

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 403

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-119, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-301, IDAHO CODE, TO REQUIRE A PERSON TO APPLY FOR AN IDAHO DRIVER'S LICENSE WITHIN THIRTY DAYS OF BECOMING AN IDAHO RESIDENT; AMENDING SECTION 49-401A, IDAHO CODE, TO REQUIRE A PERSON TO REGISTER VEHICLES WITHIN THIRTY DAYS OF BECOMING AN IDAHO RESIDENT; AMENDING SECTION 49-502, IDAHO CODE, TO REQUIRE A PERSON TO OBTAIN A CERTIFICATE OF TITLE WITHIN THIRTY DAYS OF BECOMING AN IDAHO RESIDENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-119, Idaho Code, be, and the same is hereby amended to read as follows:

49-119. DEFINITIONS -- R. (1) "Racing" means the use of one (1) or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(2) "Radio operator, amateur" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation and holding a conditional class license or higher.

(3) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

(4) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(5) "Railroad sign" or "signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(6) "Recreational vehicle" means a motor home, travel trailer, fifth-wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, designed for recreational or emergency occupancy. It does not include pickup hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

(7) "Registered maximum gross weight" means the maximum gross weight established on the registration document as declared by the owner at the time of registration or renewal of registration.

(8) "Registered owner" means any person required to register a vehicle, whether or not a lienholder appears on the title in the records of the department.

1 (9) "Registration" means the registration certificate or certificates
2 and license plate or plates issued under the laws of this state pertaining to
3 the registration of vehicles.

4 (10) "Rental utility trailer" means a utility trailer offered for hire
5 to the general public for private or commercial use.

6 (11) "Rescission of sale." (See section 28-2-608, Idaho Code)

7 (12) "Resident" means ~~for purposes of vehicle registration, titling, a~~
8 ~~driver's license or an identification card, a person whose domicile has been~~
9 ~~within Idaho continuously for a period of at least thirty (30) days a person~~
10 ~~who establishes domicile in Idaho, excluding a full-time student who is a~~
11 ~~resident of another state. However, any driver's license or identification~~
12 ~~card issued to a person who has been domiciled in Idaho for less than thirty~~
13 ~~(30) days may not be used for identification for the purpose of voting.~~
14 ~~The department may title or register a vehicle to a person who has an Idaho~~
15 ~~driver's license or identification card and has been domiciled in Idaho~~
16 ~~for less than thirty (30) days. Establishment of residency shall include a~~
17 ~~spouse and dependent children who reside with that person in the domicile. A~~
18 ~~domicile shall not be a person's workplace, vacation or part-time residence.~~

19 (13) "Residential district." (See "District," section 49-105, Idaho
20 Code)

21 (14) "Residential neighborhood" for purposes of this chapter, is an
22 area abutting a highway which is used primarily for nontransient human habi-
23 tation, parks and churches.

24 (15) "Revocation of driver's license" means the termination by formal
25 action of the department or as otherwise provided in this title of a per-
26 son's driver's license or privilege to operate a motor vehicle on the high-
27 ways, which terminated driver's license or privilege shall not be subject to
28 renewal or restoration except that an application for a new driver's license
29 may be presented and acted upon by the department after the expiration of the
30 applicable period of time prescribed in this title.

31 (16) "Revocation of vehicle registration" means the termination by for-
32 mal action of the department or as otherwise provided in this title of a per-
33 son's vehicle registration or, in the case of fleets of vehicles, all vehi-
34 cle registrations in each fleet operated by a company. Upon revocation, the
35 privileges of operating the vehicles on Idaho highways is terminated until
36 the difficulty that caused the revocation is corrected and an application
37 for new registration is presented and acted upon.

38 (17) "Ridesharing arrangement" means the nonprofit transportation in a
39 passenger motor vehicle with a seating capacity not exceeding fifteen (15)
40 people including the driver, which is not otherwise used for commercial pur-
41 poses or as a public conveyance, whereby a fixed group, not exceeding fifteen
42 (15) people including passengers and driver, is transported between their
43 residences or nearby termini, and their places of employment or educational
44 or other institutions or termini near those places, in a single daily round
45 trip where the driver is also on the way to or from his place of employment or
46 education or other institution.

47 (18) "Right-of-way" means the right of one (1) vehicle or pedestrian to
48 proceed in a lawful manner in preference to another vehicle or pedestrian ap-
49 proaching under circumstances of direction, speed and proximity as to give
50 rise to danger of collision unless one grants precedence to the other. The

term shall not be interpreted to mean that a highway user is relieved from the duty to exercise reasonable care at all times and from doing everything to prevent an accident. Failure to yield right-of-way shall not be construed as negligence per se or as prima facie evidence of negligence.

(19) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way.

SECTION 2. That Section 49-301, Idaho Code, be, and the same is hereby amended to read as follows:

49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a current and valid Idaho driver's license. Provided however, that those persons holding a restricted school attendance driving permit may drive upon a highway pursuant to the restrictions set forth in section 49-307A, Idaho Code.

(2) No person shall operate a motorcycle upon a highway unless he has a motorcycle endorsement on his valid driver's license. The provisions of this subsection shall not apply to persons operating autocycles.

(3) No person shall operate a motor vehicle in violation of any valid restriction identified on, or attached to, his valid driver's license.

(4) Any Idaho resident operating with a noncommercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued class D driver's license or other Idaho credential within thirty (30) days of becoming a resident as that term is defined in section 49-119(12), Idaho Code. It is an infraction for any Idaho resident driver to fail to apply for an Idaho-issued driver's license within the time period provided for in this subsection.

~~(4)~~ (5) No person shall receive a class D driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction for use within the United States, or any identification cards issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess a driver's license or any identification cards.

~~(5)~~ (6) No person shall be permitted to have more than one (1) driver's license issued for use within the United States at any time.

~~(6)~~ (7) No person shall operate a commercial motor vehicle as defined in section 49-123, Idaho Code, upon a highway:

(a) Without obtaining a commercial driver's license.

(b) Without having the appropriate class A, B or C commercial driver's license in the operator's possession.

(c) Without the proper license class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

(d) Unless the operator has a seasonal or class A, B or C driver's license with required endorsements in his possession.

(e) Without having a current and valid medical examiner's certificate on file with the department while operating in a "non-excepted" status as required by the federal motor carrier safety administration. Medical examiner's certificates submitted for filing must be legible and

shall be submitted in a manner acceptable to the department. If the federal motor carrier safety administration has issued a medical exemption letter or skill performance evaluation certificate, the driver must have the current and valid documentation in physical possession and available upon request to a duly authorized federal, state or local enforcement official.

~~(7)~~ (8) Any holder of a class A, B or C commercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued commercial driver's license within thirty (30) days of establishing a domicile in Idaho. In accordance with the federal motor carrier safety regulations, no person shall receive a class A, B or C driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction.

~~(8)~~ (9) A person operating a vehicle that requires a class A, B or C license without a current and valid license required to drive such vehicle is guilty of a misdemeanor. Except as provided in sections 18-8001(1) and 49-304, Idaho Code, operating a vehicle without a current and valid class D driver's license in violation of this section is an infraction punishable by a fine of one hundred fifty dollars (\$150). A second conviction for operating a vehicle without a current and valid class D driver's license within a period of five (5) years of the first conviction is an infraction punishable by a fine of three hundred dollars (\$300). A third and any subsequent conviction for operating a vehicle without a current and valid class D driver's license within a period of five (5) years of the first conviction shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

SECTION 3. That Section 49-401A, Idaho Code, be, and the same is hereby amended to read as follows:

49-401A. OWNER TO SECURE REGISTRATION FROM A COUNTY ASSESSOR OR THE DEPARTMENT. (1) Every owner of a motor vehicle, trailer or semitrailer who intends to operate the vehicle upon any highway in this state shall, before the same is so operated, apply to a county assessor or to the department or an agent of the department and obtain registration for vehicles pursuant to sections 49-402(1) through (3), 49-402A, 49-402B and 49-422, Idaho Code, within thirty (30) days of becoming a resident as that term is defined in section 49-119(12), Idaho Code. All others shall be obtained from the department except as provided in subsection (2) of this section. Owners of vehicles specified in section 49-426, Idaho Code, are exempt from the provisions of this section. Owners of vehicles operating on a temporary basis as provided in sections 49-431(3), 49-432 and 49-433, Idaho Code, are exempt from the provisions of this section to the extent that the temporary permits in use are unexpired.

(2) Commercial vehicles in excess of twenty-six thousand (26,000) pounds gross weight, farm and noncommercial vehicles in excess of sixty thousand (60,000) pounds gross weight and all vehicles registered under section 49-435, Idaho Code, shall be registered by the department. All other commercial, farm and noncommercial vehicles and the vehicles in paragraphs

1 (a), (b), and (c) of this subsection shall be registered by the county asses-
 2 sor or by the department or an agent of the department.

3 (a) Motor vehicles equipped primarily to haul passengers on a commer-
 4 cial basis, doing strictly an intrastate business, and having gross
 5 weights of twenty-six thousand (26,000) pounds or less.

6 (b) Any farm vehicle or combination of vehicles where each vehicle or
 7 combination of vehicles shall not exceed a gross weight of sixty thou-
 8 sand (60,000) pounds.

9 (c) Nonresident vehicles or combination of vehicles owned by transient
 10 labor used in hauling unprocessed agricultural products for hire and
 11 not exceeding sixty thousand (60,000) pounds gross weight shall regis-
 12 ter their vehicle for the appropriate gross weight scale for the annual
 13 fee if registered on or before June 30 and for one-half (1/2) the annual
 14 fee if not registered until on or after July 1 of any year, with the as-
 15 sessor of the county in which the owner resides.

16 (3) Commercial, farm and noncommercial vehicles of any weight doing
 17 strictly an intrastate business may be registered by the county assessor or
 18 by the department or an agent of the department by mutual agreement between
 19 the department and the county.

20 SECTION 4. That Section 49-502, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 49-502. DELIVERY OF CERTIFICATE OF TITLE UPON SALE OR DISPOSITION --
 23 REASSIGNMENT BY DEALERS. (1) No person shall sell or otherwise dispose of a
 24 vehicle without delivery to the purchaser or transferee a certificate of ti-
 25 tle with an assignment as necessary to show title in the purchaser or trans-
 26 feree except as provided for in subsection (2) of this section.

27 (2) The owner shown on the records of the department of any vehicle
 28 that has a 2010 or older model year or has a model year at least twenty (20)
 29 years old when transferred after January 1, 2031, or is over sixteen thousand
 30 (16,000) pounds gross vehicle weight or has no odometer device, or the owner
 31 of any vessel that has a certificate of title that has become lost, mutilated
 32 or illegible, may dispose of such vehicle or vessel by delivering to the pur-
 33 chaser or transferee a completed application for duplicate title, together
 34 with an assignment as necessary to show title in the purchaser or transferee.
 35 To obtain a certificate of title, the purchaser or transferee shall pay the
 36 fees pursuant to section 49-202(2)(b), Idaho Code.

37 (3) No ~~resident person~~ shall purchase or otherwise acquire or bring
 38 into the state a vehicle except for temporary use as provided by section
 39 49-432, Idaho Code, unless he shall obtain a certificate of title in his name
 40 ~~in accordance with the provisions of this chapter within thirty (30) days of~~
 41 ~~becoming a resident as defined in section 49-119(12), Idaho Code, in accor-~~
 42 ~~dance with the provisions of this chapter. A person who fails to timely ob-~~
 43 ~~tain a certificate of title in accordance with the provisions of this subsec-~~
 44 ~~tion shall be subject to a penalty pursuant to section 49-504A, Idaho Code.~~

45 (4) Any dealer holding a current Idaho dealer license may, in lieu of
 46 having a certificate of title issued in his name, reassign either any exist-
 47 ing certificate of title issued in this state or any application of duplicate
 48 certificate of title completed pursuant to subsection (2) of this section.

1 SECTION 5. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.