

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 389

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-654, IDAHO CODE, TO REVISE  
PROVISIONS REGARDING SPEED LIMITS.

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

SECTION 1. That Section 49-654, Idaho Code, be, and the same is hereby  
amended to read as follows:

49-654. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) No person shall drive  
a vehicle at a speed greater than is reasonable and prudent under the con-  
ditions and having regard to the actual and potential hazards then exist-  
ing. Consistent with the foregoing, every person shall drive at a safe and  
appropriate speed when approaching and crossing an intersection or railroad  
grade crossing, when approaching and going around a curve, when approaching  
a hillcrest, when traveling upon any narrow or winding highway, and when spe-  
cial hazards exist with respect to pedestrians or other traffic or by reason  
of weather or highway conditions.

(2) (a) Where no special hazard or condition exists that requires lower  
speed for compliance with subsection (1) of this section, the limits as  
hereinafter authorized shall be maximum lawful speeds, and no person  
shall drive a vehicle at a speed in excess of the maximum limits:

(i) Thirty-five (35) miles per hour in any residential, business  
or urban district, unless otherwise posted in accordance with sec-  
tion 49-207(2) or (3), Idaho Code;

(ii) Seventy-five (75) miles per hour on interstate highways,  
unless otherwise posted in accordance with section 49-201(4),  
Idaho Code, and provided that this speed may be increased to eighty  
(80) miles per hour if the department completes an engineering and  
traffic study on the interstate highway and concludes that the  
increase is in the public interest and the transportation board  
concurs with such conclusion;

(iii) Sixty-five (65) miles per hour on state highways, unless  
otherwise posted in accordance with section 49-201(4), Idaho  
Code, and provided that this speed may be increased to seventy  
(70) miles per hour if the department completes an engineering and  
traffic study on the state highway and concludes that the increase  
is in the public interest and the transportation board concurs  
with such conclusion;

(iv) Fifty-five (55) miles per hour in other locations, unless  
otherwise posted, up to a maximum of seventy (70) miles per hour.

(b) Subject to all other applicable motor vehicles laws, a driver of a  
passenger car, motorcycle or pickup truck, not towing any other vehi-  
cle, may exceed the posted speed limit by up to fifteen (15) miles per  
hour while passing another vehicle traveling at less than the posted

1 speed limit, in order to safely pass the vehicle. The overtaking vehi-  
2 cle shall return to the right-hand lane and reduce speed to the posted  
3 speed limit as soon as practicable. This paragraph shall be applicable  
4 only to passing on the left upon roadways divided into two (2) lanes  
5 providing only one (1) lane of traffic in each direction and where the  
6 posted speed limit is fifty-five (55) miles per hour or greater. This  
7 paragraph shall not be applicable in construction zones. For purposes  
8 of basic rule violations and penalties imposed pursuant to this section  
9 and Idaho infraction rule 9, the fifteen (15) mile per hour allowance in  
10 passing situations provided in this paragraph shall be deemed to be the  
11 maximum speed limit from which fines are determined.

12 ~~(3) For vehicles with five (5) or more axles operating at a gross weight~~  
13 ~~of more than twenty-six thousand (26,000) pounds the maximum lawful speed~~  
14 ~~limit on interstate highways in nonurban areas shall not exceed ten (10)~~  
15 ~~miles per hour less for vehicles with less than five (5) axles and operating~~  
16 ~~at a gross weight of twenty-six thousand (26,000) pounds or less, and in~~  
17 ~~urban areas the maximum lawful speed limit on interstate highways for such~~  
18 ~~vehicles shall not exceed sixty-five (65) miles per hour.~~