

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 148

BY BUSINESS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE AND APPLICABILITY.

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

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

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 less 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,

1 arthritic disorder, blindness, or the loss of function or absence
2 of a limb.

3 (iv) For the purposes of chapters 3 and 4, title 49, Idaho Code,
4 a person with a permanent disability is one whose physician certi-
5 fies that the person qualifies as a person with a disability pur-
6 suant to this paragraph and further certifies that there is no ex-
7 pectation for a fundamental or marked change in the person's con-
8 dition at any time in the future.

9 (8) "Personal delivery device" means an electrically powered device
10 that is operated on sidewalks and crosswalks and is intended primarily to
11 transport property; weighs less than eighty (80) pounds, excluding cargo;
12 has a maximum speed of ten (10) miles per hour; and is equipped with technol-
13 ogy to allow for operation of the device with or without the active control
14 or monitoring of a natural person. A personal delivery device shall not be
15 defined as a vehicle or motor vehicle in any section of the law, unless ex-
16 pressly so stated.

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

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

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

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

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

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

44 (15) "Preceding year" means, for the purposes of section 49-4354, Idaho
45 Code, a period of twelve (12) consecutive months fixed by the department,
46 prior to July 1 of the year immediately preceding the commencement of the
47 registration or license year for which proportional registration is sought.
48 The department in fixing the period shall make it conform to the terms, con-
49 ditions and requirements of any applicable agreement or arrangement for the
50 proportional registration of vehicles.

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

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

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

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

36 (20) "Proof of financial responsibility" means proof of ability to re-
37 spond in damages for liability, on account of accidents occurring subsequent
38 to the effective date of the proof, arising out of the ownership, maintenance
39 or use of a motor vehicle, in the amount of ~~twenty-five~~ fifty thousand dol-
40 lars (\$~~25~~50,000) because of bodily injury to or death of one (1) person in any
41 one (1) accident and, subject to the limit for one (1) person, in the amount
42 of ~~fifty~~ one hundred thousand dollars (\$~~5~~100,000) because of bodily injury
43 to or death of two (2) or more persons in any one (1) accident, and in the
44 amount of ~~fifteen~~ fifty thousand dollars (\$~~15~~50,000) because of injury to or
45 destruction of property of others in any one (1) accident.

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

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

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

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

6 (25) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho
7 Code)

8 SECTION 2. This act shall be in full force and effect on and after Jan-
9 uary 1, 2020, and shall apply to all relevant policies, coverages, and con-
10 tracts that are written or renewed on and after July 1, 2019.