

IN THE SENATE

SENATE BILL NO. 1256

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1
2 RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION
3 49-236, IDAHO CODE, TO INCREASE A FINE AMOUNT; AMENDING SECTION
4 49-1229, IDAHO CODE, TO INCREASE A FINE AMOUNT; AND AMENDING SECTION
5 49-1428, IDAHO CODE, TO INCREASE A FINE AMOUNT.

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

7 SECTION 1. That Section 49-236, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 49-236. PENALTIES. (1) It is a misdemeanor for any person to violate
10 any of the provisions of this title except the provisions of chapter 3, other
11 than sections 49-301, 49-316, 49-331 and 49-332, Idaho Code, chapter 4 and
12 chapters 6 through 9 of this title, unless otherwise specifically provided.

13 (2) It is an infraction for any person to violate any of the provisions
14 of chapters 3, 4 and 6 through 9 of this title unless otherwise specifically
15 provided.

16 (3) Any offense punishable by imprisonment in the state penitentiary is
17 a felony.

18 (4) Punishments shall be as provided in sections 18-111, 18-112, 18-113
19 and 18-113A, Idaho Code, unless otherwise specifically provided.

20 (5) Whenever a person is arrested for any violation of the provisions of
21 this title declared to be a felony, he shall be dealt with in like manner as
22 upon arrest for the commission of any other felony.

23 (6) It is an infraction punishable by a fine of ~~seventy-five~~ three hun-
24 dred dollars (\$~~75,300~~) for any person to violate the provisions of either
25 section 49-1229, 49-1232 or 49-1428, Idaho Code, for the first time.

26 SECTION 2. That Section 49-1229, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 49-1229. REQUIRED MOTOR VEHICLE INSURANCE. (1) Every owner of a mo-
29 tor vehicle which is registered and operated in Idaho by the owner or with
30 his permission shall continuously, except as provided in section 41-2516,
31 Idaho Code, provide insurance against loss resulting from liability imposed
32 by law for bodily injury or death or damage to property suffered by any per-
33 son caused by maintenance or use of motor vehicles described therein in an
34 amount not less than that required by section 49-117, Idaho Code, and shall
35 demonstrate the existence of any other coverage required by this title or a
36 certificate of self-insurance issued by the department pursuant to section
37 49-1224, Idaho Code, for each motor vehicle to be registered.

38 (2) A motor vehicle owner who prefers to post an indemnity bond with the
39 director of the department of insurance in lieu of obtaining a policy of lia-
40 bility insurance may do so. Such bond shall guarantee that any loss result-

1 ing from liability imposed by law for bodily injury, death or damage to prop-
2 erty suffered by any person caused by accident and arising out of the opera-
3 tion, maintenance and use of the motor vehicle sought to be registered shall
4 be paid within thirty (30) days. The indemnity bonds shall guarantee payment
5 in an amount no less than fifty thousand dollars (\$50,000) for any one (1) ac-
6 cident of which fifteen thousand dollars (\$15,000) is for property damage,
7 for each vehicle registered up to a maximum of one hundred twenty thousand
8 dollars (\$120,000) for five (5) or more vehicles.

9 (3) Any bond given in connection with this chapter shall be, and shall
10 be construed to be, a continuing instrument and shall cover the period for
11 which the motor vehicle is to be registered and operated. Such bond shall be
12 on a form approved by the director of insurance with a surety company autho-
13 rized to do business in the state.

14 (4) A motor carrier shall continuously provide insurance against loss
15 resulting from liability imposed by law or by rule of the department and
16 shall comply with the insurance requirements of section 49-1233, Idaho Code.

17 (5) It is an infraction punishable by a fine of ~~seventy-five~~ three hun-
18 dred dollars (\$~~75,300~~) for any person to violate the provisions of this sec-
19 tion for the first time. A second and any subsequent conviction for a viola-
20 tion of the provisions of this section or the provisions of section 49-1232
21 or 49-1428, Idaho Code, within a period of five (5) years shall be a misde-
22 meanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or
23 by imprisonment in the county jail not exceeding six (6) months, or both. The
24 department shall notify any person convicted of a violation of this section
25 of the penalties which may be imposed for a second and any subsequent convic-
26 tion.

27 SECTION 3. That Section 49-1428, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 49-1428. FINANCIAL RESPONSIBILITY. (1) It shall be unlawful for any
30 person to operate a motor vehicle upon highways without a valid policy of li-
31 ability insurance in full force and effect in an amount not less than that
32 provided in section 49-117, Idaho Code, or unless the person has been issued
33 a certificate of self-insurance pursuant to section 49-1224, Idaho Code, or
34 has previously posted an indemnity bond with the director of insurance as
35 provided in section 49-1229, Idaho Code.

36 (2) It is an infraction punishable by a fine of ~~seventy-five~~ three hun-
37 dred dollars (\$~~75,300~~) for any person to violate the provisions of this sec-
38 tion for the first time. A second and any subsequent conviction of a viola-
39 tion of the provisions of this section or the provisions of section 49-1229
40 or 49-1232, Idaho Code, within five (5) years shall be a misdemeanor, punish-
41 able by a fine not exceeding one thousand dollars (\$1,000), or by imprison-
42 ment in the county jail not exceeding six (6) months, or both. The depart-
43 ment shall notify any person convicted of a violation of this section of the
44 penalties which may be imposed for a second and any subsequent conviction.