

IN THE SENATE

SENATE BILL NO. 1283

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; REPEALING SECTION 49-1401A, IDAHO CODE, RELAT-  
2 ING TO TEXTING WHILE DRIVING; AND AMENDING CHAPTER 14, TITLE 49, IDAHO  
3 CODE, BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO DEFINE  
4 TERMS, TO PROHIBIT PERSONS FROM OPERATING A MOTOR VEHICLE WHILE USING  
5 A MOBILE ELECTRONIC DEVICE, TO PROVIDE EXCEPTIONS, TO PROHIBIT PERSONS  
6 FROM OPERATING A MOTOR VEHICLE WHILE WEARING EARPHONES, TO PROHIBIT  
7 CERTAIN ACTIONS REGARDING SOCIAL NETWORKING SITES, TO PROHIBIT CERTAIN  
8 ACTIONS REGARDING PERSONS OPERATING A SCHOOL BUS, TO PROHIBIT CERTAIN  
9 ACTIONS REGARDING PERSONS WITH A LEARNER'S PERMIT OR RESTRICTED OR  
10 PROVISIONAL LICENSE, TO PROVIDE PENALTIES AND TO PROVIDE THAT LAW EN-  
11 FORCEMENT OFFICERS MAY TAKE CERTAIN ACTIONS.  
12

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

14 SECTION 1. That Section [49-1401A](#), Idaho Code, be, and the same is hereby  
15 repealed.

16 SECTION 2. That Chapter 14, Title 49, Idaho Code, be, and the same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
18 ignated as Section 49-1401A, Idaho Code, and to read as follows:

19 49-1401A. DISTRACTED DRIVING. (1) As used in this section:

20 (a) "Mobile electronic device" means any handheld or portable elec-  
21 tronic device capable of providing wireless data or voice communication  
22 between two (2) or more persons or for amusement, including a cellular  
23 telephone; broadband personal communication device; two-way messag-  
24 ing device; text messaging device; pager; electronic device that can  
25 receive or transmit text or character-based images, access or store  
26 data or connect to the internet; personal digital assistant; laptop  
27 computer; computer tablet; stand-alone computer; portable computing  
28 device; mobile device with a touchscreen display that is designed to be  
29 worn; electronic games; equipment that is capable of playing a video,  
30 taking photographs, capturing images or recording or transmitting  
31 video; and any similar device that is readily removable from a vehicle  
32 and is used to write, send or read text or data or capture images or video  
33 through manual input. "Mobile electronic device" does not include a ra-  
34 dio designed for the citizens band service or the amateur radio service  
35 of the federal communications commission or a commercial two-way radio  
36 communications device.

37 (b) "Operate" means to drive or assume physical control of a motor ve-  
38 hicle upon a public way, street, road or highway. "Operate" does not  
39 include a motor vehicle that is lawfully parked or an automated vehicle  
40 with an SAE level 5 automated driving system performing dynamic driv-

1 ing tasks in automated mode as referenced in SAE international standard  
2 J3016 (2014).

3 (c) "Social networking site" means any web-based service that allows  
4 individuals to construct a profile within a founded system and communi-  
5 cate with other users of the site.

6 (2) Except as provided in this subsection, a person shall not operate a  
7 motor vehicle while using a mobile electronic device. The provisions of this  
8 subsection shall not apply to:

9 (a) A law enforcement officer, firefighter, emergency medical techni-  
10 cian, paramedic, operator of an authorized emergency vehicle or sim-  
11 ilarly engaged paid or volunteer public safety first responder during  
12 the performance of that person's official duties, and a public utility  
13 employee or contractor acting within the scope of that person's employ-  
14 ment when responding to a public utility emergency;

15 (b) The use of a mobile electronic device for emergency purposes, in-  
16 cluding a text messaging device to contact a 911 system, an emergency  
17 call to a law enforcement agency, health care provider, fire department  
18 or other emergency services agency or entity; reporting a fire, traffic  
19 accident, serious road hazard or medical or hazardous materials emer-  
20 gency to appropriate authorities; reporting the operator of another mo-  
21 tor vehicle who is driving in a reckless or otherwise unsafe manner or  
22 who appears to be driving under the influence of alcohol or drugs; or re-  
23 porting a crime;

24 (c) The use of a global positioning or navigation system feature of a  
25 mobile electronic device, provided that the operator of the vehicle is  
26 not manually entering information into the global positioning or navi-  
27 gation system feature of the device;

28 (d) Reading, selecting or entering a telephone number or name in a mo-  
29 bile electronic device for the purpose of making or receiving a tele-  
30 phone call or if a person otherwise activates or deactivates a feature  
31 or function of a mobile electronic device; or

32 (e) The use of a mobile electronic device in a voice-operated or hands-  
33 free mode if the operator of the motor vehicle does not use his hands to  
34 operate the device, except to activate or deactivate a feature or func-  
35 tion of the device.

36 (3) No person shall operate a motor vehicle while wearing headphones or  
37 earphones in both ears simultaneously for the purposes of listening to mu-  
38 sic, video or other sound broadcasts.

39 (4) No person shall access, read or post to a social networking site  
40 while operating a motor vehicle.

41 (5) No person shall operate a school bus that is transporting one (1) or  
42 more children while using a mobile electronic device, except for emergency  
43 purposes as provided in subsection (2) (b) of this section.

44 (6) No person under twenty-one (21) years of age or a person with a  
45 learner's permit or restricted or provisional license shall operate a motor  
46 vehicle while using a mobile electronic device, except for emergency pur-  
47 poses as provided in subsection (2) (b) of this section.

48 (7) A violation of this section shall be a moving violation and shall be  
49 an infraction punishable by a fine of one hundred dollars (\$100). For each

1 subsequent offense, the offender shall be punished by a fine of two hundred  
2 fifty dollars (\$250).

3 (8) If a person is involved in an accident at the time of the violation  
4 of this section, the fine shall be double the amount of the fine imposed under  
5 subsection (7) of this section, and the law enforcement officer investigat-  
6 ing the accident shall indicate in any written accident report that the per-  
7 son was using a mobile electronic device at the time of the accident.

8 (9) A court may suspend a person's driver's license for up to ninety  
9 (90) days if the person has three (3) or more convictions for violations of  
10 this section within a three (3) year period.

11 (10) A law enforcement officer enforcing the provisions of this section  
12 may treat a violation of this section as the primary or sole reason for issu-  
13 ing a citation to a driver.