

TITLE 49  
MOTOR VEHICLES

CHAPTER 14  
TRAFFIC -- ENFORCEMENT AND GENERAL PROVISIONS

49-1401. RECKLESS DRIVING. (1) Any person who drives or is in actual physical control of any vehicle upon a highway, or upon public or private property open to public use, carelessly and heedlessly or without due caution and circumspection, and at a speed or in a manner as to endanger or be likely to endanger any person or property, or who passes when there is a line in his lane indicating a sight distance restriction, shall be guilty of reckless driving and upon conviction shall be punished as provided in subsection (2) of this section.

(2) Every person who pleads guilty to or is found guilty of reckless driving for the first time is guilty of a misdemeanor and may be sentenced to jail for not more than six (6) months or may be fined not more than one thousand dollars (\$1,000), or may be punished by both fine and imprisonment. Every person who pleads guilty to or is found guilty of reckless driving, who has previously been found guilty of or has pled guilty to reckless driving, or any substantially conforming foreign criminal violation within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a misdemeanor and may be sentenced to jail for not more than one (1) year or may be fined not more than two thousand dollars (\$2,000), or may be punished by both fine and imprisonment. The department shall suspend the driver's license or privileges of any such person as provided in section [49-326](#), Idaho Code.

(3) Inattentive driving shall be considered a lesser offense than reckless driving and shall be applicable in those circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight. Every person convicted of inattentive driving under this section shall be guilty of a misdemeanor and may be sentenced to jail for not more than ninety (90) days or may be fined not more than three hundred dollars (\$300), or may be punished by both fine and imprisonment.

[49-1401, added 1988, ch. 265, sec. 337, p. 744; am. 1989, ch. 88, sec. 53, p. 191; am. 1992, ch. 115, sec. 32, p. 375; am. 2005, ch. 119, sec. 1, p. 379; am. 2006, ch. 71, sec. 21, p. 224.]

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

(a) "Mobile electronic device" means a cellular telephone; broadband personal communication device; two-way messaging device; text messaging device; pager; personal digital assistant; laptop computer; computer tablet; stand-alone computer; portable computing device; mobile device with a touchscreen display that is designed to be worn; electronic games; equipment that is capable of playing a video or recording or transmitting video; or any similar electronic device that is used to initiate, receive, or display communication or information. "Mobile electronic device" does not include a radio designed for the citizens band radio service or the amateur radio service of the federal communications commission or a commercial two-way radio communications device, an information or communication system installed within a

vehicle, a subscription-based emergency communication device, or a prescribed medical device.

(b) "Operate" means to drive or assume physical control of a motor vehicle upon a public way, street, road, or highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. "Operate" does not include a motor vehicle that is lawfully parked or that has pulled to the side of or off the road at a location where it is legal to do so and where the vehicle remains stationary.

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

(a) A law enforcement officer, firefighter, emergency medical technician, paramedic, operator of an authorized emergency vehicle, or similarly engaged paid or volunteer public safety first responder during the performance of that person's official duties, and a public or consumer-owned utility employee or contractor acting within the scope of that person's employment when responding to a utility emergency;

(b) The use of a mobile electronic device for emergency purposes, including a text messaging device to contact a 911 system; an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity; reporting a fire, traffic accident, serious road hazard, or medical or hazardous materials emergency to appropriate authorities; reporting the operator of another motor vehicle who is driving in a reckless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs; or reporting a crime;

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

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

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

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

(g) The use of a mobile electronic device in a farming or ranching operation to assist in the movement of farm tractors, farm equipment, and implements of husbandry from one farm operation to another.

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

(4) A violation of this section shall be a moving violation and shall be an infraction punishable by a fine of seventy-five dollars (\$75.00) for a first offense and one hundred fifty dollars (\$150) for a second offense within a three (3) year period. For each subsequent offense within a three

(3) year period, the offender shall be punished by a fine of three hundred dollars (\$300).

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

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

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

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

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

(10) The state preempts the field of regulating the use of mobile electronic devices in motor vehicles while driving, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by any political subdivision or municipality to regulate the use of a mobile electronic device by the operator of a motor vehicle.

(11) This section shall be effective July 1, 2020, provided that only warnings and no infractions shall be issued under this section prior to January 1, 2021.

[49-1401A, added 2020, ch. 260, sec. 2, p. 756.]

49-1402. PARTIES TO A CRIME. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of that offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this title is likewise guilty of that offense.

[49-1402, added 1988, ch. 265, sec. 338, p. 745.]

49-1403. OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES. It shall be unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require or knowingly permit the operation of the vehicle upon a highway in any manner contrary to law.

[49-1403, added 1988, ch. 265, sec. 339, p. 745.]

49-1404. FLEEING OR ATTEMPTING TO ELUDE A PEACE OFFICER -- PENALTY. (1) Any driver of a motor vehicle who wilfully flees or attempts to elude a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by a peace officer may be by emergency lights or siren. The signal given by a peace officer by emergency lights or siren need not conform to the standards for decibel ratings or light visibility specified in section [49-623](#)(3), Idaho Code. It is sufficient proof that a reasonable person knew or should have known that the visual or audible signal given by a peace officer was intended to bring the pursued vehicle to a stop.

(2) An operator who violates the provisions of subsection (1) and while so doing:

- (a) Travels in excess of thirty (30) miles per hour above the posted speed limit;
- (b) Causes damage to the property of another or bodily injury to another;
- (c) Drives his vehicle in a manner as to endanger or likely to endanger the property of another or the person of another; or
- (d) Leaves the state;

is guilty of a felony.

(3) The department shall suspend the driver's license or privileges of a person who has pled guilty or is found guilty of a misdemeanor violation of the provisions of this section, notwithstanding the form of the judgment or withheld judgment, as provided in section [49-326](#), Idaho Code. Any person who has pled guilty or is found guilty of a felony violation of the provisions of this section, notwithstanding the form of the judgment or withheld judgment, shall have his driving privileges suspended by the court for a minimum of one (1) year, which may extend to three (3) years, at the discretion of the court, during which time he shall have absolutely no driving privileges of any kind.

[49-1404, added 1988, ch. 265, sec. 340, p. 745; am. 1989, ch. 88, sec. 54, p. 192; am. 1992, ch. 115, sec. 33, p. 376; am. 1993, ch. 164, sec. 1, p. 416; am. 1994, ch. 165, sec. 1, p. 373; am. 1996, ch. 255, sec. 1, p. 836.]

49-1405. ARRESTS FOR SERIOUS OFFENSES. (1) The authority to make an arrest is the same as upon an arrest for a felony when any person is charged with any of the following offenses:

- (a) Negligent homicide.
- (b) Driving, or being in actual physical control, of a vehicle or operating a vessel while under the influence of alcohol or other intoxicating beverage.
- (c) Driving a vehicle or operating a vessel while under the influence of any narcotic drug, or driving a vehicle or operating a vessel while under the influence of any other drug to a degree which renders the person incapable of safely driving a vehicle.
- (d) Failure to stop, or failure to give information, or failure to render reasonable assistance, in the event of an accident resulting in death or personal injuries.
- (e) Failure to stop, or failure to give information, in the event of an accident resulting in damage to a vehicle or vessel or to fixtures or other property legally upon or adjacent to a highway or waterway.
- (f) Reckless driving.
- (g) Fleeing or attempting to elude a peace officer.

(2) Whenever any person is arrested as authorized in this section, he shall be taken without unnecessary delay before the proper magistrate as provided by law, except that in the case of either of the offenses designated in paragraphs (1) (e), (f) and (g) of this section, a peace officer shall have the same discretion as is provided by law.

(3) As used in this section, the term "vessel" shall be as defined in section [67-7003](#), Idaho Code.

[49-1405, added 1988, ch. 265, sec. 341, p. 746; am. 1997, ch. 70, sec. 1, p. 146; am. 2001, ch. 113, sec. 1, p. 404.]

49-1406. WHEN PERSON MUST BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE. Whenever any person is halted by a peace officer for any violation of the provisions of this title not amounting to a misdemeanor and demands an immediate appearance before a magistrate, he shall be taken without unnecessary delay before the proper magistrate as specified in section [49-1411](#), Idaho Code.

[49-1406, added 1988, ch. 265, sec. 342, p. 746.]

49-1407. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON BEFORE A MAGISTRATE. Whenever any person is halted by a peace officer for any misdemeanor violation of the provisions of this title and is not required to be taken before a magistrate, the person shall, in the discretion of the officer, either be given a traffic citation or be taken without unnecessary delay before the proper magistrate as specified in section [49-1411](#), Idaho Code, in the following cases:

(1) When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

(2) When the person is charged with a violation relating to the refusal of a driver of a vehicle to submit a vehicle to an inspection and test.

(3) When the person is charged with a violation relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom.

[49-1407, added 1988, ch. 265, sec. 343, p. 746.]

49-1408. ARREST OF NONRESIDENT. (1) All of the provisions of this title apply both to residents and nonresidents of Idaho, except the special provisions in this section which shall govern misdemeanor violations in respect to nonresidents under the circumstances stated.

(2) A peace officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a nonresident of this state and who is involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this title in connection with the accident, and if the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

(3) Whenever any person is arrested under the provisions of this section, he shall be taken without unnecessary delay before the proper magistrate as specified in section [49-1411](#), Idaho Code.

[49-1408, added 1988, ch. 265, sec. 344, p. 747.]

49-1409. ISSUANCE OF TRAFFIC CITATION. Whenever a person is halted by a peace officer for a misdemeanor traffic violation and is not taken before a magistrate as required or permitted by this title, the officer shall issue a citation as provided by section [19-3901](#), Idaho Code, and by rule of the supreme court.

[49-1409, added 1988, ch. 265, sec. 345, p. 747.]

49-1410. AUTHORITY OF OFFICER TO ISSUE CITATION AT SCENE OF ACCIDENT. A peace officer at the scene of a traffic accident may issue a written traffic

citation, as provided in section [19-3901](#), Idaho Code, to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person had committed any offense under the provisions of this title in connection with the accident.

[49-1410, added 1988, ch. 265, sec. 346, p. 747.]

49-1411. APPEARANCE BEFORE MAGISTRATE -- PROCEDURE. A person shall be taken before a magistrate or given a traffic citation and the charge subsequently processed, as provided by rule of the supreme court.

[49-1411, added 1988, ch. 265, sec. 347, p. 748.]

49-1412. RELEASE OF DEFENDANT WHEN MAGISTRATE NOT AVAILABLE. Whenever any person is taken into custody by an officer for the purpose of taking him before a magistrate as authorized or required in this chapter upon any charge other than a felony or the offenses enumerated in subsections (1) (a) through (d) of section [49-1405](#), Idaho Code, and no magistrate is available at the time of arrest, and there is no bail schedule established by any magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person shall be released from custody upon the issuance to him of a written traffic citation and his signing a promise to appear.

[49-1412, added 1988, ch. 265, sec. 348, p. 748.]

49-1413. PROCEDURE PRESCRIBED NOT EXCLUSIVE. The provisions of this chapter shall govern all peace officers in making arrests without a warrant for misdemeanor violations of the provisions of this title, but the procedure prescribed shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

[49-1413, added 1988, ch. 265, sec. 349, p. 748.]

49-1414. CONVICTION FOR TRAFFIC VIOLATION NOT TO AFFECT CREDIBILITY OF WITNESS. The conviction of a person upon a charge of violating any provision of this title less than a felony shall not affect or impair the credibility of that person as a witness in any civil or criminal proceeding.

[49-1414, added 1988, ch. 265, sec. 350, p. 748.]

49-1415. ILLEGAL CANCELLATION OF TRAFFIC CITATION -- AUDIT OF CITATION RECORDS. (1) Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this chapter, shall be guilty of a misdemeanor.

(2) Every record of traffic citations required in this chapter shall be audited at least biennially by the appropriate fiscal officer of the governmental agency to which the traffic-enforcement agency is responsible.

(3) The fiscal officer shall publish or cause to be published at least biennially a summary of all traffic violation notices issued by the traffic-enforcement agency and their dispositions in at least one (1) local newspaper of general circulation.

[49-1415, added 1988, ch. 265, sec. 351, p. 749.]

49-1416. RECORD OF TRAFFIC CASES -- REPORT OF CONVICTIONS TO DEPARTMENT. (1) Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court, and shall keep a record of every official action by the court in reference thereto, including a record of every conviction, forfeiture resulting from every traffic complaint or citation deposited with or presented to the court.

(2) Within ten (10) days after a conviction or forfeiture of bail of a person upon a charge of violating any provision of this title or other law regulating the operation of vehicles on highways, the magistrate of the court or clerk of the court of record in which the conviction was had or bail was forfeited shall prepare and immediately forward to the department, either by paper or electronically, an abstract of the record of the court covering the case in which the person was convicted or forfeited bail. The abstract shall be certified by the person required to prepare the abstract to be true and correct. A report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(3) The abstract, whether paper or electronic, shall be made upon a form as prescribed by the supreme court and shall include the name and address of the party charged, the number if any of his driver's license, the registration number of the motor vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture as applicable.

(4) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(5) Courts shall not mask, defer imposition of judgment, or allow the holder of a commercial driver's license or a person cited while operating a commercial motor vehicle, to enter into a diversion program that would prevent a conviction in any jurisdiction of a violation of a state or local traffic control law, excluding a parking violation, from appearing on the driver's record.

(6) The failure, refusal, or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal.

(7) The department shall keep all abstracts received in either electronic format or on microfilm, and abstracts shall be open to public inspection during reasonable business hours with the exception of personal information which may be exempt from disclosure as otherwise provided by law.

[49-1416, added 1988, ch. 265, sec. 352, p. 749; am. 1992, ch. 115, sec. 34, p. 376; am. 1998, ch. 110, sec. 30, p. 412; am. 2006, ch. 164, sec. 10, p. 498; am. 2010, ch. 49, sec. 4, p. 93.]

49-1417. PROVISIONS OF SECTIONS UNIFORM THROUGHOUT STATE. The provisions of sections [49-1401](#) and [49-1402](#), Idaho Code, shall be applicable and uniform throughout the state and in all political subdivisions and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of those sections.

[49-1417, added 1988, ch. 265, sec. 353, p. 750.]

49-1418. AUTHORIZING SEIZURE OF VESSELS, MOTOR AND OTHER VEHICLES -- PROHIBITING DEFACING, ALTERING OR OBLITERATING NUMBERS -- SALES PROHIBITED. (1) Any peace officer or authorized transportation department employee, with or without a warrant, may seize and take possession of any vehicle, trailer, semitrailer, vessel, vessel motor or implement of husbandry, or any part or parts thereof, which the peace officer or authorized employee has probable cause to believe is stolen, or on which any motor number, manufacturer's number, or identification number has been defaced, altered, removed, covered, destroyed or obliterated. Any peace officer or authorized transportation department employee so seizing a vehicle, vessel, equipment or parts thereof immediately shall notify the department and shall make every reasonable effort to determine ownership of the vehicle, vessel or equipment and to notify the rightful owner that the vehicle has been seized.

(2) It shall be unlawful for any person owning, conducting, managing or operating a service station, public garage, paint shop, or other repair shop for vehicles, vessels, or equipment described in subsection (1) of this section, to fail to notify local law enforcement agencies or the department, of any vehicle, vessel, equipment or parts thereof on which any numbers described in subsection (1) of this section, have been defaced, altered, removed, covered, destroyed or obliterated.

(3) Any person who shall deface, alter, remove, cover, destroy or obliterate the motor number, manufacturer's number, or identification number of any vehicle, vessel, equipment or parts thereof described in subsection (1) of this section, or places or stamps any serial number, engine number, or any other number upon a vehicle, vessel, equipment or parts thereof unless the number is assigned by the department is guilty of a felony and is punishable as provided by section [18-112](#), Idaho Code.

(4) Any person who knowingly disposes of, sells or offers for sale any vehicle, engine or parts removed from a vehicle, vessel, equipment or parts thereof described in subsection (1) of this section from which the manufacturer's number, motor number, identification number or any assigned or replacement number issued by the department has been defaced, altered, removed, covered, destroyed or obliterated is guilty of a felony.

[49-1418, added 1988, ch. 265, sec. 354, p. 750; am. 1991, ch. 288, sec. 5, p. 745.]

49-1419. OBEDIENCE TO TRAFFIC DIRECTION. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer, fireman or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.

[49-1419, added 1988, ch. 265, sec. 355, p. 751.]

49-1420. INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS. No person shall, without lawful authority, attempt to or in fact alter, twist, deface, injure, knock down, remove or interfere with the effective operation of any traffic control device or any railroad sign or signal or any inscription, shield or insignia, or any other part.

[49-1420, added 1988, ch. 265, sec. 356, p. 751.]

49-1421. DRIVING ON DIVIDED HIGHWAYS -- RESTRICTED ACCESS. (1) Whenever any highway has been divided into two (2) or more traffic lanes by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand traffic lane unless directed or permitted to use another traffic lane by traffic control devices or peace officers. No vehicle shall be driven over, across or within any dividing space, barrier or section, except through an opening in the physical barrier, dividing section or space or at a crossover or intersection as established, unless specifically prohibited by public authority.

(2) No person shall drive a vehicle onto or from any controlled access highway except at entrances and exits as are established by proper authority.

[49-1421, added 1988, ch. 265, sec. 357, p. 751.]

49-1421A. HIGH OCCUPANCY VEHICLE LANES -- PENALTIES -- DEFINITIONS. (1) Except as provided in subsections (2) and (3) of this section, a person shall not drive a vehicle carrying fewer than two (2) persons, including the driver, in a high occupancy vehicle lane at any time the use of the high occupancy vehicle lane is restricted to vehicles carrying two (2) or more persons, including the driver.

(2) A person may drive a motorcycle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

(3) A person may drive a public transportation vehicle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

(4) A person may drive an emergency vehicle in a high occupancy vehicle lane regardless of the number of passengers, without penalty, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or when performing normal patrol duties.

(5) A person may drive an authorized maintenance vehicle in a high occupancy vehicle lane regardless of the number of passengers, without penalty, when necessary to perform maintenance of that lane.

(6) Any violation of the provisions of this section shall be an infraction punishable by a fixed penalty of one hundred dollars (\$100).

(7) For the purposes of this section, the following terms have the following meanings:

(a) "High occupancy vehicle lane" means a designated lane of laned roadway where the use of such designated lane is restricted to vehicles carrying at least the minimum number of persons as provided for in this section and as designated by the director of the Idaho transportation department as indicated on official signs and other official traffic-control devices.

(b) "Public transportation vehicle" means a vehicle that:

(i) Provides a designated public transportation as defined in section 221 of the Americans with disabilities act of 1990 or provides public school transportation (that is, to and from public or private primary, secondary or tertiary schools); and

(ii) Is owned or operated by a public entity, or is operated under a contract with a public entity, or is operated pursuant to a license by the secretary of the United States department of trans-

portation or an agency of the state of Idaho, to provide motorbus or school vehicle transportation services to the public.

(8) The provisions of this section shall apply only in counties with a population less than twenty-five thousand (25,000), according to the most recent census within the state of Idaho, and where such county includes a resort city authorized to approve certain nonproperty taxes pursuant to section [50-1044](#), Idaho Code.

[49-1421A, added 2009, ch. 192, sec. 1, p. 626.]

49-1422. OVERTAKING AND PASSING SCHOOL BUS. (1) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching the school bus when there is in operation on a school bus the visual signals specified in section [49-915](#), Idaho Code, and the driver of a vehicle shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. Oncoming traffic on a highway of more than three (3) lanes is not required to stop upon meeting a school bus when visual signals are actuated. Any person found guilty of violating the provisions of this subsection shall be fined an amount of no less than two hundred dollars (\$200) for a first offense under this subsection; no less than four hundred dollars (\$400) for a second offense under this subsection within five (5) years of a prior offense under this subsection; and no less than six hundred dollars (\$600) for a third offense under this subsection within five (5) years of two (2) prior offenses under this subsection. Notwithstanding the provisions of section [19-4705](#), Idaho Code, the fines imposed under this subsection in excess of one hundred dollars (\$100) shall be paid into the school bus camera fund, which is hereby created in the state treasury. Moneys in the fund may be appropriated only for the purpose of installing cameras on school buses to enforce the traffic law established in this section. If no program is established for the administration of the school bus camera fund by July 1, 2024, then such funds shall be distributed pursuant to section [19-4705](#), Idaho Code.

(2) Every school bus shall be equipped with visual signals meeting the requirements of section [49-915](#), Idaho Code, which shall be actuated by the driver of the school bus whenever, but only whenever, the vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

- (a) In business districts designated by the department or local authorities;
- (b) At intersections or other places where traffic is controlled by traffic control signals or peace officers; or
- (c) In designated school bus loading areas where the bus is entirely off the roadway.

(3) Every school bus shall bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

(4) When any school bus is sold and is no longer to be used for the transportation of pupils, before it may again be used on the highways of this state, it shall be painted a color other than national school bus glossy yellow, federal standard 595a, color number 13432, and all school bus markings shall be obliterated.

[49-1422, added 1988, ch. 265, sec. 358, p. 751; am. 2014, ch. 69, sec. 1, p. 176; am. 2019, ch. 236, sec. 1, p. 722.]

49-1423. INVESTIGATION OF REPORTED VIOLATION OF FAILING TO OBEY SCHOOL BUS WARNING DEVICES. (1) The driver of a school bus who observes a violation of section [49-1422](#), Idaho Code, shall prepare a written report on a form provided by the department of education indicating that a violation has occurred. The school bus driver or a school official shall deliver the report no more than seventy-two (72) hours after the alleged violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the alleged violation occurred. The report shall state the time and the location at which the alleged violation occurred and shall include the motor vehicle license plate number and a description of the vehicle involved in the alleged violation.

(2) Not more than seven (7) calendar days after receiving a report of an alleged violation of section [49-1422](#), Idaho Code, from a school bus driver or a school official, the peace officer shall initiate an investigation of the reported violation and contact the registered owner of the motor vehicle involved in the reported violation and request that the owner supply information identifying the driver if the registered owner claims he was not the driver at the time the alleged violation occurred. If, from the investigation, the peace officer is able to identify the driver and has reasonable cause to believe a violation of section [49-1422](#), Idaho Code, has occurred, the peace officer shall prepare a uniform traffic citation for the violation and shall serve it personally or by certified mail to the driver of the vehicle.

[49-1423, added 1996, ch. 242, sec. 2, p. 772.]

49-1424. RACING ON PUBLIC HIGHWAYS. (1) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any race, competition, contest, test or exhibition.

(2) The provisions of this section shall not prohibit the use of the highways for organized motoring activities where speed or acceleration is not the objective of the contest but rather the prime objective is the precise measurement of time and distance within the posted legal speed limits.

(3) The provisions of this section shall not prohibit organized motoring activities upon the highways where speed is a primary objective of the contest when prior written permission is obtained from the authority having jurisdiction over the area to be used, and prior notification is given to law enforcement agencies in the area to be used.

[49-1424, added 1988, ch. 265, sec. 360, p. 753.]

49-1425. RAILROAD TRAINS NOT TO UNNECESSARILY BLOCK CROSSINGS. No person or government agency shall operate any train in a manner as to prevent vehicular use of any highway for a period of time in excess of fifteen (15) consecutive minutes except:

(1) When necessary to comply with signals affecting the safety of the movement of trains;

(2) When necessary to avoid striking any object or person on the track;

- (3) When the train is stopped to comply with a governmental safety regulation;
- (4) When the train is disabled;
- (5) When the train is in motion except while engaged in switching operations;
- (6) When there is no vehicular traffic waiting to use the crossing.

[49-1425, added 1988, ch. 265, sec. 361, p. 754.]

49-1426. PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS. A pedestrian who is under the influence of alcohol or any drug to a degree which renders him a hazard shall not walk or be upon a highway except on a sidewalk.

[49-1426, added 1988, ch. 265, sec. 362, p. 754.]

49-1427. VEHICLES TRANSPORTING EXPLOSIVES. Any person operating a vehicle transporting any explosive as a cargo or part of a cargo, upon a highway, shall at all times comply with the provisions of this section.

(1) The vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight (8) inches high, and there shall be displayed on the rear of the vehicle a red flag not less than twenty-four (24) inches square, marked with the word "danger" in white letters six (6) inches high.

(2) The vehicle shall be equipped with not less than two (2) fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle.

[49-1427, added 1988, ch. 265, sec. 363, p. 754.]

49-1428. FINANCIAL RESPONSIBILITY. (1) It shall be unlawful for any person to operate a motor vehicle upon highways without a valid policy of liability insurance in full force and effect in an amount not less than that provided in section [49-117](#), Idaho Code, or unless the person has been issued a certificate of self-insurance pursuant to section [49-1224](#), Idaho Code, or has previously posted an indemnity bond with the director of insurance as provided in section [49-1229](#), Idaho Code.

(2) It is an infraction punishable by a fine of seventy-five dollars (\$75.00) for any person to violate the provisions of this section for the first time. A second and any subsequent conviction of a violation of the provisions of this section or the provisions of section [49-1229](#) or [49-1232](#), Idaho Code, within five (5) years shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both. The department shall notify any person convicted of a violation of this section of the penalties which may be imposed for a second and any subsequent conviction.

[49-1428, added 1988, ch. 265, sec. 364, p. 755; am. 1990, ch. 432, sec. 7, p. 1200; am. 1998, ch. 423, sec. 5, p. 1338; am. 1999, ch. 81, sec. 20, p. 263.]

49-1429. FALSE CERTIFICATE. It shall be unlawful for anyone to alter, falsify, forge, counterfeit, or issue or make any certificate of liability insurance except as provided for in this title.

[49-1429, added 1988, ch. 265, sec. 365, p. 755.]

49-1430. FORGED CERTIFICATE. Any person who shall forge or, without authority, sign any declaration that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any evidence of proof knowing or having reason to believe it is forged or signed without authority, shall be deemed guilty of a misdemeanor and be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one (1) year, or both.

[49-1430, added 1988, ch. 265, sec. 366, p. 755; am. 2001, ch. 74, sec. 8, p. 178.]

49-1431. MOTORCYCLE PROFILING. (1) No state or local law enforcement agent or law enforcement agency shall engage in motorcycle profiling.

(2) For purposes of this section, "motorcycle profiling" means the arbitrary use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle under the constitution of the United States or the constitution of the state of Idaho.

(3) Nothing in this section shall be construed to create a cause of action against any individual, the state of Idaho, any counties or cities of the state, or any law enforcement entity within the state.

[49-1431, added 2020, ch. 326, sec. 1, p. 942.]