

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 421

BY SCOTT

AN ACT

1 RELATING TO SPEEDING; AMENDING SECTION 49-238, IDAHO CODE, TO PROVIDE THAT  
2 PEACE OFFICERS SHALL RETAIN CERTAIN INFORMATION THROUGHOUT A TRAFFIC  
3 STOP.  
4

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

6 SECTION 1. That Section 49-238, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 49-238. CHARGING VIOLATIONS AND RULE IN CIVIL ACTIONS. (1) In every  
9 charge of violation of any speed regulation in this title, the complaint or  
10 citation shall specify the speed at which the defendant is alleged to have  
11 been driving and the speed limit applicable within the district or at the lo-  
12 cation. Peace officers who use a radar or laser device to issue a complaint  
13 or citation pursuant to the provisions of this section shall retain the vi-  
14 sual display of the measured speed on the device throughout the duration of  
15 the traffic stop.

16 (2) The provision of this title declaring maximum speed limitations  
17 shall not be construed to relieve the plaintiff in any civil action from the  
18 burden of proving negligence on the part of the defendant as the proximate  
19 cause of an accident.

20 (3) Upon the trial of any person charged with a violation of speed lim-  
21 itations, proof of determination of the maximum speed by the local jurisdic-  
22 tions and the existence of appropriate signs shall constitute conclusive ev-  
23 idence of the maximum speed which can be maintained with safety to a bridge or  
24 structure.