

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 204

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PERSONAL DELIVERY DEVICES; AMENDING SECTION 49-117, IDAHO CODE,
2 TO DEFINE "PERSONAL DELIVERY DEVICE" AND "PERSONAL DELIVERY DEVICE
3 OPERATOR" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-123,
4 IDAHO CODE, TO PROVIDE THAT A PERSONAL DELIVERY DEVICE IS NOT A MOTOR
5 VEHICLE; AMENDING SECTION 49-605, IDAHO CODE, TO PROVIDE APPLICATION
6 OF DRIVING ON SIDEWALKS TO A PERSONAL DELIVERY DEVICE; AMENDING CHAPTER
7 23, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2305, IDAHO
8 CODE, TO PROVIDE APPLICATION TO PERSONAL DELIVERY DEVICES; AND AMENDING
9 SECTION 49-104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.
10

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

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

14 49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing
15 of a vehicle, whether occupied or not, other than temporarily for the pur-
16 pose of and while actually engaged in loading or unloading property or pas-
17 sengers.

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

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

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

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

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

27 (7) (a) "Person" means every natural person, firm, fiduciary, co-
28 partnership, association, corporation, trustee, receiver or assignee
29 for the benefit of creditors, political subdivision, state or federal
30 governmental department, agency, or instrumentality, ~~and~~ and for the
31 purposes of chapter 22, ~~of this title 49, Idaho Code,~~ shall include a
32 private, common or contract carrier operating a vehicle on any highway
33 of this state.

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

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

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

40 (iii) A person who is unable to walk two hundred (200) feet or
41 more without great difficulty or discomfort due to the following
42 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, ~~of this title 49, Idaho~~
4 Code, a person with a permanent disability is one whose physician
5 certifies that the person qualifies as a person with a disabili-
6 ty pursuant to this ~~subsection (7) (b), paragraph~~ and further cer-
7 tifies that there is no expectation for a fundamental or marked
8 change in the person's condition 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 ensation 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, ~~that~~
42 which lien claimed to have accrued on a basis of services rendered to the
43 vehicle ~~which~~ that is the subject of the lien.

44 (15) "Preceding year" means, for the purposes of section 49-435, 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 (146) "Pressure regulator valve" means a device or system ~~which that~~
2 governs the load distribution and controls the weight borne by a variable
3 load suspension axle in accordance with a predetermined valve setting.

4 (157) "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~~ off site. Physical books, records and
19 files must be made available to the department upon request within three (3)
20 business 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 (168) "Private property open to the public" means real property not
30 owned by the federal government or the state of Idaho or any of its political
31 subdivisions, but is available for vehicular traffic or parking by the gen-
32 eral public with the permission of the owner or agent of the real property.

33 (179) "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 (1820) "Proof of financial responsibility" means proof of ability to
37 respond in damages for liability, on account of accidents occurring sub-
38 sequent to the effective date of the proof, arising out of the ownership,
39 maintenance or use of a motor vehicle, in the amount of twenty-five thousand
40 dollars (\$25,000) because of bodily injury to or death of one (1) person in
41 any one (1) accident, and, subject to the limit for one (1) person, in the
42 amount of fifty thousand dollars (\$50,000) because of bodily injury to or
43 death of two (2) or more persons in any one (1) accident, and in the amount of
44 fifteen thousand dollars (\$15,000) because of injury to or destruction of
45 property of others in any one (1) accident.

46 (1921) "Proper authority" means a public highway agency.

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

1 (213) "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 (224) "Public road jurisdiction" means a public highway agency.

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

8 SECTION 2. That Section 49-123, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
11 axle or axles designed to support a part of the vehicle and load and which
12 can be regulated to vary the amount of load supported by such an axle or axles
13 and which can be deployed or lifted by the operator of the vehicle. (See also
14 section 49-117, Idaho Code)

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

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

21 (2) "Vehicle" means:

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

25 (b) Assembled vehicle or vessel. A vehicle or vessel, not including a
26 salvage vehicle or vessel, that has been constructed using major compo-
27 nent parts from two (2) or more vehicles or vessels or that has been re-
28 paired using new factory major component parts so that the resulting ve-
29 hicle or vessel has the same appearance as a vehicle or vessel that was
30 manufactured under a specific make and model by a manufacturer. A vehi-
31 cle or vessel utilizing a kit for the entire body or a glider kit vehicle
32 is not an assembled vehicle.

33 (c) Authorized emergency vehicle. Vehicles operated by any fire de-
34 partment or law enforcement agency of the state of Idaho or any polit-
35 ical subdivision of the state, ambulances, vehicles belonging to per-
36 sonnel of voluntary fire departments while in performance of official
37 duties only, vehicles belonging to, or operated by EMS personnel certi-
38 fied or otherwise recognized by the EMS bureau of the Idaho department
39 of health and welfare while in the performance of emergency medical ser-
40 vices, sheriff's search and rescue vehicles ~~which that~~ are under the im-
41 mediate supervision of the county sheriff, wreckers ~~which that~~ are en-
42 gaged in motor vehicle recovery operations and are blocking part or all
43 of one (1) or more lanes of traffic, other emergency vehicles designated
44 by the director of the Idaho state police or vehicles authorized by the
45 Idaho transportation board and used in the enforcement of laws speci-
46 fied in section 40-510, Idaho Code, pertaining to vehicles of ten thou-
47 sand (10,000) pounds or greater.

48 (d) Commercial vehicle or commercial motor vehicle. For the purposes
49 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-

1 ment, a motor vehicle or combination of motor vehicles designed or used
2 to transport passengers or property if the motor vehicle:

3 (i) Has a manufacturer's gross combination weight rating (GCWR)
4 in excess of twenty-six thousand (26,000) pounds inclusive of
5 a towed unit with a manufacturer's gross vehicle weight rating
6 (GVWR) of more than ten thousand (10,000) pounds; or

7 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in
8 excess of twenty-six thousand (26,000) pounds; or

9 (iii) Is designed to transport sixteen (16) or more people, in-
10 cluding the driver; or

11 (iv) Is of any size and is used in the transportation of materials
12 found to be hazardous for the purposes of the hazardous material
13 transportation act and which require the motor vehicle to be plac-
14 arded under the hazardous materials regulations (49 CFR part 172,
15 subpart F).

16 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
17 registration, a vehicle or combination of vehicles of a type used or
18 maintained for the transportation of persons for hire, compensation or
19 profit, or the transportation of property for the owner of the vehicle,
20 or for hire, compensation, or profit, and shall include fixed load spe-
21 cially constructed vehicles exceeding the limits imposed by chapter
22 10, title 49, Idaho Code, and including drilling rigs, construction,
23 drilling and wrecker cranes, log jammers, log loaders, and similar
24 vehicles which are normally operated in an overweight or oversize
25 condition or both, but shall not include those vehicles registered pur-
26 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
27 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
28 that has a seating capacity for not more than fifteen (15) persons,
29 including the driver, shall not be a "commercial vehicle" under the pro-
30 visions of this title relating to equipment requirements, rules of the
31 road, or registration.

32 (e) Farm vehicle. A vehicle or combination of vehicles owned by a
33 farmer or rancher, or by their designated agent, which are operated over
34 public highways, and used exclusively to transport unprocessed agri-
35 cultural products raised, owned or grown by the owner of the vehicle to
36 market or place of storage; and shall include the transportation by the
37 farmer or rancher of any equipment, supplies or products purchased by
38 that farmer or rancher for his own use, and used in the farming or ranch-
39 ing operation or used by a farmer partly in transporting agricultural
40 products or livestock from the farm of another farmer that were origi-
41 nally grown or raised on the farm, or when used partly in transporting
42 agricultural supplies, equipment, materials or livestock to the farm
43 of another farmer for use or consumption on the farm but not transported
44 for hire, and shall not include vehicles of husbandry or vehicles regis-
45 tered pursuant to sections 49-402 and 49-402A, Idaho Code.

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

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

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

13 (i) Multipurpose passenger vehicle (MPV). For the purposes of section
14 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
15 persons which is constructed either on a truck chassis or with special
16 features for occasional off-road operation.

17 (j) Neighborhood electric vehicle (NEV). A self-propelled, electri-
18 cally powered, four-wheeled motor vehicle which is emission free and
19 conforms to the definition and requirements for low-speed vehicles as
20 adopted in the federal motor vehicle safety standards for low-speed ve-
21 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-
22 tled, registered and insured according to law as provided respectively
23 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated
24 by a licensed driver. Operation of an NEV on a highway shall be allowed
25 as provided in section 49-663, Idaho Code.

26 (k) Noncommercial vehicle. For the purposes of chapter 4, title 49,
27 Idaho Code, motor vehicle registration, a noncommercial vehicle shall
28 not include those vehicles required to be registered under sections
29 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
30 nations of vehicles which are not commercial vehicles or farm vehicles,
31 but shall include motor homes. A noncommercial vehicle shall include
32 those vehicles having a combined gross weight not in excess of sixty
33 thousand (60,000) pounds and not held out for hire, used for purposes
34 related to private use and not used in the furtherance of a business or
35 occupation for compensation or profit or for transporting goods for
36 other than the owner.

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

40 (m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previ-
41 ously determined or declared to be a salvage vehicle that has been re-
42 built or repaired using like make and model parts and visually appears
43 as a vehicle or vessel that was originally constructed under a distinc-
44 tive manufacturer. This includes a salvage vehicle or vessel which is
45 damaged to the extent that a "rebuilt salvage" brand is required to be
46 added to the title.

47 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate
48 any vehicle or vessel previously manufactured, using metal, fiberglass
49 or other composite materials. Replica vehicles must look like the orig-
50 inal vehicle being replicated but may use a more modern drive train. At

1 a minimum, replica vehicles shall meet the same federal motor vehicle
2 safety and emission standards in effect for the year and type of vehicle
3 being replicated.

4 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-
5 vage certificate of title, salvage bill of sale or other documentation
6 has been issued showing evidence that the vehicle or vessel has been de-
7 clared salvage or which has been damaged to the extent that the owner,
8 or an insurer, or other person acting on behalf of the owner, determines
9 that the cost of parts and labor minus the salvage value makes it uneco-
10 nomical to repair or rebuild. When an insurance company has paid money
11 or has made other monetary settlement as compensation for a total loss
12 of any vehicle or vessel, such vehicle shall be considered to be a sal-
13 vage vehicle or vessel.

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

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

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

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

29 (iv) A vehicle or vessel constructed by the use of a custom kit
30 that cannot be visually identified as a specific make or model.
31 All specially constructed vehicles of a type required to be reg-
32 istered shall be certified by the owner to meet all applicable
33 federal motor vehicle safety standards in effect at the time con-
34 struction is completed, and all requirements of chapter 9, title
35 49, Idaho Code.

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

38 (r) Tank vehicle.

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

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

44 2. Multiple tanks either permanently or temporarily at-
45 tached or secured, when the aggregate rated capacity of
46 those tanks is one thousand (1,000) gallons or more, as de-
47 termined by adding the capacity of each individual tank with
48 a capacity of more than one hundred nineteen (119) gallons.

49 (ii) If a commercial motor vehicle transports one (1) or more
50 tanks that are manifested either as empty or as residue and that

1 are actually empty or contain only residue, those tanks shall not
2 be considered in determining whether the vehicle is a tank vehi-
3 cle.

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

12 (3) "Vehicle identification number." (See "identifying number," sec-
13 tion 49-110, Idaho Code)

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

20 (5) "Vessel." (See section 67-7003, Idaho Code)

21 (6) "Veteran." (See section 65-502, Idaho Code)

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

26 SECTION 3. That Section 49-605, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 49-605. DRIVING UPON SIDEWALK. No person shall drive any vehicle upon
29 a sidewalk or sidewalk area except upon a permanent or temporary driveway.
30 This section shall not apply to any vehicle moved exclusively by human power,
31 a personal delivery device, an electric personal assistive mobility device,
32 nor to any motorized wheelchair. For the purposes of assuring the safety of
33 pedestrians and others using sidewalks, a political subdivision having ju-
34 risdiction over sidewalks may, by ordinance or by traffic control device,
35 regulate the time, place and manner of the operation of electric personal as-
36 sistive mobility devices.

37 SECTION 4. That Chapter 23, Title 40, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 40-2305, Idaho Code, and to read as follows:

40 40-2305. PERSONAL DELIVERY DEVICES. (1) Notwithstanding any provi-
41 sion of law to the contrary, a personal delivery device as defined in section
42 49-117, Idaho Code, is authorized to operate on sidewalks and crosswalks;
43 provided, however, that this section does not restrict a county, municipal-
44 ity or highway district from otherwise adopting regulations for the safe
45 operation of personal delivery devices.

46 (2) All personal delivery devices shall obey all traffic and pedestrian
47 control devices and signs.

1 (3) A personal delivery device operating on sidewalks and crosswalks
2 has all the rights and duties applicable to a pedestrian under the same cir-
3 cumstances, except that the personal delivery device shall not unreasonably
4 interfere with pedestrians or traffic, and shall yield the right-of-way to
5 pedestrians on sidewalks and crosswalks.

6 (4) All personal delivery devices shall include a plate or marker that
7 identifies the name and contact information of the operator of the personal
8 delivery device and a unique identifying device number.

9 (5) All personal delivery devices shall be equipped with a braking sys-
10 tem that, when active or engaged, will enable the personal delivery device to
11 come to a controlled stop.

12 (6) No personal delivery device shall transport hazardous materials or
13 hazardous wastes regulated pursuant to chapter 22, title 49, Idaho Code.

14 (7) No personal delivery device shall be operated on a public highway in
15 the state, except to the extent necessary to cross a crosswalk.

16 (8) No personal delivery device shall operate on a sidewalk or cross-
17 walk unless the personal delivery device operator is actively controlling or
18 monitoring the navigation and operation of the personal delivery device.

19 SECTION 5. That Section 49-104, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 49-104. DEFINITIONS -- C. (1) "Cancellation of driver's license"
22 means the annulment or termination by formal action of the department of a
23 person's driver's license because of some error or defect in the driver's
24 license or because the licensee is no longer entitled to the driver's li-
25 cense. The cancellation of a driver's license is without prejudice and after
26 compliance with requirements, the individual may apply for a new driver's
27 license at any time after cancellation.

28 (2) "Caravaning" means the transportation of any motor vehicle into,
29 out of, or within the state operating on its own wheels or in tow for the pur-
30 pose of sale or offer of sale by any agent, dealer, manufacturer's represen-
31 tative, purchaser, or prospective purchaser, regardless of residence unless
32 the motor vehicle is licensed by the state of Idaho, or is owned by an auto-
33 mobile dealer, duly licensed as a dealer by this state. It shall also be con-
34 sidered as the transportation of property for hire by a motor vehicle upon
35 the highways of this state.

36 (3) "Certificate of liability insurance" means a certificate of lia-
37 bility insurance issued by an insurance company authorized to do business
38 in this state or a certificate of liability insurance issued by the depart-
39 ment of insurance which demonstrates current insurance against loss result-
40 ing from liability imposed by law for bodily injury or death or damage to
41 property suffered by any person caused by accident and arising out of the op-
42 eration, maintenance or use of a motor vehicle described in the certificate
43 in an amount not less than that required by section 49-117(~~1820~~), Idaho Code,
44 and also demonstrates the current existence of any other coverage required
45 by title 41, Idaho Code, or a certificate of self-insurance issued pursuant
46 to law for each motor vehicle to be registered. A certificate of liability
47 insurance shall contain the information required by the department of insur-
48 ance, including the name and address of the owner of the motor vehicle and a
49 description of the motor vehicle including identification number if there is

1 one, or a statement that all vehicles owned by a person or entity are covered
2 by insurance, the inception date of coverage, and the name of the insurer.
3 "Certificate of liability insurance" may also include the original contract
4 of liability insurance or a true copy, demonstrating the current existence
5 of the liability insurance described in this subsection.

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

10 (5) "Chains" means metal traction devices required pursuant to section
11 49-948, Idaho Code, which consist of two (2) circular metal loops, one (1)
12 on each side of the tire, connected by not less than nine (9) evenly spaced
13 chains across the tire tread.

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

16 (7) "Commercial coach." (See section 39-4301, Idaho Code)

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

19 (9) "Commercial driver license information system (CDLIS)" is the in-
20 formation system established to serve as a clearinghouse for locating infor-
21 mation related to the licensing and identification of motor vehicle drivers.

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

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

33 (12) "Commercial vehicle" or "commercial motor vehicle." (See "Vehi-
34 cle," section 49-123, Idaho Code)

35 (13) "Compliance review" means an on-site examination of motor car-
36 rier operations, which may be at the carrier's place of business, including
37 driver's hours of service, vehicle maintenance and inspection, driver
38 qualifications, commercial driver's license requirements, financial re-
39 sponsibility, accidents, hazardous materials, and such other related safety
40 and transportation records to determine safety fitness.

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

45 (15) "Conviction" means:

46 (a) The person has pled guilty or has been found guilty, notwithstand-
47 ing the form of the judgment or withheld judgment. A conviction for pur-
48 poses of this title shall also include an infraction judgment.

49 (b) For purposes of disqualification or withdrawal of commercial vehi-
50 cle driving privileges only, "conviction" means an unvacated adjudica-

1 tion of guilt, or determination that a person has violated or failed to
2 comply with the law in a court of original jurisdiction or by an autho-
3 rized administrative tribunal, an unvacated forfeiture of bail or col-
4 lateral deposited to secure the person's appearance in court, a plea of
5 guilty or nolo contendere accepted by the court, the payment of a fine or
6 court cost, or violation of a condition of release without bail, regard-
7 less of whether or not the penalty is rebated, suspended or probated.

8 (16) "Crosswalk" means:

9 (a) That part of a highway at an intersection included within the con-
10 nections of the lateral lines of the sidewalks on opposite sides of the
11 highway measured from the curbs or in the absence of curbs, from the
12 edges of the traversable highway; and in the absence of a sidewalk on one
13 side of the highway, that part of a highway included within the exten-
14 sion of the lateral lines of the existing sidewalk at right angles to the
15 centerline.

16 (b) Any portion of a highway at an intersection or elsewhere distinctly
17 indicated for pedestrian crossing by lines or other markings on the sur-
18 face.