec. 1, p. 439; am. 1998, ch. 110, sec. 6, p. 383; am. 2000, ch. 469, sec. 109, p. 1563; am. 2005, ch. 183, sec. 1, p. 558; am. 2005, ch. 352, sec. 4, p. 1096; am. 2006, ch. 42, sec. 4, p. 124; am. 2008, ch. 106, sec. 1, p. 294; am. 2008, ch. 198, sec. 1, p. 630; am. 2011, ch. 60, sec. 1, p. 124; am. 2012, ch. 325, sec. 1, p. 894; am. 2014, ch. 91, sec. 1, p. 242.]

49-106. DEFINITIONS -- E. (1) "Electric-assisted bicycle" means a bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts and that meets one (1) of the following requirements:

(a) "Class 1 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty (20) miles per hour.

(b) "Class 2 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(c) "Class 3 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty-eight (28) miles per hour.

(2) "Electric personal assistive mobility device" means a self-balancing two (2) nontandem wheeled device designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less.

(3) "Emergency vehicle." (See "Vehicle," section [49-123](#), Idaho Code)

(4) "Encumbrance." (See "Lien," section [49-113](#), Idaho Code)

(5) "EPA" means the environmental protection agency of the United States.

(6) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

(7) "Established place of business" means a place occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

(8) "Excessive" or "unusual noise" means any sound made by a passenger motor vehicle or a motorcycle at any time under any condition of grade, speed, acceleration or deceleration, which exceeds ninety-two (92) decibels, or any lower decibel level that is fixed by law or rules adopted by the board of health and welfare, on the "A" scale of a general radio company no. 1551-B sound level meter, or equivalent, stationed at a distance of not less than twenty (20) feet to the side of a vehicle or motorcycle as the vehicle or motorcycle passes the soundmeter or is stationed not less than twenty (20) feet from a stationary motor or engine.

(9) "Excessive speed" means any speed of fifteen (15) miles per hour or more above the posted speed limit, and is only for purposes of determining disqualification of commercial driving privileges.

(10) "Executive head," as used in [chapter 20, title 49](#), Idaho Code, means the governor of the state of Idaho.

(11) "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases with which the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(12) "Extraordinary circumstances" means any situation where an emergency exists or public safety is endangered, or any situation in which a vehicle:

- (a) Is blocking or impeding traffic; or
- (b) Is causing a hazard; or
- (c) Has the potential of impeding any emergency vehicle; or
- (d) Is impeding any snow removal or other road maintenance operation; or
- (e) Has been stolen but not yet reported as recovered; or
- (f) Is not registered, or displays a license plate registration tag which has been expired; or
- (g) Has been involved in an accident and remains on the highway; or
- (h) The driver of which has been arrested.

[49-106, added 1988, ch. 265, sec. 2, p. 555; am. 1989, ch. 88, sec. 4, p. 159; am. 1989, ch. 113, sec. 1, p. 256; am. 1990, ch. 45, sec. 4, p. 77; am. 1998, ch. 392, sec. 1, p. 1198; am. 2002, ch. 160, sec. 1, p. 466; am. 2010, ch. 171, sec. 1, p. 348; am. 2019, ch. 84, sec. 2, p. 201.]

49-107. DEFINITIONS -- F. (1) "Factory branch" means a branch office maintained by a person who manufactures or assembles vehicles for sale to distributors or to dealers, or for directing or supervising, in whole or in part, its representatives.

(2) "Factory representative" means any person and each officer and employee engaged as a representative of a manufacturer of vehicles or by a factory branch for the purpose of making or promoting a sale of their vehicles, or for supervising or contacting their dealers or prospective dealers.

(3) "Farm tractor" means every motor vehicle designed or adapted and used primarily as a farm implement power unit operated with or without other farm implements attached in any manner consistent with the structural design of that power unit.

(4) "Farm vehicle." (See "Vehicle," section [49-123](#), Idaho Code)

(5) "Federal motor vehicle safety standards (FMVSS)" means those safety standards established by the national highway traffic safety administration, under [title 49](#) CFR part 500-599, for the safe construction and manufacturing of self-propelled motorized vehicles for operation on public highways. Such vehicles as originally designed and manufactured shall be so certified by the manufacturer to meet the federal motor vehicle safety standards or the standards in force for a given model year or as certified by the national highway traffic safety administration.

(6) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year.

(7) "Fifth wheel trailer." (See "Trailer," section [49-121](#), Idaho Code)

(8) "Financial institution" means any bank that is authorized to do business in the state of Idaho and any other financial institution that is registered with the department of finance.

(9) "Flammable liquid" means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

(10) "Fleet" means one (1) or more apportionable vehicles.

(11) "Fleet registration" means an optional form of registration through the department rather than a county assessor for registration of twenty-five (25) or more commercial or farm vehicles or any combination thereof. This registration is not an option for fleets of rental vehicles. Terms and conditions are further specified in section [49-434](#)(5), Idaho Code.

(12) "Fold down camping trailer." (See "Trailer," section [49-121](#), Idaho Code)

(13) "Foreign vehicle." (See "Vehicle," section [49-123](#), Idaho Code)

(14) "Forest products" means all products derived from trees including, but not limited to, saw logs, veneer logs, poles, cedar products, pulp logs, fence posts, wood chips and every form into which a fallen tree may be cut before it is manufactured into lumber or run through a processing mill or cut into cordwood, stove wood or hewn ties.

(15) "Franchise" means a sales, service and parts agreement or any other contract or agreement between a dealer and a manufacturer of new vehicles or its distributor or factory branch by which the dealer is authorized to engage in the business of selling any specified make or makes of new vehicles.

(16) "Full-time salesman" means any person employed as a vehicle salesman on behalf of a dealer for thirty (30) or more hours per week, and who sells, purchases, exchanges or negotiates for the sale, purchase or exchange of five (5) or more vehicles during each year in which his license is in effect.

[49-107, added 1988, ch. 265, sec. 2, p. 556; am. 1989, ch. 88, sec. 5, p. 160; am. 1991, ch. 272, sec. 3, p. 690; am. 1998, ch. 392, sec. 2, p. 1199; am. 2008, ch. 198, sec. 2, p. 633; am. 2011, ch. 327, sec. 2, p. 953; am. 2015, ch. 208, sec. 2, p. 638.]

49-108. DEFINITIONS -- G. (1) "Good cause" means the failure of a dealer to comply with reasonable performance criteria established by a manufacturer, if the dealer was apprised by the manufacturer, in writing, of that failure; and

(a) The notification stated that notice was provided of failure of performance;

(b) The dealer was afforded a reasonable opportunity, for a period of not less than six (6) months, to comply with the criteria; and

(c) The dealer did not demonstrate substantial progress toward compliance with the performance criteria of the manufacturer during the period.

(2) "Gross combination weight rating (GCWR)" for the purposes of [chapter 4, title 49](#), Idaho Code, means the value specified by the manufacturer as the maximum loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed

unit and any load thereon or registered weight rating whichever is greater. Towed units shall not include implements of husbandry. For the purposes of [chapter 3, title 49](#), Idaho Code, "gross combined weight rating (GCWR) is as defined in 49 CFR part 383.

(3) "Gross vehicle weight rating (GVWR)" for the purposes of [chapter 4, title 49](#), Idaho Code, means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or registered weight rating, whichever is greater. For the purposes of [chapter 3, title 49](#), Idaho Code, "gross vehicle weight rating (GVWR) is as defined in 49 CFR part 383.

(4) "Gross weight" means the weight of a vehicle without load plus the weight of any load on that vehicle.

(5) "Group of vehicles" is one motor vehicle operated under its own motive power with one (1) motor vehicle in tow, or one or more motor vehicles in tow in saddlemount fashion, providing that saddlemounting meets the requirements prescribed by the United States department of transportation.

[49-108, added 1988, ch. 265, sec. 2, p. 557; am. 1989, ch. 88, sec. 6, p.161; am. 1992, ch. 268, sec. 1, p. 829; am. 1998, ch. 110, sec. 7, p. 386.]

49-109. DEFINITIONS -- H. (1) "Habitual violator" means any person who has a driving record that shows a violation point count of eighteen (18) or more points in any consecutive twenty-four (24) month period; or twenty-four (24) or more points in any consecutive thirty-six (36) month period.

(2) "Hazardous material" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of material listed as a select agent or toxin under 42 CFR part 73.

(3) "Hazardous waste" means a material that is subject to the hazardous waste manifest requirements of the EPA due to the type and quantity of the material or that would be subject to these requirements absent an interim authorization to the state under [title 40](#), code of federal regulations or that includes in whole or in part polychlorinated biphenyls regulated by [title 40](#), code of federal regulations, part 761.

(4) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic. The term "street" is interchangeable with highway.

(a) Arterial. Any highway designated by the local authority as part of a major arterial system of highways within its jurisdiction.

(b) Controlled-access. Any highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway except at such points only or in such manner as may be determined by the public authority having jurisdiction over the highway.

(c) Through. Any highway or portion of it on which vehicular traffic is given preferential right-of-way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to a stop sign, yield sign, or other traffic-control device.

[49-109, added 1988, ch. 265, sec. 2, p. 557; am. 1990, ch. 45, sec. 5, p. 78; am. 1994, ch. 264, sec. 1, p. 814; am. 2006, ch. 164, sec. 1, p. 489; am. 2019, ch. 213, sec. 6, p. 646.]

49-110. DEFINITIONS -- I. (1) "Identifying number" means:

(a) Motor number. That identifying number stamped on the engine of a vehicle.

(b) Vehicle identification number. The numbers and letters, if any, placed on a vehicle by the manufacturer for the purpose of identifying the vehicle.

(2) "Implements of husbandry" means every vehicle including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicators, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. "Implements of husbandry" do not include semitrailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations.

(3) "Incidentally operated" means the transport of the implement of husbandry from one (1) farm operation to another.

(4) "Individual record" means a record containing personal information about a designated person who is the subject of the record as identified in a request for information.

(5) "Infraction" means a civil public offense, not constituting a crime, which is not punishable by incarceration and for which there is no right to a trial by jury or right to court-appointed counsel, and which is punishable by only a penalty not exceeding three hundred dollars (\$300) and no imprisonment.

(6) "Instruction permits":

(a) "Class A, B or C instruction permit." (See "Commercial learner's permit," section [49-104](#), Idaho Code)

(b) "Class D driver's training instruction permit" means a temporary privilege to operate a class D motor vehicle while attending classes as an enrollee of a public or private driver's training course only; is available to a person aged fourteen and one-half (14 1/2) years and older; is issued to the instructor of the driver's training course; is issued and expires pursuant to the provisions of section [49-307](#), Idaho Code; and the permittee is subject to the conditions specified in section [49-307](#), Idaho Code.

(c) "Class D instruction permit" means a temporary privilege to operate a class D motor vehicle which is available to a person under the age of seventeen (17) years who has successfully completed an approved driver's training course and has satisfied the requirements of a class D supervised instruction permit, or to any person seventeen (17) years of age or older; is valid for a period of one hundred eighty (180) days or as provided in section [49-305](#), Idaho Code, if applicable; privileges are limited to driving with a person who is at least eighteen (18) years of age who holds a valid class D driver's license and is actually occupying a seat beside the permittee; is issued pursuant to the provisions of

section [49-305](#), Idaho Code; and the permittee is subject to the conditions specified in section [49-305](#), Idaho Code.

(d) "Class D supervised instruction permit" means a temporary privilege to operate a class D motor vehicle which is available to a person who is at least fourteen and one-half (14 1/2) years of age who has successfully completed an approved driver's training course. No person may apply for a class D driver's license until he has attained the age of at least fifteen (15) years and has successfully satisfied the requirements of this permit, as specified and issued pursuant to the provisions of section [49-307](#), Idaho Code.

(7) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for such a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

(8) "Insurer" means any insurer, public or private, which shall include, but not be limited to, insurance companies domiciled in the state of Idaho, agents, adjuster or any other person acting on behalf of any insurance not domiciled in the state of Idaho and any self-insured entity operating under Idaho insurance laws or rules.

(9) "International registration plan" means a registration reciprocity agreement among the states of the United States and provinces of Canada providing for payment of registration and licensing fees on a proportional basis determined by the fleet miles operated in the various jurisdictions.

(10) "Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event an intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of the highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

[49-110, added 1988, ch. 265, sec. 2, p. 558; am. 1996, ch. 327, sec. 1, p. 1118; am. 1997, ch. 80, sec. 4, p. 176; am. 2000, ch. 214, sec. 3, p. 585; am. 2000, ch. 418, sec. 2, p. 1332; am. 2007, ch. 249, sec. 1, p. 730; am. 2008, ch. 194, sec. 1, p. 608; am. 2010, ch. 16, sec. 1, p. 21; am. 2014, ch. 236, sec. 4, p. 597; am. 2015, ch. 54, sec. 2, p. 128; am. 2017, ch. 111, sec. 1, p. 259.]

49-111. DEFINITIONS -- J. (1) "Judgment" means a decree which shall have become final by expiration without appeal by the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages

because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement or settlement for damages.

(2) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country and a state or province of a foreign country.

[49-111, added 1988, ch. 265, sec. 2, p. 559.]

49-112. DEFINITIONS -- K. [RESERVED]

49-113. DEFINITIONS -- L. (1) "Laned highway" means a highway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(2) "Lane of travel." (See "Traffic lane", section [49-121](#), Idaho Code)

(3) "Legal owner" means any person notated as "lienholder" of a vehicle, the notation appearing on the title records of the department and on the respective certificate of title.

(4) "License" or "license to operate a motor vehicle" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

(a) Any temporary license or instruction permit;

(b) Any nonresident's operating privilege;

(c) Any special permit issued by the department.

(5) "Licensing authority" as used in chapter 20 of this title with reference to Idaho, means the department.

(6) "Lien" or "encumbrance" means every security interest in any vehicle other than security interests in vehicles held in inventory for sale.

(7) "Lienholder" means a person holding a security interest in a vehicle.

(8) "Light weight" or "unladen weight" means the scale weight of a vehicle equipped for operation, but without any cargo on it.

(9) "Limit line" or "stop line" means a solid white line extending across a highway indicating the point behind which vehicles are required to stop, which must conform to the manual and specifications adopted by the board pursuant to section [49-201](#), Idaho Code.

(10) "Local authorities" means every county, highway district, municipal and other local board or body having authority to enact regulations, resolution and/or ordinances relating to traffic on the highways, public rights-of-way and streets under their jurisdiction under the constitution and laws of this state.

[49-113, added 1988, ch. 265, sec. 2, p. 560; am. 1989, ch. 88, sec. 7, p. 162; am. 1990, ch. 45, sec. 6, p. 80; am. 1992, ch. 115, sec. 2, p. 349; am. 1994, ch. 321, sec. 1, p. 1025; am. 1998, ch. 393, sec. 2, p. 1235.]

49-114. DEFINITIONS -- M. (1) "Major component part" for vehicles means a rear or rear clip, frame or subframe, body or center, passenger area, cab, front or front end assembly or front clip or nose section or roof of passenger compartment. "Major component part" for vessels means a hull, bow, gunnel, stern or transom, or permanently attached propulsion unit.

(2) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste or material identification code and destination of hazardous material or hazardous waste during any transportation within, through, or to any destination in this state.

(3) "Manufactured home." (See section [39-4105](#), Idaho Code)

(4) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered at an established place of business in this state. The term, for purposes of sections [49-1613](#) through [49-1615](#), [49-1617](#), [49-1622](#) and [49-1623](#), Idaho Code, shall include a distributor and other factory representatives.

(5) "Manufacturer's year designation" means the model year designated by the vehicle manufacturer, and not the year in which the vehicle is, in fact, manufactured.

(6) "Maximum gross weight" means the scale weight of a vehicle, equipped for operation, to which shall be added the maximum load to be carried as declared by the owner in making application for registration. When a vehicle against which a registration fee is assessed is a combination of vehicles, the term "maximum gross weight" means the combined maximum gross weights of all vehicles in the combination.

(7) "Metal tire." (See "Tires," section [49-121](#), Idaho Code)

(8) "Mileage" means actual distance that a vehicle has traveled.

(9) "Moped" means a limited-speed motor-driven cycle having wheels less than twenty (20) inches in diameter and:

(a) Motorized propulsion that is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground, whether two (2) or three (3) wheels are in contact with the ground during operation. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; or

(b) Two (2) wheels or three (3) wheels with no pedals, which is powered solely by electrical energy, has an automatic transmission, a motor which produces less than two (2) gross brake horsepower, is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground and, as originally manufactured, meets federal motor vehicle safety standards for motor-driven cycles. A moped is not required to be titled and no motorcycle endorsement is required for its operator.

A moped does not include an electric-assisted bicycle.

(10) "Motorbike" means a vehicle as defined in section [67-7101](#), Idaho Code. Such vehicle shall be titled and may be approved for motorcycle registration pursuant to section [49-402](#), Idaho Code, upon certification by the owner of the installation and use of conversion components that make the motorbike compliant with federal motor vehicle safety standards. A motorbike does not include an electric-assisted bicycle.

(11) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels in contact with the ground or designed to travel on two (2) wheels in contact with the ground which is modified by the addition of two (2) stabilizing wheels on the rear of the motor vehicle, that meets the federal motor vehicle safety standards as originally designed, and includes a converted motorbike, but does not include a motor-driven cycle, a motorbike, a tractor, an electric-assisted bicycle, or a moped.

(12) "Motor carrier" means an individual, partnership, corporation or other legal entity engaged in the transportation by motor vehicle of persons or property in the furtherance of a business or for hire.

(13) "Motor-driven cycle" means a cycle with a motor that produces five (5) brake horsepower or less as originally manufactured that meets federal motor vehicle safety standards as originally designed, and does not include mopeds or electric-assisted bicycles. Such vehicle shall be titled and a motorcycle endorsement is required for its operation.

(14) "Motor home" means a vehicular unit designed to provide temporary living quarters, built into an integral part or permanently attached to a self-propelled motor vehicle chassis. The vehicle must contain permanently installed independent life support systems that meet the national fire protection association (NFPA) 1192 standard on recreational vehicles, and provide at least four (4) of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating and/or air conditioning, a potable water supply system, including a faucet and sink, separate 110-125 volt electrical power supply and/or LP-gas supply.

(15) "Motorized wheelchair" means a motor vehicle with a speed not in excess of eight (8) miles per hour, designed for and used by a person with a disability.

(16) "Motor number." (See "Identifying number," section [49-110](#), Idaho Code)

(17) "Motor vehicle." (See "Vehicle," section [49-123](#), Idaho Code)

(18) "Motor vehicle liability policy" means an owner's or operator's policy of liability insurance, certified as provided in section [49-1210](#), Idaho Code, as proof of financial responsibility, and issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(19) "Motor vehicle record" means any record that pertains to a motor vehicle registration, motor vehicle title or identification documents or other similar credentials issued by the department or other state or local agency.

(20) "Multiuse path" means a path physically separated from motor vehicle traffic by an open space or barrier and within either a public right-of-way or easement that accommodates two-way nonmotorized travelers including pedestrians, bicyclists, joggers, and skaters.

[49-114, added 1988, ch. 265, sec. 2, p. 560; am. 1989, ch. 285, sec. 2, p. 701; am. 1989, ch. 310, sec. 3, p. 773; am. 1994, ch. 234, sec. 2, p. 732; am. 1995, ch. 339, sec. 1, p. 1120; am. 1997, ch. 80, sec. 5, p. 177; am. 1998, ch. 392, sec. 3, p. 1200; am. 1999, ch. 81, sec. 3, p. 240; am. 1999, ch. 383, sec. 4, p. 1056; am. 2000, ch. 418, sec. 3, p. 1333; am. 2001, ch. 73, sec. 1, p. 155; am. 2005, ch. 145, sec. 1, p. 456; am. 2006, ch. 360, sec. 1, p. 1097; am. 2008, ch. 198, sec. 3, p. 634; am. 2008, ch. 409, sec. 2, p. 1127; am. 2009, ch. 11, sec. 17, p. 26; am. 2010, ch. 235, sec. 35, p. 570; am. 2013, ch. 39, sec. 1, p. 80; am. 2014, ch. 38, sec. 1, p. 66; am. 2019, ch. 84, sec. 3, p. 203.]

49-115. DEFINITIONS -- N. (1) "National network" means highways available to vehicles authorized by the provisions of the federal surface transportation assistance act of 1982 as amended, and listed in 23 CFR part 658, appendix A.

(2) "Neighborhood electric vehicle." (See "Vehicle," section [49-123](#), Idaho Code)

(3) "Noncommercial vehicle." (See "Vehicle," section [49-123](#), Idaho Code)

(4) "Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or a commercial driver's license, respectively, issued by a state or other jurisdiction under either of the following conditions:

(a) To an individual domiciled in a foreign country meeting the requirements of 49 CFR 383.23(b)(1); or

(b) To an individual domiciled in another state meeting the requirements of 49 CFR 383.23(b)(2).

(5) "Nonresident" means every person who is not a resident of this state.

(6) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by that person of a motor vehicle, or the use of a vehicle owned by that person, in this state.

[49-115, added 1988, ch. 265, sec. 2, p. 561; am. 1989, ch. 88, sec. 8, p. 162; am. 1990, ch. 45, sec. 7, p. 80; am. 2005, ch. 183, sec. 2, p. 562; am. 2007, ch. 20, sec. 1, p. 31; am. 2015, ch. 54, sec. 3, p. 130.]

49-116. DEFINITIONS -- O. (1) "Off-highway vehicle" or "OHV" means an off-highway vehicle as defined in section [67-7101](#), Idaho Code.

(2) "Operator" means every person who is in actual physical control of a motor vehicle upon a highway or private property open to public use.

(3) "Out-of-service order" means a temporary prohibition against operating a commercial vehicle as declared by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction and which is applicable to a driver, a commercial motor vehicle, or a motor carrier operation pursuant to federal regulations 49 CFR 386.72, 392.5, 395.13, or 396.9, or compatible laws, or to the North American uniform out-of-service criteria.

(4) "Owner" means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. "Owner," for the purposes of [chapter 12, title 49](#), Idaho Code, means the person legally responsible for the operation of a vehicle upon the highways of the state of Idaho, whether as owner, lessee, or otherwise.

[49-116, added 1988, ch. 265, sec. 2, p. 562; am. 1989, ch. 88, sec. 9, p. 163; am. 1990, ch. 45, sec. 8, p. 81; am. 1996, ch. 371, sec. 2, p. 1250; am. 1998, ch. 110, sec. 8, p. 387; am. 2021, ch. 171, sec. 1, p. 476.]

49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(2) "Park model recreational vehicle" means a recreational vehicle that is designed to provide temporary accommodations for recreational, camping or seasonal use, is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers, and includes park models, park trailers and recreational park trailers.

(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer fewer than thirty (30) hours per week.

(4) "Peace officer." (See section [19-5101](#)(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair or an electric personal assistive mobility device.

(6) "Pedestrian path" means any path, sidewalk or way set aside and used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality and, for the purposes of [chapter 22, title 49](#), Idaho Code, shall include a private, common or contract carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

(iv) For the purposes of chapters 3 and 4, [title 49](#), Idaho Code, a person with a permanent disability is one whose physician certifies that the person qualifies as a person with a disability pursuant to this paragraph and further certifies that there is no expectation for a fundamental or marked change in the person's condition at any time in the future.

(8) "Personal delivery device" means an electrically powered device that is operated on sidewalks, crosswalks, and the sides or berms of highways and is intended primarily to transport property; weighs less than five hundred fifty (550) pounds, excluding cargo; operates at a maximum speed of ten (10) miles per hour when on sidewalks; and is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person. A personal delivery device shall not be defined as a vehicle or motor vehicle in any section of the law, unless expressly so stated.

(9) "Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating, monitoring, or operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity, nor does it include a person who merely arranges for and dispatches the requested services of a personal delivery device.

(10) "Personal information" means information that identifies an individual, including an individual's photograph or computerized image, social security number, driver identification number, name, address, telephone

number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, the five-digit zip code of the person's address, or status of the driver's license or motor vehicle registration.

(11) "Pneumatic tire." (See "tires," section [49-121](#), Idaho Code)

(12) "Pole trailer." (See "trailer," section [49-121](#), Idaho Code)

(13) "Possessory lien" means a lien dependent upon possession for compensation to which a person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the towing, storage, repair, or safekeeping of any vehicle of a type subject to registration.

(14) "Possessory lienholder" means any person claiming a lien, which lien claimed to have accrued on a basis of services rendered to the vehicle that is the subject of the lien.

(15) "Preceding year" means, for the purposes of section [49-434](#), Idaho Code, a period of twelve (12) consecutive months fixed by the department, prior to July 1 of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(16) "Pressure regulator valve" means a device or system that governs the load distribution and controls the weight borne by a variable load suspension axle in accordance with a predetermined valve setting.

(17) "Principal place of business" means an enclosed commercial structure located within the state, easily accessible and open to the public at all reasonable times, with an improved display area large enough to display five (5) or more vehicles of the type the dealer is licensed to sell, immediately adjoining the building, and at which the business of a dealership, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public shall be able to contact the dealer or his salesmen in person or by telephone at all reasonable times. The books, records and files necessary to conduct the business of the dealership must be kept or reproduced electronically at the dealership's licensed location(s). A dealership keeping its physical books, records and files at an off-site location must notify the department in writing of such location at least thirty (30) days in advance of moving such books, records and files off-site. Physical books, records and files must be made available to the department upon request within three (3) business days of such request. The principal place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this title unless the entire ground floor of that hotel, apartment house, or rooming house building or dwelling house be devoted principally to and occupied for commercial purposes, and the office or offices of the dealer be located on the ground floor.

(18) "Private property open to the public" means real property not owned by the federal government or the state of Idaho or any of its political sub-

divisions, but is available for vehicular traffic or parking by the general public with the permission of the owner or agent of the real property.

(19) "Private road" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(20) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to the limit for one (1) person, in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of fifteen thousand dollars (\$15,000) because of injury to or destruction of property of others in any one (1) accident.

(21) "Proper authority" means a public highway agency.

(22) "Public highway agency" means the state transportation department, any city, county, highway district or any other state agency that has jurisdiction over public highway systems and public rights-of-way.

(23) "Public right-of-way" means a right-of-way open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

(24) "Public road jurisdiction" means a public highway agency.

(25) "Purchase." (See "sell," "sold," and "buy," section [49-120](#), Idaho Code)

[49-117, added 1988, ch. 265, sec. 2, p. 562; am. 1991, ch. 272, sec. 4, p. 691; am. 1992, ch. 35, sec. 1, p. 100; am. 1994, ch. 264, sec. 2, p. 815; am. 1994, ch. 321, sec. 2, p. 1026; am. 1995, ch. 122, sec. 1, p. 526; am. 1997, ch. 80, sec. 6, p. 179; am. 1998, ch. 392, sec. 4, p. 1202; am. 2001, ch. 332, sec. 1, p. 1166; am. 2002, ch. 160, sec. 2, p. 467; am. 2011, ch. 71, sec. 1, p. 149; am. 2017, ch. 134, sec. 4, p. 313; am. 2017, ch. 147, sec. 1, p. 357; am. 2019, ch. 161, sec. 8, p. 535; am. 2020, ch. 250, sec. 1, p. 732; am. 2022, ch. 98, sec. 2, p. 340.]

49-118. DEFINITIONS -- Q. [RESERVED]

49-119. DEFINITIONS -- R. (1) "Racing" means the use of one (1) or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(2) "Radio operator, amateur" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation and holding a conditional class license or higher.

(3) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

(4) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(5) "Railroad sign" or "signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(6) "Recreational vehicle" means a motor home, travel trailer, fifth-wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, designed for recreational or emergency occupancy. It does not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

(7) "Registered maximum gross weight" means the maximum gross weight established on the registration document as declared by the owner at the time of registration or renewal of registration.

(8) "Registered owner" means any person required to register a vehicle, whether or not a lienholder appears on the title in the records of the department.

(9) "Registration" means the registration certificate or certificates and license plate or plates issued under the laws of this state pertaining to the registration of vehicles.

(10) "Rental utility trailer" means a utility trailer offered for hire to the general public for private or commercial use.

(11) "Rescission of sale." (See section [28-2-608](#), Idaho Code)

(12) "Resident" means for purposes of vehicle registration, titling, a driver's license or an identification card, a person whose domicile has been within Idaho continuously for a period of at least ninety (90) days, excluding a full-time student who is a resident of another state. A person, including a full-time student who has established a domicile in Idaho may declare residency earlier than ninety (90) days for vehicle registration, titling, driver's license and identification card purposes. Establishment of residency shall include a spouse and dependent children who reside with that person in the domicile. A domicile shall not be a person's workplace, vacation or part-time residence.

(13) "Residential district." (See "District," section [49-105](#), Idaho Code)

(14) "Residential neighborhood" for purposes of this chapter, is an area abutting a highway which is used primarily for nontransient human habitation, parks and churches.

(15) "Revocation of driver's license" means the termination by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the highways, which terminated driver's license or privilege shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this title.

(16) "Revocation of vehicle registration" means the termination by formal action of the department or as otherwise provided in this title of a person's vehicle registration or, in the case of fleets of vehicles, all vehicle registrations in each fleet operated by a company. Upon revocation, the privileges of operating the vehicles on Idaho highways is terminated until the difficulty that caused the revocation is corrected and an application for new registration is presented and acted upon.

(17) "Ridesharing arrangement" means the nonprofit transportation in a passenger motor vehicle with a seating capacity not exceeding fifteen (15) people including the driver, which is not otherwise used for commercial purposes or as a public conveyance, whereby a fixed group, not exceeding fifteen (15) people including passengers and driver, is transported between their

residences or nearby termini, and their places of employment or educational or other institutions or termini near those places, in a single daily round trip where the driver is also on the way to or from his place of employment or education or other institution.

(18) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. The term shall not be interpreted to mean that a highway user is relieved from the duty to exercise reasonable care at all times and from doing everything to prevent an accident. Failure to yield right-of-way shall not be construed as negligence per se or as prima facie evidence of negligence.

(19) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way.

[49-119, added 1988, ch. 265, sec. 2, p. 563; am. 1989, ch. 88, sec. 10, p. 163; am. 1989, ch. 310, sec. 4, p. 774; am. 1989, ch. 403, sec. 1, p. 987; am. 1991, ch. 100, sec. 1, p. 221; am. 1991, ch. 211, sec. 1, p. 499; am. 1992, ch. 35, sec. 2, p. 102; am. 1992, ch. 115, sec. 3, p. 350; am. 2001, ch. 355, sec. 1, p. 1242; am. 2017, ch. 134, sec. 5, p. 316.]

49-120. DEFINITIONS -- S. (1) "Saddlemount combination" means a combination of vehicles in which a truck or truck tractor tows one (1), two (2) or three (3) trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. A smaller vehicle mounted completely on the frame of either the first or last vehicle may be used in a saddlemount combination.

(2) "Safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) "Safety zone" means the area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(4) "Salvage pool" means a licensed vehicle dealer engaged primarily in the business of disposing of salvage vehicles, recovered stolen vehicles, or both.

(5) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school approved activities and includes buses operated by contract carriers.

(6) "Secretary" means the secretary of transportation of the United States.

(7) "Security agreement." (See section [28-9-102](#), Idaho Code)

(8) "Security interest." (See section [28-1-201](#), Idaho Code)

(9) "Sell," "sold," "buy," and "purchase," mean and include, as used in sections [49-2401](#) through [49-2406](#), Idaho Code, exchange, barter, gift, and offer or contract to sell or buy.

- (10) "Semitrailer." (See "Trailer," section [49-121](#), Idaho Code)
- (11) "Serious traffic violation" means conviction of an offense specified in 49 CFR part 383 and including any subsequent amendments thereto, while operating a commercial motor vehicle, and shall include driving a commercial motor vehicle:
- (a) Without obtaining a commercial driver's license; or
 - (b) Without having a commercial driver's license in the driver's possession; or
 - (c) Without the proper license class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.
- (12) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.
- (13) "Signal." (See "Railroad sign," section [49-119](#), Idaho Code)
- (14) "Skills test" means an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.
- (15) "Slow moving vehicle" means any vehicle not normally operated upon the highways.
- (16) "Snow tire." (See "Tires," section [49-121](#), Idaho Code)
- (17) "Sold." (See "Sell," "buy," and "purchase," this section)
- (18) "Solid rubber tire." (See "Tires," section [49-121](#), Idaho Code)
- (19) "Special license plate" means a license plate that is made available to the public as a personal alternative to the standard issue license plate. No special program fee shall be charged for the registration or plates issued under sections [49-403](#), [49-403A](#), [49-404](#), [49-405](#), [49-410](#), [49-415](#), [49-415A](#) and [49-415B](#), Idaho Code.
- (20) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes, and earth moving equipment. The term does not include travel trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.
- (21) "Specially constructed vehicle." (See "Vehicle," section [49-123](#), Idaho Code)
- (22) "Specialty off-highway vehicle." (See "Vehicle," section [49-123](#), Idaho Code)
- (23) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- (24) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.
- (25) "Stop" means the act of or complete cessation from movement.
- (26) "Stopping" means the act of any halting even momentarily of a vehicle.
- (27) "Street." (See "Highways," section [49-109](#), Idaho Code)

(28) "Street rod" means any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be, or resemble the same as the manufacturer's original issue after its first sale after manufacture.

(29) "Studded tire." (See "Tires," section [49-121](#), Idaho Code)

(30) "Substandard width lane" means a lane that is too narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.

(31) "Supplemental lot" means a physically separate location owned and maintained by a licensed dealer or manufacturer within the same or adjacent county as the principal place of business which meets all the requirements for a principal place of business.

(32) "Suspension of driver's license" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.

(33) "Suspension of vehicle registration" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's vehicle registration or, in the case of fleets of vehicles, all vehicle registrations in each fleet operated by a company. Upon suspension, the privileges of operating the vehicle or vehicles on Idaho highways is terminated until the difficulty that caused the suspension is corrected and notification is provided that the suspension has been lifted.

[49-120, added 1988, ch. 265, sec. 2, p. 565; am. 1989, ch. 88, sec. 11, p. 164; am. 1989, ch. 285, sec. 3, p. 702; am. 1989, ch. 310, sec. 5, p. 776; am. 1990, ch. 45, sec. 9, p. 81; am. 1990, ch. 176, sec. 1, p. 374; am. 1992, ch. 35, sec. 3, p. 103; am. 1992, ch. 232, sec. 1, p. 691; am. 1992, ch. 261, sec. 1, p. 756; am. 1993, ch. 135, sec. 1, p. 331; am. 1996, ch. 371, sec. 3, p. 1251; am. 2000, ch. 87, sec. 1, p. 189; am. 2001, ch. 208, sec. 29, p. 828; am. 2006, ch. 164, sec. 2, p. 489; am. 2009, ch. 157, sec. 3, p. 460.]

49-121. DEFINITIONS -- T. (1) "Temporary supplemental lot" means a location other than the principal place of business, or supplemental lot within the same or adjacent county as the principal place of business, where a licensed dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten (10) days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, etc. Temporary supplemental lots shall meet all local zoning and building codes for the type of business being conducted. The requirements for a principal place of business shall not be applicable to temporary supplemental lot locations. The adjacent county restriction shall not apply if the dealer holds the franchise for the products to be displayed or sold and has approval from a manufacturer for the location where the proposed temporary supplemental lot license will be issued by the department. Nonfranchised dealers shall be permitted to temporarily display or sell their products within a one hundred seventy-five (175) mile radius of their principal place of business, upon approval by the department.

(2) "Tires" means:

(a) Metal. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(b) Pneumatic. Every tire in which compressed air is designed to support the load.

(c) Snow tire. Every rubber tire with tread design or material embedded in the tire to improve winter traction except studded tires.

(d) Solid rubber. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(e) Studded tire. Every tire with built-in lugs of tungsten carbide or other suitable material designed to contact the road surface for improved winter traction.

(3) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(4) "Traffic lane" or "lane of travel" means that portion of the roadway for movement of a single line of vehicles.

(5) "Traffic-control device" means any device, whether manually, electrically or mechanically operated, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(6) "Trailer" means:

(a) General. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

(b) Fifth-wheel trailer. A vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.

(c) Fold down camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters, for recreational, camping or travel use.

(d) Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(e) Semitrailer. Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

(f) Travel trailer. A vehicular unit, mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.

(g) Utility trailer. (See "Utility trailer," section [49-122](#), Idaho Code)

(7) "Transitional ownership document" means a document used to perfect a lien against creditors or subsequent purchasers when the primary ownership document is not available and the selling dealer, new security interest holder or their agent, to the best of their knowledge, will not have possession of the primary ownership document, within thirty (30) days of the sale, or if no sale is involved, the date the contract or security agreement being perfected was signed, and contains all of the following:

- (a) The date of sale or if no sale is involved, the date the contract or security agreement being perfected was signed;
 - (b) The name and address of each owner of the vehicle;
 - (c) The name and address of each security interest holder;
 - (d) If there are multiple security interest holders, the priorities of interest if the security interest holders do not jointly hold a single security interest;
 - (e) The vehicle identification number;
 - (f) The name of the security interest holder or person who submits the transitional ownership document for the security interest holder; and
 - (g) Any other information the department may require for its records.
- (8) "Transportation," for the purposes of [chapter 22, title 49](#), Idaho Code, means the movement of any regulated quantity of hazardous material or hazardous waste within, through, or to any destination in this state upon the highways of this state.
- (9) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, except in [chapter 22, title 49](#), Idaho Code, where it means any person who transports a hazardous material or hazardous waste within, through, or to any destination upon the highways of this state.
- (10) "Truck" means:
- (a) Refuse/sanitation. Any vehicle designed and used solely for the purpose of transporting refuse.
 - (b) General. Every motor vehicle exceeding eight thousand (8,000) pounds gross weight designed, used or maintained primarily for the transportation of property.
 - (c) Pickup truck. Every motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property.
 - (d) Truck camper. A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and containing at least one (1) of the following facilities: stove; refrigerator or icebox; self-contained toilet; heater or air conditioner; potable water supply including a faucet and sink; separate 110-125 volt electrical power supply; or LP-gas supply. Truck campers originally constructed with an overall length of six (6) feet or longer shall be titled as provided in chapter 5 of this [title 49](#). A truck camper does not include pickup hoods, shells or canopies.
 - (e) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (11) "True mileage driven" means the mileage of the vehicle as registered by the odometer within the manufacturer's designed tolerance.

[49-121, added 1988, ch. 265, sec. 2, p. 566; am. 1989, ch. 408, sec. 2, p. 997; am. 1992, ch. 35, sec. 4, p. 105; am. 1992, ch. 232, sec. 2, p. 693; am. 1993, ch. 334, sec. 2, p. 1236; am. 1994, ch. 321, sec. 3, p. 1028; am. 1998, ch. 392, sec. 5, p. 1204; am. 2000, ch. 31, sec. 1, p. 57; am. 2000, ch. 320, sec. 2, p. 1080; am. 2007, ch. 66, sec. 1, p. 167; am. 2008, ch. 106, sec. 2, p. 297; am. 2014, ch. 38, sec. 2, p. 68; am. 2017, ch. 134, sec. 6, p. 317.]

49-122. DEFINITIONS -- U. (1) "Unauthorized vehicle" means any vehicle parked or otherwise left on private property without the consent of the person owning or controlling that property.

(2) "United States" means the fifty (50) states and the District of Columbia.

(3) "Unladen weight." (See "Light weight," section [49-113](#), Idaho Code)

(4) "Unregistered vehicle" means a vehicle without current registration on file with the department or with the appropriate agency of another state, unless exempt from registration.

(5) "Unusual noise." (See "Excessive," section [49-106](#), Idaho Code)

(6) "Urban district." (See "District," section [49-105](#), Idaho Code)

(7) "Utility trailer" means a trailer or semitrailer designed primarily to be drawn behind a passenger car or pickup truck for domestic and utility purposes. Utility or domestic use shall include a farm trailer while being used to haul agricultural products or livestock from farm to storage, market or processing plant, or returning therefrom.

(8) "Utility type vehicle" or "UTV" means a utility type vehicle or UTV as defined in section [67-7101](#), Idaho Code.

[49-122, added 1988, ch. 265, sec. 2, p. 568; am. 1989, ch. 88, sec. 12, p. 166; am. 1989, ch. 318, sec. 1, p. 817; am. 2000, ch. 418, sec. 4, p. 1335; am. 2006, ch. 42, sec. 5, p. 128; am. 2009, ch. 157, sec. 4, p. 462; am. 2011, ch. 158, sec. 2, p. 445.]

49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an axle or axles designed to support a part of the vehicle and load and which can be regulated to vary the amount of load supported by such an axle or axles and which can be deployed or lifted by the operator of the vehicle. (See also section [49-117](#), Idaho Code)

(a) "Fully raised" means that the variable load suspension axle is in an elevated position preventing the tires on such axle from having any contact with the roadway.

(b) "Fully deployed" means that the variable load suspension axle is supporting a portion of the weight of the loaded vehicle as controlled by the preset pressure regulator valve.

(2) "Vehicle" means:

(a) General. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(b) Assembled vehicle or vessel. A vehicle or vessel, not including a salvage vehicle or vessel, that has been constructed using major component parts from two (2) or more vehicles or vessels or that has been repaired using new factory major component parts so that the resulting vehicle or vessel has the same appearance as a vehicle or vessel that was manufactured under a specific make and model by a manufacturer. A vehicle or vessel utilizing a kit for the entire body or a glider kit vehicle is not an assembled vehicle.

(c) Authorized emergency vehicle. Vehicles operated by any fire department or law enforcement agency of the state of Idaho or any political subdivision of the state, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, vehicles belonging to or operated by EMS personnel certified or otherwise recognized by the EMS bureau of the Idaho department of health and welfare while in the performance of emergency

medical services, sheriff's search and rescue vehicles that are under the immediate supervision of the county sheriff, wreckers that are engaged in motor vehicle recovery operations and are blocking part or all of one (1) or more lanes of traffic, other emergency vehicles designated by the director of the Idaho state police or vehicles authorized by the Idaho transportation board and used in the enforcement of laws specified in section [40-510](#), Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or greater.

(d) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and 9 of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

- (i) Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or
- (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or
- (iii) Is designed to transport sixteen (16) or more people, including the driver; or
- (iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

For the purposes of [chapter 4, title 49](#), Idaho Code, motor vehicle registration, a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, or the transportation of property for the owner of the vehicle, or for hire, compensation, or profit, and shall include fixed load specially constructed vehicles exceeding the limits imposed by [chapter 10, title 49](#), Idaho Code, and including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to sections [49-402](#) and [49-402A](#), Idaho Code, or exempted by section [49-426](#), Idaho Code. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(e) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher, or by his designated agent, which are operated over public highways, and used exclusively to transport unprocessed agricultural products raised, owned or grown by the owner of the vehicle to market or place of storage; and shall include the transportation by the farmer or rancher of any equipment, supplies or products purchased by that farmer or rancher for his own use, and used in the farming or ranching operation or used by a farmer partly in transporting agricultural products or livestock from the farm of another farmer that were originally grown or raised on the farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on the farm but

not transported for hire, and shall not include vehicles of husbandry or vehicles registered pursuant to sections [49-402](#) and [49-402A](#), Idaho Code.

(f) Foreign vehicle. Every vehicle of a type required to be registered under the provisions of this title brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(g) Glider kit vehicle. Every large truck manufactured from a kit manufactured by a manufacturer of large trucks which consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The "glider kit" is made into a complete assembly by the addition of the engine, transmission, rear axles, wheels and tires.

(h) Motor vehicle. Every vehicle that is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section [49-107](#), Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-assisted bicycles, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under [title 49](#), Idaho Code.

(i) Multipurpose passenger vehicle (MPV). For the purposes of section [49-966](#), Idaho Code, a motor vehicle designed to carry ten (10) or fewer persons which is constructed either on a truck chassis or with special features for occasional off-road operation.

(j) Neighborhood electric vehicle (NEV). A self-propelled, electrically powered, four-wheeled motor vehicle which is emission free and conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under federal regulations at 49 CFR part 571. An NEV shall be titled, registered and insured according to law as provided respectively in chapters 4, 5 and 12, [title 49](#), Idaho Code, and shall only be operated by a licensed driver. Operation of an NEV on a highway shall be allowed as provided in section [49-663](#), Idaho Code.

(k) Noncommercial vehicle. For the purposes of [chapter 4, title 49](#), Idaho Code, motor vehicle registration, a noncommercial vehicle shall not include those vehicles required to be registered under sections [49-402](#) and [49-402A](#), Idaho Code, and means all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles, but shall include motor homes. A noncommercial vehicle shall include those vehicles having a combined gross weight not in excess of sixty thousand (60,000) pounds and not held out for hire, used for purposes related to private use and not used in the furtherance of a business or occupation for compensation or profit or for transporting goods for other than the owner.

(l) Passenger car. For the purposes of section [49-966](#), Idaho Code, a motor vehicle, except a multipurpose passenger vehicle, motorcycle or trailer, designed to carry ten (10) or fewer persons.

(m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previously determined or declared to be a salvage vehicle that has been rebuilt or repaired using like make and model parts and visually appears as a vehicle or vessel that was originally constructed under a distinctive manufacturer. This includes a salvage vehicle or vessel which is

damaged to the extent that a "rebuilt salvage" brand is required to be added to the title.

(n) Replica vehicle or vessel. A vehicle or vessel made to replicate any vehicle or vessel previously manufactured, using metal, fiberglass or other composite materials. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles shall meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated.

(o) Salvage vehicle or vessel. Any vehicle or vessel for which a salvage certificate of title, salvage bill of sale or other documentation has been issued showing evidence that the vehicle or vessel has been declared salvage or which has been damaged to the extent that the owner, or an insurer, or other person acting on behalf of the owner, determines that the cost of parts and labor minus the salvage value makes it uneconomical to repair or rebuild. When an insurance company has paid money or has made other monetary settlement as compensation for a total loss of any vehicle or vessel, such vehicle shall be considered to be a salvage vehicle or vessel.

(p) Specially constructed vehicle or vessel. Every vehicle or vessel of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles or vessels and not materially altered from its original construction and cannot be visually identified as a vehicle or vessel produced by a particular manufacturer. This includes:

(i) A vehicle or vessel that has been structurally modified so that it does not have the same appearance as a similar vehicle or vessel from the same manufacturer; or

(ii) A vehicle or vessel that has been constructed entirely from homemade parts and materials not obtained from other vehicles or vessels; or

(iii) A vehicle or vessel that has been constructed by using major component parts from one (1) or more manufactured vehicles or vessels and cannot be identified as a specific make or model; or

(iv) A vehicle or vessel constructed by the use of a custom kit that cannot be visually identified as a specific make or model. All specially constructed vehicles of a type required to be registered shall be certified by the owner to meet all applicable federal motor vehicle safety standards in effect at the time construction is completed, and all requirements of [chapter 9, title 49](#), Idaho Code.

(q) Specialty off-highway vehicle. A specialty off-highway vehicle as defined in section [67-7101](#), Idaho Code.

(r) Tank vehicle.

(i) Any commercial motor vehicle transporting, or designed to transport, any liquid or gaseous materials within:

1. A tank that is either permanently or temporarily attached or secured to the vehicle or chassis and has a rated capacity of one thousand (1,000) gallons or more; or

2. Multiple tanks either permanently or temporarily attached or secured, when the aggregate rated capacity of those tanks is one thousand (1,000) gallons or more, as de-

terminated by adding the capacity of each individual tank with a capacity of more than one hundred nineteen (119) gallons.

(ii) If a commercial motor vehicle transports one (1) or more tanks that are manifested either as empty or as residue and that are actually empty or contain only residue, those tanks shall not be considered in determining whether the vehicle is a tank vehicle.

(s) Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the vehicle.

(3) "Vehicle identification number." (See "identifying number," section [49-110](#), Idaho Code)

(4) "Vehicle salesman" means any person who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles. (See also "full-time salesman," section [49-107](#), Idaho Code, and "part-time salesman," section [49-117](#), Idaho Code)

(5) "Vessel." (See section [67-7003](#), Idaho Code)

(6) "Veteran." (See section [65-203](#), Idaho Code)

(7) "Violation" means a conviction of a misdemeanor charge involving a moving traffic violation, or an admission or judicial determination of the commission of an infraction involving a moving traffic infraction, except bicycle infractions.

[49-123, added 1988, ch. 265, sec. 2, p. 569; am. 1989, ch. 285, sec. 4, p. 703; am. 1989, ch. 310, sec. 6, p. 777; am. 1989, ch. 318, sec. 2, p. 818; am. 1990, ch. 45, sec. 10, p. 83; am. 1990, ch. 295, sec. 1, p. 815; am. 1991, ch. 272, sec. 5, p. 692; am. 1991, ch. 288, sec. 2, p. 741; am. 1992, ch. 115, sec. 4, p. 351; am. 1993, ch. 376, sec. 1, p. 1377; am. 1994, ch. 296, sec. 1, p. 934; am. 1995, ch. 122, sec. 2, p. 528; am. 1996, ch. 308, sec. 1, p. 1010; am. 1997, ch. 355, sec. 1, p. 1047; am. 1999, ch. 298, sec. 1, p. 746; am. 2000, ch. 469, sec. 110, p. 1566; am. 2002, ch. 160, sec. 3, p. 470; am. 2005, ch. 183, sec. 3, p. 562; am. 2006, ch. 51, sec. 18, p. 159; am. 2008, ch. 84, sec. 1, p. 215; am. 2008, ch. 198, sec. 4, p. 636; am. 2008, ch. 330, sec. 2, p. 904; am. 2009, ch. 11, sec. 18, p. 28; am. 2009, ch. 157, sec. 5, p. 462; am. 2014, ch. 38, sec. 3, p. 70; am. 2014, ch. 91, sec. 2, p. 245; am. 2015, ch. 208, sec. 3, p. 639; am. 2017, ch. 147, sec. 2, p. 360; am. 2019, ch. 84, sec. 4, p. 204; am. 2020, ch. 44, sec. 3, p. 100.]

49-124. DEFINITIONS -- W. (1) "Wheelchair, motorized." (See "Motorized wheelchair," section [49-114](#), Idaho Code)

(2) "Wholesaler" means a dealer who sells used vehicles to Idaho dealers.

(3) "Work zone" means a construction or maintenance area that is located on or adjacent to a highway and marked by appropriate warning signs.

(4) "Wrecker" means a motor vehicle designed and used primarily for towing other vehicles that may be disabled. A wrecker engaged in a motor

vehicle recovery operation and which is blocking part or all of one (1) or more lanes of traffic shall be designated an emergency vehicle.

[49-124, added 1988, ch. 265, sec. 2, p. 570; am. 1989, ch. 310, sec. 7, p. 779; am. 2005, ch. 83, sec. 2, p. 298.]

49-125. DEFINITIONS -- X. [RESERVED]

49-126. DEFINITIONS -- Y. [RESERVED]

49-127. DEFINITIONS -- Z. [RESERVED]