

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 508

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO ELECTRIC-ASSISTED BICYCLES; AMENDING SECTION 49-106, IDAHO
2 CODE, TO DEFINE THE TERM "ELECTRIC-ASSISTED BICYCLE" AND TO REVISE DEF-
3 INITIONS; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE DEFINITIONS;
4 AMENDING SECTION 49-123, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING
5 SECTION 49-310, IDAHO CODE, TO PROVIDE APPLICATION TO ELECTRIC-AS-
6 SISTED BICYCLE INFRACTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING
7 SECTION 40-616, IDAHO CODE, TO PROVIDE APPLICATION TO ELECTRIC-AS-
8 SISTED BICYCLES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
9 49-666, IDAHO CODE, TO PROVIDE APPLICATION TO ELECTRIC-ASSISTED BICY-
10 CLES; AMENDING SECTION 49-720, IDAHO CODE, TO PROVIDE APPLICATION OF
11 STOPPING AND TURN SIGNAL REQUIREMENTS TO ELECTRIC-ASSISTED BICYCLES,
12 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;
13 AND AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF NEW SEC-
14 TIONS 49-725 THROUGH 49-732, IDAHO CODE, TO PROVIDE RIGHTS AND DUTIES OF
15 ELECTRIC-ASSISTED BICYCLES, TO PROVIDE INSURANCE, LICENSING AND REG-
16 ISTRATION REQUIREMENTS, TO PROVIDE TAMPERING RESTRICTIONS, TO PROVIDE
17 FOR CONSUMER PRODUCT SAFETY COMMISSION COMPLIANCE, TO PROVIDE FOR PATH
18 USE BY CLASS 1 AND 2 ELECTRIC-ASSISTED BICYCLES, TO PROVIDE PATH USE BY
19 CLASS 3 ELECTRIC-ASSISTED BICYCLES, TO PROVIDE AN AGE RESTRICTION FOR
20 OPERATING A CLASS 3 ELECTRIC-ASSISTED BICYCLE AND TO PROVIDE FOR VIOLA-
21 TIONS.
22

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

24 SECTION 1. That Section 49-106, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 49-106. DEFINITIONS -- E. (1) "Electric-assisted bicycle" means a bi-
27 cycle equipped with fully operable pedals and an electric motor of less than
28 seven hundred fifty (750) watts and that meets one (1) of the following re-
29 quirements:

30 (a) "Class 1 electric-assisted bicycle" or "low-speed pedal-assisted
31 electric-assisted bicycle" means a bicycle equipped with a motor that
32 provides assistance only when the rider is pedaling and ceases when the
33 rider stops pedaling or when the bicycle reaches the speed of twenty
34 (20) miles per hour.

35 (b) "Class 2 electric-assisted bicycle" or "low-speed throttle-as-
36 sisted electric-assisted bicycle" means a bicycle equipped with a motor
37 that may be used exclusively to propel the bicycle and that is not capa-
38 ble of providing assistance when the bicycle reaches the speed of twenty
39 (20) miles per hour.

40 (c) "Class 3 electric-assisted bicycle" or "pedal-assisted elec-
41 tric-assisted bicycle" means a bicycle equipped with a motor that
42 provides assistance only when the rider is pedaling and ceases when

1 the rider stops pedaling or when the bicycle reaches the speed of
 2 twenty-eight (28) miles per hour.

3 (2) "Electric personal assistive mobility device" means a self-balanc-
 4 ing two (2) nontandem wheeled device having no more than three (3) wheels de-
 5 signed to transport only one (1) person, with an electric propulsion system
 6 that limits the maximum speed of the device to fifteen (15) miles per hour or
 7 less.

8 (23) "Emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

9 (34) "Encumbrance." (See "Lien," section 49-113, Idaho Code)

10 (45) "EPA" means the environmental protection agency of the United
 11 States.

12 (56) "Essential parts" means all integral and body parts of a vehicle
 13 of a type required to be registered, the removal, alteration or substitution
 14 of which would tend to conceal the identity of the vehicle or substantially
 15 alter its appearance, model, type or mode of operation.

16 (67) "Established place of business" means a place occupied either con-
 17 tinuously or at regular periods by a dealer or manufacturer where his books
 18 and records are kept and a large share of his business is transacted.

19 (78) "Excessive" or "unusual noise" means any sound made by a passen-
 20 ger motor vehicle or a motorcycle at any time under any condition of grade,
 21 speed, acceleration or deceleration, which exceeds ninety-two (92) deci-
 22 bels, or any lower decibel level that is fixed by law or rules adopted by the
 23 board of health and welfare, on the "A" scale of a general radio company No.
 24 1551-B sound level meter, or equivalent, stationed at a distance of not less
 25 than twenty (20) feet to the side of a vehicle or motorcycle as the vehicle or
 26 motorcycle passes the ~~soundmeter~~ sound meter or is stationed not less than
 27 twenty (20) feet from a stationary motor or engine.

28 (89) "Excessive speed" means any speed of fifteen (15) miles per hour
 29 or more above the posted speed limit, and is only for purposes of determining
 30 disqualification of commercial driving privileges.

31 (910) "Executive head," as used in chapter 20, title 49, Idaho Code,
 32 means the governor of the state of Idaho.

33 (101) "Explosives" means any chemical compound or mechanical mixture
 34 that is commonly used or intended for the purpose of producing an explosion
 35 and which contains any oxidizing and combustive units or other ingredients
 36 in proportions, quantities or packing that an ignition by fire, by friction,
 37 by concussion, by percussion or by detonator of any part of the compound or
 38 mixture may cause a sudden generation of highly heated gases with which the
 39 resultant gaseous pressures are capable of producing destructive effects on
 40 contiguous objects or of destroying life or limb.

41 (112) "Extraordinary circumstances" means any situation where an emer-
 42 gency exists or public safety is endangered, or any situation in which a ve-
 43 hicle:

44 (a) Is blocking or impeding traffic; or

45 (b) Is causing a hazard; or

46 (c) Has the potential of impeding any emergency vehicle; or

47 (d) Is impeding any snow removal or other road maintenance operation;

48 or

49 (e) Has been stolen but not yet reported as recovered; or

- 1 (f) Is not registered, or displays a license plate registration tag
 2 which has been expired; or
 3 (g) Has been involved in an accident and remains on the highway; or
 4 (h) The driver has been arrested.

5 SECTION 2. That Section 49-114, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 49-114. DEFINITIONS -- M. (1) "Major component part" for vehicles
 8 means a rear or rear clip, frame or subframe, body or center, passenger area,
 9 cab, front or front end assembly or front clip or nose section or roof of pas-
 10 senger compartment. "Major component part" for vessels means a hull, bow,
 11 gunnel, stern or transom, or permanently attached propulsion unit.

12 (2) "Manifest" means a form used for identifying the quantity, compo-
 13 sition, origin, routing, waste or material identification code and desti-
 14 nation of hazardous material or hazardous waste during any transportation
 15 within, through, or to any destination in this state.

16 (3) "Manufactured home." (See section 39-4105, Idaho Code)

17 (4) "Manufacturer" means every person engaged in the business of con-
 18 structing or assembling vehicles of a type required to be registered at an
 19 established place of business in this state. The term, for purposes of sec-
 20 tions 49-1613 through 49-1615, 49-1617, 49-1622 and 49-1623, Idaho Code,
 21 shall include a distributor and other factory representatives.

22 (5) "Manufacturer's year designation" means the model year designated
 23 by the vehicle manufacturer, and not the year in which the vehicle is, in
 24 fact, manufactured.

25 (6) "Maximum gross weight" means the scale weight of a vehicle,
 26 equipped for operation, to which shall be added the maximum load to be car-
 27 ried as declared by the owner in making application for registration. When
 28 a vehicle against which a registration fee is assessed is a combination of
 29 vehicles, the term "maximum gross weight" means the combined maximum gross
 30 weights of all vehicles in the combination.

31 (7) "Metal tire." (See "Tires," section 49-121, Idaho Code)

32 (8) "Mileage" means actual distance that a vehicle has traveled.

33 (9) "Moped" means a limited-speed motor-driven cycle having:

34 (a) ~~Both motorized and pedal~~ propulsion that is not capable of pro-
 35 pelling the vehicle at a speed in excess of thirty (30) miles per hour
 36 on level ground, whether two (2) or three (3) wheels are in contact with
 37 the ground during operation. If an internal combustion engine is used,
 38 the displacement shall not exceed fifty (50) cubic centimeters and the
 39 moped shall have a power drive system that functions directly or auto-
 40 matically without clutching or shifting by the operator after the drive
 41 system is engaged; or

42 (b) Two (2) wheels or three (3) wheels with no pedals, which is powered
 43 solely by electrical energy, has an automatic transmission, a motor
 44 which that produces less than two (2) gross brake horsepower, is capable
 45 of propelling the device at a maximum speed of not more than thirty (30)
 46 miles per hour on level ground and, as originally manufactured, meets
 47 federal motor vehicle safety standards for motor-driven cycles is not
 48 an electric-assisted bicycle as defined in section 49-106, Idaho Code.

1 A moped is not required to be titled and no motorcycle endorsement is
2 required for its operator.

3 A moped does not include an electric-assisted bicycle.

4 (10) "Motorbike" means a vehicle as defined in section 67-7101, Idaho
5 Code. Such vehicle shall be titled and may be approved for motorcycle reg-
6 istration pursuant to section 49-402, Idaho Code, upon certification by the
7 owner of the installation and use of conversion components that make the
8 motorbike compliant with federal motor vehicle safety standards. A motor-
9 bike is not an electric-assisted bicycle as defined in section 49-106, Idaho
10 Code.

11 (11) "Motorcycle" means every motor vehicle having a seat or saddle for
12 the use of the rider, designed to travel on not more than three (3) wheels
13 in contact with the ground or designed to travel on two (2) wheels in con-
14 tact with the ground which is modified by the addition of two (2) stabilizing
15 wheels on the rear of the motor vehicle, that meets the federal motor vehi-
16 cle safety standards as originally designed, and includes a converted motor-
17 bike, but does not include a motor-driven cycle, a motorbike, a tractor, an
18 electric-assisted bicycle or a moped.

19 (12) "Motor carrier" means an individual, partnership, corporation or
20 other legal entity engaged in the transportation by motor vehicle of persons
21 or property in the furtherance of a business or for hire.

22 (13) "Motor-driven cycle" means a cycle with a motor that produces five
23 (5) brake horsepower or less as originally manufactured that meets federal
24 motor vehicle safety standards as originally designed, and does not include
25 mopeds or electric-assisted bicycles. Such vehicle shall be titled and a mo-
26 torcycle endorsement is required for its operation.

27 (14) "Motor home" means a vehicular unit designed to provide temporary
28 living quarters, built into an integral part or permanently attached to a
29 self-propelled motor vehicle chassis. The vehicle must contain permanently
30 installed independent life support systems ~~which~~ that meet the national fire
31 protection association (NFPA) 1192 standard on recreational vehicles, and
32 provide at least four (4) of the following facilities: cooking, refriger-
33 ation or icebox, self-contained toilet, heating and/or air conditioning, a
34 potable water supply system, including a faucet and sink, separate 110-125
35 volt electrical power supply and/or LP-gas supply.

36 (15) "Motorized wheelchair" means a motor vehicle with a speed not in
37 excess of eight (8) miles per hour, designed for and used by a person with a
38 disability.

39 (16) "Motor number." (See "Identifying number," section 49-110, Idaho
40 Code)

41 (17) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

42 (18) "Motor vehicle liability policy" means an owner's or operator's
43 policy of liability insurance, certified as provided in section 49-1210,
44 Idaho Code, as proof of financial responsibility, and issued by an insurance
45 carrier duly authorized to transact business in this state, to or for the
46 benefit of the person named therein as insured.

47 (19) "Motor vehicle record" means any record that pertains to a motor
48 vehicle registration, motor vehicle title or identification documents or
49 other similar credentials issued by the department or other state or local
50 agency.

1 (20) "Multiuse path" or "trail" is a path physically separated from mo-
2 tor vehicle traffic by an open space or barrier and within either a public
3 right-of-way or easement that accommodates two-way nonmotorized travelers
4 including pedestrians, bicyclists, joggers and skaters.

5 SECTION 3. That Section 49-123, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
8 axle or axles designed to support a part of the vehicle and load and which
9 can be regulated to vary the amount of load supported by such an axle or axles
10 and which can be deployed or lifted by the operator of the vehicle. (See also
11 section 49-117, Idaho Code)

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

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

18 (2) "Vehicle" means:

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

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

30 (c) Authorized emergency vehicle. Vehicles operated by any fire
31 department or law enforcement agency of the state of Idaho or any po-
32 litical subdivision of the state, ambulances, vehicles belonging to
33 personnel of voluntary fire departments while in performance of offi-
34 cial duties only, vehicles belonging to, or operated by EMS personnel
35 certified or otherwise recognized by the EMS bureau of the Idaho depart-
36 ment of health and welfare while in the performance of emergency medical
37 services, sheriff's search and rescue vehicles that are under the imme-
38 diate supervision of the county sheriff, wreckers that are engaged in
39 motor vehicle recovery operations and are blocking part or all of one
40 (1) or more lanes of traffic, other emergency vehicles designated by the
41 director of the Idaho state police or vehicles authorized by the Idaho
42 transportation board and used in the enforcement of laws specified
43 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand
44 (10,000) pounds or greater.

45 (d) Commercial vehicle or commercial motor vehicle. For the purposes
46 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-
47 ment, a motor vehicle or combination of motor vehicles designed or used
48 to transport passengers or property if the motor vehicle:

- 1 (i) Has a manufacturer's gross combination weight rating (GCWR)
2 in excess of twenty-six thousand (26,000) pounds inclusive of
3 a towed unit with a manufacturer's gross vehicle weight rating
4 (GVWR) of more than ten thousand (10,000) pounds; or
5 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in
6 excess of twenty-six thousand (26,000) pounds; or
7 (iii) Is designed to transport sixteen (16) or more people, in-
8 cluding the driver; or
9 (iv) Is of any size and is used in the transportation of materials
10 found to be hazardous for the purposes of the hazardous material
11 transportation act and which require the motor vehicle to be plac-
12 arded under the hazardous materials regulations (49 CFR part 172,
13 subpart F).

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

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

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

49 (g) Glider kit vehicle. Every large truck manufactured from a kit man-
50 ufactured by a manufacturer of large trucks which consists of a frame,

1 cab complete with wiring, instruments, fenders and hood and front axles
2 and wheels. The "glider kit" is made into a complete assembly by the ad-
3 dition of the engine, transmission, rear axles, wheels and tires.

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

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

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

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

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

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

46 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate
47 any vehicle or vessel previously manufactured, using metal, fiberglass
48 or other composite materials. Replica vehicles must look like the origi-
49 nal vehicle being replicated but may use a more modern drive train. At
50 a minimum, replica vehicles shall meet the same federal motor vehicle

1 safety and emission standards in effect for the year and type of vehicle
2 being replicated.

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

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

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

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

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

28 (iv) A vehicle or vessel constructed by the use of a custom kit
29 that cannot be visually identified as a specific make or model.

30 All specially constructed vehicles of a type required to be reg-
31 istered shall be certified by the owner to meet all applicable
32 federal motor vehicle safety standards in effect at the time con-
33 struction is completed, and all requirements of chapter 9, title
34 49, Idaho Code.

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

37 (r) Tank vehicle.

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

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

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

48 (ii) If a commercial motor vehicle transports one (1) or more
49 tanks that are manifested either as empty or as residue and that
50 are actually empty or contain only residue, those tanks shall not

1 be considered in determining whether the vehicle is a tank vehi-
2 cle.

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

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

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

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

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

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

25 SECTION 4. That Section 49-310, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 49-310. APPLICATIONS OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS. (1)
28 The application of any person under the age of eighteen (18) years for any
29 class D instruction permit, restricted driver's license, restricted school
30 attendance driving permit, driver training instruction permit or driver's
31 license shall be signed and verified before a person authorized to adminis-
32 ter oaths by either the father or mother of the applicant, if both are living
33 and have custody of him; or if either be dead, then by the surviving parent
34 who has custody of him; or by the Idaho resident host of a foreign exchange
35 student; or in the event neither parent is living, or if living and does
36 not have the custody of the applicant, then by the person or guardian having
37 such custody, with verifiable custody or guardianship documents, or by an
38 employer of the applicant. In the event there is no guardian or employer
39 then some other responsible person willing to assume the obligation for the
40 applicant may sign the application. Any person who signs the applicant's
41 application shall attest that the applicant is in compliance with the school
42 attendance provisions of section 49-303A, Idaho Code. When the minor per-
43 son applies for a class D driver's license, a parent or guardian or a person
44 authorized by the parent or guardian shall attest that the minor person has
45 satisfied the requirements and conditions applicable to the class D super-
46 vised instruction permit pursuant to section 49-307, Idaho Code. The person
47 willing to assume responsibility for the applicant must be at least eighteen
48 (18) years of age. When signing for a restricted school attendance driving
49 permit, the person signing the applicant's application shall attest that

1 the conditions set forth within section 49-307A, Idaho Code, are met. Each
 2 application for a restricted school attendance driving permit shall also be
 3 signed by the local county sheriff, the president of the board of trustees
 4 of the local school district, and the school principal of the applicant's
 5 school, verifying that the conditions set forth within section 49-307A,
 6 Idaho Code, are met.

7 (2) Any negligence or willful misconduct of a person under the age of
 8 eighteen (18) years when operating a motor vehicle upon a highway shall be
 9 imputed to the person who signed the application of that person for a permit
 10 or driver's license, and that person shall be jointly and severally liable
 11 with the permit or driver's license holder for any damage caused by negli-
 12 gence or willful misconduct, except as otherwise provided by law.

13 (3) In the event a permit or driver's license holder under the age of
 14 eighteen (18) years maintains, or there is maintained upon his behalf, proof
 15 of financial responsibility as required under the motor vehicle financial
 16 responsibility laws of this state, or by the director if the form and amount
 17 is not fixed by law, then the department may accept the application when
 18 signed by one (1) parent or guardian of the applicant, and while that proof is
 19 maintained the parent or guardian shall not be subject to liability for the
 20 negligence or willful misconduct of the person under the age of eighteen (18)
 21 years, as imposed under subsection (2) of this section.

22 (4) Any person who has signed the application of a minor for a permit or
 23 driver's license shall be liable civilly for the payment of any court penalty
 24 imposed because the minor has been found to have committed an infraction vi-
 25 olation. The provisions of this section shall not apply or create any civil
 26 liability for the person signing the application in connection with any
 27 pedestrian, ~~or~~ bicycle infraction or electric-assisted bicycle infraction,
 28 and provided this subsection shall not apply to any civil action where the
 29 plaintiff is other than the state of Idaho.

30 SECTION 5. That Section 40-616, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 40-616. SIDEWALKS OR SIDE PATHS. Commissioners and boards of commis-
 33 sioners of any highway district are empowered to set apart on and along any
 34 public highway outside the boundaries of incorporated cities a strip of land
 35 not exceeding eight (8) feet in width for a sidewalk or side path and to make
 36 an order designating the width of the path and to cause the line separating
 37 the path from the highway proper to be located and marked with stakes, posts,
 38 grade or other marker. After the sidewalks and paths have been set apart
 39 and the line separating them from the highway has been located and marked,
 40 the use shall be restricted to pedestrians, ~~and~~ riders of bicycles propelled
 41 solely by the power of the rider and riders of electric-assisted bicycles de-
 42 defined in section 49-106, Idaho Code.

43 SECTION 6. That Section 49-666, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 49-666. MOTORCYCLE, MOTORBIKE, ELECTRIC-ASSISTED BICYCLES, UTV AND
 46 ATV SAFETY HELMETS -- REQUIREMENTS AND STANDARDS. No person under eighteen
 47 (18) years of age shall ride upon or be permitted to operate a motorcycle,

1 motorbike, electric-assisted bicycle, utility type vehicle or an all-ter-
 2 rain vehicle unless at all times when so operating or riding upon the vehicle
 3 he is wearing, as part of his motorcycle, motorbike, UTV or ATV equipment,
 4 a protective safety helmet of a type and quality equal to or better than the
 5 standards established for helmets by the director, except the provisions of
 6 this section shall not apply when such vehicles are operated or ridden on
 7 private property, or when used as an implement of husbandry, and shall also
 8 not apply to completely enclosed autocycles.

9 SECTION 7. That Section 49-720, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 49-720. STOPPING -- TURN AND STOP SIGNALS. (1) A person operating a bi-
 12 cycle, ~~or~~ human-powered vehicle or an electric-assisted bicycle approaching
 13 a stop sign shall slow down and, if required for safety, stop before enter-
 14 ing the intersection. After slowing to a reasonable speed or stopping, the
 15 person shall yield the right-of-way to any vehicle in the intersection or ap-
 16 proaching on another highway so closely as to constitute an immediate haz-
 17 ard during the time the person is moving across or within the intersection
 18 or junction of highways, except that a person after slowing to a reasonable
 19 speed and yielding the right-of-way, if required, may cautiously make a turn
 20 or proceed through the intersection without stopping.

21 (2) A person operating a bicycle or human-powered vehicle approaching a
 22 steady red traffic control light shall stop before entering the intersection
 23 and shall yield to all other traffic. Once the person has yielded, he may
 24 proceed through the steady red light with caution. Provided however, that
 25 a person after slowing to a reasonable speed and yielding the right-of-way,
 26 if required, may cautiously make a right-hand turn. A left-hand turn onto
 27 a one-way highway may be made on a red light after stopping and yielding to
 28 other traffic.

29 (3) A person riding a bicycle shall comply with the provisions of sec-
 30 tion ~~49-643~~ 49-644, Idaho Code.

31 (4) A signal of intention to turn right or left shall be given during
 32 not less than the last one hundred (100) feet traveled by the bicycle before
 33 turning, provided that a signal by hand and arm need not be given if the hand
 34 is needed in the control or operation of the bicycle.

35 SECTION 8. That Chapter 7, Title 49, Idaho Code, be, and the same is
 36 hereby amended by the addition thereto of NEW SECTIONS, to be known and des-
 37 ignated as Sections 49-725 through 49-732, Idaho Code, and to read as fol-
 38 lows:

39 49-725. RIGHTS AND DUTIES OF ELECTRIC-ASSISTED BICYCLES. Except as
 40 otherwise provided in this title, an electric-assisted bicycle or an oper-
 41 ator of an electric-assisted bicycle shall be afforded all the rights and
 42 privileges, and be subject to all of the duties and safety requirements, of
 43 a nonelectric-assisted bicycle or the operator of a nonelectric-assisted
 44 bicycle.

45 49-726. INSURANCE, LICENSING, AND REGISTRATION. Class 1, 2 and 3
 46 electric-assisted bicycles are not subject to the provisions of section

1 49-301(1), Idaho Code, relating to driver's licenses. An electric-assisted
2 bicycle is not a motor vehicle. An electric-assisted bicycle and any person
3 operating an electric-assisted bicycle are not subject to the provisions of
4 this title relating to financial responsibility, driver's licenses, titles
5 registration and license plate requirements.

6 49-727. TAMPERING RESTRICTION. (1) A person shall not tamper with or
7 modify an electric-assisted bicycle so as to change the motor-powered speed
8 capability or motor engagement (between pedal-assist and throttle-assist
9 types of engagement) of an electric-assisted bicycle, unless he appropri-
10 ately replaces the label indicating the classification required in this
11 section.

12 (2) A person shall not tamper with or modify an electric-assisted bicy-
13 cle in a manner that allows the motor to provide assistance above the speed
14 of:

15 (a) Twenty (20) miles per hour if the bike is being propelled exclu-
16 sively by the motor; or

17 (b) Twenty-eight (28) miles per hour if the motor is providing assis-
18 tance only when the rider is pedaling.

19 (3) A device shall no longer be considered an electric-assisted bicycle
20 if the motor is modified such that the motor is capable of propelling the de-
21 vice at a speed that exceeds:

22 (a) Twenty (20) miles per hour if the bike is being propelled exclu-
23 sively by the motor; or

24 (b) Twenty-eight (28) miles per hour if the motor is providing assis-
25 tance only when the rider is pedaling.

26 (4) A person violating the provisions of this section shall be guilty of
27 a misdemeanor.

28 49-728. CONSUMER PRODUCT SAFETY COMMISSION COMPLIANCE. An electric-
29 assisted bicycle shall comply with the equipment and manufacturing require-
30 ments for bicycles adopted by the United States consumer product safety com-
31 mission (16 CFR 1512).

32 49-729. PATH USE BY CLASS 1 AND 2 ELECTRIC-ASSISTED BICYCLES. A class
33 1 electric-assisted bicycle or a class 2 electric-assisted bicycle may be
34 used in all places where bicycles are permitted to travel including, but not
35 limited to, bicycle and multiuse paths and trails. However, the municipal-
36 ity, local authority or governing body of a public agency having jurisdic-
37 tion over a path or trail may prohibit, by ordinance, the operation of a class
38 1 or class 2 electric-assisted bicycle on that bicycle path or trail.

39 49-730. PATH USE BY CLASS 3 ELECTRIC-ASSISTED BICYCLES. A class 3
40 electric-assisted bicycle shall not be operated on a bicycle or multiuse
41 path or trail unless it is within or adjacent to a highway or roadway, or un-
42 less the municipality, local authority or governing body of a public agency
43 having jurisdiction over the path or trail permits, by ordinance, that op-
44 eration.

1 49-731. AGE RESTRICTION. No person under the age of fifteen (15) years
2 may operate a class 3 electric-assisted bicycle. A person under the age of
3 fifteen (15) years may ride as a passenger on a class 3 electric-assisted bi-
4 cycle that is designed to accommodate passengers.

5 49-732. VIOLATION. A violation of this chapter and chapter 6, title
6 49, Idaho Code, shall be an infraction.