

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 488

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES AND FINANCIAL RESPONSIBILITY; AMENDING SECTION  
2 49-117, IDAHO CODE, TO REVISE THE DEFINITION OF "PROOF OF FINANCIAL  
3 RESPONSIBILITY" AND TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING  
4 SECTION 41-2519, IDAHO CODE, TO INCREASE THE MINIMUM AUTOMOBILE LIABIL-  
5 ITY INSURANCE FOR PROPERTY DAMAGE FOR TRANSPORTATION NETWORK COMPANY  
6 DRIVERS AND TO MAKE TECHNICAL CORRECTIONS.  
7

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

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

11 49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing  
12 of a vehicle, whether occupied or not, other than temporarily for the pur-  
13 pose of and while actually engaged in loading or unloading property or pas-  
14 sengers.

15 (2) "Park model recreational vehicle" means a recreational vehicle  
16 that is designed to provide temporary accommodations for recreational,  
17 camping or seasonal use, is built on a single chassis, was originally mounted  
18 on wheels, has a gross trailer area not exceeding four hundred (400) square  
19 feet in the set-up mode and is certified by its manufacturer as complying  
20 with the American National Standards Institute (ANSI) A119.5 Standard for  
21 Recreational Park Trailers, and includes park models, park trailers and  
22 recreational park trailers.

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

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

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

29 (6) "Pedestrian path" means any path, sidewalk or way set aside and used  
30 exclusively by pedestrians.

31 (7) (a) "Person" means every natural person, firm, fiduciary, copart-  
32 nership, association, corporation, trustee, receiver or assignee for  
33 the benefit of creditors, political subdivision, state or federal gov-  
34 ernmental department, agency, or instrumentality and, for the purposes  
35 of chapter 22, title 49, Idaho Code, shall include a private, common or  
36 contract carrier operating a vehicle on any highway of this state.

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

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

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

1 (iii) A person who is unable to walk two hundred (200) feet or  
2 more without great difficulty or discomfort due to the following  
3 impairments: neurological, orthopedic, respiratory, cardiac,  
4 arthritic disorder, blindness, or the loss of function or absence  
5 of a limb.

6 (iv) For the purposes of chapters 3 and 4, title 49, Idaho Code,  
7 a person with a permanent disability is one whose physician certi-  
8 fies that the person qualifies as a person with a disability pur-  
9 suant to this paragraph and further certifies that there is no ex-  
10 pectation for a fundamental or marked change in the person's con-  
11 dition at any time in the future.

12 (8) "Personal delivery device" means an electrically powered device  
13 that is operated on sidewalks and crosswalks and is intended primarily to  
14 transport property; weighs less than eighty (80) pounds, excluding cargo;  
15 has a maximum speed of ten (10) miles per hour; and is equipped with technol-  
16 ogy to allow for operation of the device with or without the active control  
17 or monitoring of a natural person. A personal delivery device shall not be  
18 defined as a vehicle or motor vehicle in any section of the law, unless ex-  
19 pressly so stated.

20 (9) "Personal delivery device operator" means an entity or its agent  
21 that exercises direct physical control or monitoring over the navigation  
22 system and operation of a personal delivery device. For the purposes of this  
23 subsection, the term "agent" means a person charged by the entity with the  
24 responsibility of navigating and operating the personal delivery device.  
25 The term "personal delivery device operator" does not include an entity  
26 or person who requests the services of a personal delivery device for the  
27 purpose of transporting property or an entity, nor does it include a person  
28 who merely arranges for and dispatches the requested services of a personal  
29 delivery device.

30 (10) "Personal information" means information that identifies an indi-  
31 vidual, including an individual's photograph or computerized image, social  
32 security number, driver identification number, name, address, telephone  
33 number, and medical or disability information, but does not include infor-  
34 mation on vehicular accidents, driving or equipment-related violations,  
35 the five-digit zip code of the person's address, or status of the driver's  
36 license or motor vehicle registration.

37 (11) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

38 (12) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

39 (13) "Possessory lien" means a lien dependent upon possession for com-  
40 pensation to which a person is legally entitled for making repairs or per-  
41 forming labor upon, and furnishing supplies or materials for, and for the  
42 towing, storage, repair, or safekeeping of, any vehicle of a type subject to  
43 registration.

44 (14) "Possessory lienholder" means any person claiming a lien, which  
45 lien claimed to have accrued on a basis of services rendered to the vehicle  
46 that is the subject of the lien.

47 (15) "Preceding year" means, for the purposes of section 49-435 49-434,  
48 Idaho Code, a period of twelve (12) consecutive months fixed by the depart-  
49 ment, prior to July 1 of the year immediately preceding the commencement  
50 of the registration or license year for which proportional registration is

1 sought. The department in fixing the period shall make it conform to the  
 2 terms, conditions and requirements of any applicable agreement or arrange-  
 3 ment for the proportional registration of vehicles.

4 (16) "Pressure regulator valve" means a device or system that governs  
 5 the load distribution and controls the weight borne by a variable load sus-  
 6 pension axle in accordance with a predetermined valve setting.

7 (17) "Principal place of business" means an enclosed commercial struc-  
 8 ture located within the state, easily accessible and open to the public at  
 9 all reasonable times, with an improved display area large enough to display  
 10 five (5) or more vehicles of the type the dealer is licensed to sell, imme-  
 11 diately adjoining the building, and at which the business of a dealership,  
 12 including the display and repair of vehicles, may be lawfully carried on  
 13 in accordance with the terms of all applicable building codes, zoning and  
 14 other land-use regulatory ordinances, and in which building the public shall  
 15 be able to contact the dealer or his salesmen in person or by telephone at  
 16 all reasonable times. The books, records and files necessary to conduct  
 17 the business of the dealership must be kept or reproduced electronically at  
 18 the dealership's licensed location(s). A dealership keeping its physical  
 19 books, records and files at an off-site location must notify the department  
 20 in writing of such location at least thirty (30) days in advance of moving  
 21 such books, records and files off site. Physical books, records and files  
 22 must be made available to the department upon request within three (3) busi-  
 23 ness days of such request. The principal place of business shall display  
 24 an exterior sign permanently affixed to the land or building, with letters  
 25 clearly visible to the major avenue of traffic. In no event shall a room or  
 26 rooms in a hotel, rooming house, or apartment house building or a part of any  
 27 single or multiple unit dwelling house be considered a "principal place of  
 28 business" within the terms and provisions of this title unless the entire  
 29 ground floor of that hotel, apartment house, or rooming house building or  
 30 dwelling house be devoted principally to and occupied for commercial pur-  
 31 poses, and the office or offices of the dealer be located on the ground floor.

32 (18) "Private property open to the public" means real property not owned  
 33 by the federal government or the state of Idaho or any of its political sub-  
 34 divisions, but is available for vehicular traffic or parking by the general  
 35 public with the permission of the owner or agent of the real property.

36 (19) "Private road" means every way or place in private ownership and  
 37 used for vehicular travel by the owner and those having private express or implied  
 38 permission from the owner, but not by other persons.

39 (20) "Proof of financial responsibility" means proof of ability to re-  
 40 spond in damages for liability, on account of accidents occurring subsequent  
 41 to the effective date of the proof, arising out of the ownership, maintenance  
 42 or use of a motor vehicle, in the amount of ~~twenty-five~~ thirty-five thou-  
 43 sand dollars (\$235,000) because of bodily injury to or death of one (1) per-  
 44 son in any one (1) accident and, subject to the limit for one (1) person, in  
 45 the amount of ~~fifty~~ seventy thousand dollars (\$570,000) because of bodily  
 46 injury to or death of two (2) or more persons in any one (1) accident, and in  
 47 the amount of ~~fifteen~~ thirty-five thousand dollars (\$135,000) because of in-  
 48 jury to or destruction of property of others in any one (1) accident.

49 (21) "Proper authority" means a public highway agency.

1 (22) "Public highway agency" means the state transportation depart-  
 2 ment, any city, county, highway district or any other state agency that has  
 3 jurisdiction over public highway systems and public rights-of-way.

4 (23) "Public right-of-way" means a right-of-way open to the public and  
 5 under the jurisdiction of a public highway agency, where the public highway  
 6 agency has no obligation to construct or maintain said right-of-way for ve-  
 7 hicular traffic.

8 (24) "Public road jurisdiction" means a public highway agency.

9 (25) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho  
 10 Code)

11 SECTION 2. That Section 41-2519, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 41-2519. FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK COM-  
 14 PANIES AND DRIVERS -- PROOF OF COVERAGE. (1) Effective July 1, 2015, and  
 15 thereafter, a transportation network company driver or transportation  
 16 network company on the driver's behalf shall maintain primary automobile in-  
 17 surance that recognizes that the driver is a transportation network company  
 18 driver or otherwise uses a vehicle to transport passengers for compensation  
 19 and covers the driver:

20 (a) While the driver is logged on to the transportation network com-  
 21 pany's digital network; or

22 (b) While the driver is engaged in a prearranged ride.

23 (2) The following automobile insurance requirements shall apply while  
 24 a participating transportation network company driver is logged on to the  
 25 transportation network company's digital network and is available to re-  
 26 ceive transportation requests but is not engaged in a prearranged ride:

27 (a) Primary automobile liability insurance in the amount of at least  
 28 fifty thousand dollars (\$50,000) for death and bodily injury per per-  
 29 son, one hundred thousand dollars (\$100,000) for death and bodily in-  
 30 jury per incident and ~~twenty-five~~ fifty thousand dollars (\$250,000) for  
 31 property damage.

32 (b) The coverage requirements of this subsection may be satisfied by  
 33 any of the following:

34 (i) Automobile insurance maintained by the transportation net-  
 35 work company driver;

36 (ii) Automobile insurance maintained by the transportation net-  
 37 work company; or

38 (iii) Any combination of the two ~~(2)~~.

39 (3) The following automobile insurance requirements shall apply while  
 40 a transportation network company driver is engaged in a prearranged ride:

41 (a) Primary automobile liability insurance that provides at least one  
 42 million dollars (\$1,000,000) for death, bodily injury and property dam-  
 43 age;

44 (b) The coverage requirements of this subsection may be satisfied by  
 45 any of the following:

46 (i) Automobile insurance maintained by the transportation net-  
 47 work company driver;

48 (ii) Automobile insurance maintained by the transportation net-  
 49 work company; or

1 (iii) Any combination of the two ~~(2)~~.

2 (4) If insurance maintained by a driver in subsection (2) or (3) of  
3 this section has lapsed or does not provide the required coverage, insurance  
4 maintained by a transportation network company shall provide the coverage  
5 required by this section beginning with the first dollar of a claim and have  
6 the duty to defend such claim.

7 (5) Coverage under an automobile insurance policy maintained by the  
8 transportation network company shall not be dependent on a personal automo-  
9 bile insurer first denying a claim nor shall a personal automobile insurance  
10 policy be required to first deny a claim.

11 (6) Insurance required by this section may be placed with an insurer au-  
12 thorized under title 41, Idaho Code, or with a surplus lines insurer eligible  
13 under the surplus line law, sections 41-1211 through 41-1234, Idaho Code.

14 (7) Insurance satisfying the requirements of this section shall be  
15 deemed to satisfy the financial responsibility requirement for a motor vehi-  
16 cle under chapter 12, title 49, Idaho Code.

17 (8) A transportation network company driver shall carry proof of cover-  
18 age satisfying subsections (2) and (3) of this section with him or her at all  
19 times during his or her use of a vehicle in connection with a transportation  
20 network company's digital network. In the event of an accident, a trans-  
21 portation network company driver shall provide this insurance coverage in-  
22 formation to the directly interested parties, automobile insurers and in-  
23 vestigating police officers, upon request. Upon such request, a transporta-  
24 tion network company driver shall also disclose to directly interested par-  
25 ties, automobile insurers, and investigating police officers whether he or  
26 she was logged on to the transportation network company's digital network or  
27 on a prearranged ride at the time of an accident.