

IN THE SENATE

SENATE BILL NO. 1385

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES AND FINANCIAL RESPONSIBILITY; AMENDING SECTION
2 49-117, IDAHO CODE, TO REVISE THE DEFINITION OF "PROOF OF FINANCIAL RE-
3 SPONSIBILITY," TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL
4 CORRECTIONS; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR APPLICABILITY.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing
11 of a vehicle, whether occupied or not, other than temporarily for the pur-
12 pose of and while actually engaged in loading or unloading property or pas-
13 sengers.

14 (2) "Park trailer." (See "Trailer," section 49-121, Idaho Code)

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

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

18 (5) "Pedestrian" means any person afoot and any person operating a
19 wheelchair or a motorized wheelchair or an electric personal assistive mo-
20 bility device.

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

23 (7) (a) "Person" means every natural person, firm, fiduciary, copart-
24 nership, association, corporation, trustee, receiver or assignee for
25 the benefit of creditors, political subdivision, state or federal gov-
26 ernmental department, agency, or instrumentality, and for the purposes
27 of chapter 22 of this title shall include a private, common or contract
28 carrier operating a vehicle on any highway of this state.

29 (b) "Person with a disability" means:

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

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

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

40 (iv) For the purposes of chapters 3 and 4 of this title, a person
41 with a permanent disability is one whose physician certifies that
42 the person qualifies as a person with a disability pursuant to this

1 ~~subsection (7)(b) paragraph~~, and further certifies that there is
2 no expectation for a fundamental or marked change in the person's
3 condition at any time in the future.

4 (8) "Personal information" means information that identifies an indi-
5 vidual, including an individual's photograph or computerized image, social
6 security number, driver identification number, name, address, telephone
7 number, and medical or disability information, but does not include infor-
8 mation on vehicular accidents, driving or equipment-related violations,
9 the five-digit zip code of the person's address, or status of the driver's
10 license or motor vehicle registration.

11 (9) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

12 (10) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

13 (11) "Possessory lien" means a lien dependent upon possession for com-
14 pensation to which a person is legally entitled for making repairs or per-
15 forming labor upon, and furnishing supplies or materials for, and for the
16 towing, storage, repair, or safekeeping of, any vehicle of a type subject to
17 registration.

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

21 (13) "Preceding year" means, for the purposes of section 49-43~~54~~, Idaho
22 Code, a period of twelve (12) consecutive months fixed by the department,
23 prior to July 1 of the year immediately preceding the commencement of the
24 registration or license year for which proportional registration is sought.
25 The department in fixing the period shall make it conform to the terms, con-
26 ditions and requirements of any applicable agreement or arrangement for the
27 proportional registration of vehicles.

28 (14) "Pressure regulator valve" means a device or system ~~which that~~ gov-
29 erns the load distribution and controls the weight borne by a variable load
30 suspension axle in accordance with a predetermined valve setting.

31 (15) "Principal place of business" means an enclosed commercial struc-
32 ture located within the state, easily accessible and open to the public at
33 all reasonable times, with an improved display area large enough to display
34 five (5) or more vehicles of the type the dealer is licensed to sell, imme-
35 diately adjoining the building, and at which the business of a dealership,
36 including the display and repair of vehicles, may be lawfully carried on
37 in accordance with the terms of all applicable building codes, zoning and
38 other land-use regulatory ordinances, and in which building the public shall
39 be able to contact the dealer or his salesmen in person or by telephone at
40 all reasonable times. The books, records and files necessary to conduct
41 the business of the dealership must be kept or reproduced electronically at
42 the dealership's licensed location(s). A dealership keeping its physical
43 books, records and files at an off-site location must notify the department
44 in writing of such location at least thirty (30) days in advance of moving
45 such books, records and files ~~off-site~~ off site. Physical books, records and
46 files must be made available to the department upon request within three (3)
47 business days of such request. The principal place of business shall display
48 an exterior sign permanently affixed to the land or building, with letters
49 clearly visible to the major avenue of traffic. In no event shall a room or
50 rooms in a hotel, rooming house, or apartment house building or a part of any

1 single or multiple unit dwelling house be considered a "principal place of
 2 business" within the terms and provisions of this title unless the entire
 3 ground floor of that hotel, apartment house, or rooming house building or
 4 dwelling house be devoted principally to and occupied for commercial pur-
 5 poses, and the office or offices of the dealer be located on the ground floor.

6 (16) "Private property open to the public" means real property not owned
 7 by the federal government or the state of Idaho or any of its political sub-
 8 divisions, but is available for vehicular traffic or parking by the general
 9 public with the permission of the owner or agent of the real property.

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

13 (18) "Proof of financial responsibility" means proof of ability to re-
 14 spond in damages for liability, on account of accidents occurring subsequent
 15 to the effective date of the proof, arising out of the ownership, maintenance
 16 or use of a motor vehicle, in the amount of ~~twenty-five~~ fifty thousand dol-
 17 lars (\$~~25~~50,000) because of bodily injury to or death of one (1) person in any
 18 one (1) accident, and, subject to the limit for one (1) person, in the amount
 19 of ~~fifty one hundred~~ fifty thousand dollars (\$~~51~~100,000) because of bodily injury
 20 to or death of two (2) or more persons in any one (1) accident, and in the
 21 amount of ~~fifteen~~ fifty thousand dollars (\$~~15~~50,000) because of injury to or
 22 destruction of property of others in any one (1) accident.

23 (19) "Proper authority" means a public highway agency.

24 (20) "Public highway agency" means the state transportation depart-
 25 ment, any city, county, highway district or any other state agency ~~which~~ that
 26 has jurisdiction over public highway systems and public rights-of-way.

27 (21) "Public right-of-way" means a right-of-way open to the public and
 28 under the jurisdiction of a public highway agency, where the public highway
 29 agency has no obligation to construct or maintain said right-of-way for ve-
 30 hicular traffic.

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

32 (23) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho
 33 Code)

34 SECTION 2. This act shall be in full force and effect on and after Jan-
 35 uary 1, 2017, and shall apply to all relevant policies, coverages and con-
 36 tracts that are written or renewed on and after January 1, 2017.