

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 39
HIGHWAYS AND BRIDGES

18-3905. TRANSPORTATION OF HAZARDOUS WASTE. (1) Whenever hazardous waste, as defined in section [39-4403](#), Idaho Code, is being transported on highways or roads of this state, it shall be transported in a manner which will not endanger the health, welfare or safety of the citizens of the state of Idaho and it shall be transported in compliance with the laws of the state of Idaho and rules and regulations promulgated thereto.

(2) Any person who transports hazardous waste or any generator of hazardous waste or other person who causes hazardous waste to be transported on highways or roads of this state in a manner which will endanger the health, welfare or safety of the citizens of the state of Idaho, or who transports or causes hazardous waste to be transported on highways or roads of this state in a manner which is not in compliance with the laws of the state of Idaho and any rules and regulations promulgated pursuant thereto shall be guilty of a misdemeanor and shall be subject to a fine of not more than ten thousand dollars (\$10,000), imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment. This penalty shall be in addition to any other civil or criminal penalties which may be provided by law.

[18-3905, added 1984, ch. 205, sec. 13, p. 511.]

18-3906. PLACING DEBRIS ON HIGHWAYS. (1) It shall constitute an infraction for any person to throw from any vehicle, place, deposit or permit to be deposited upon or alongside of any highway, street, alley or easement used by the public for public travel, any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, hoops, cans, barbed wire, boards, trash or garbage, lighted material, or other waste substance, and is punishable by a fine of one hundred fifty dollars (\$150). A second conviction under this section within two (2) years of the commission of the prior offense for which the person was convicted shall constitute an infraction and be punishable by a fine not exceeding three hundred dollars (\$300). A third conviction under this section within three (3) years of the first offense for which the person was convicted shall constitute a misdemeanor and be punishable by a fine not exceeding one thousand dollars (\$1,000) and by imprisonment in the county jail not exceeding thirty (30) days. For the purposes of this section, the terms "highway," "street," "alley" or "easement" shall be construed to include the entire right-of-way of such highway, street, alley or easement. The Idaho transportation department is directed to post along state highways, at convenient and appropriate places, notices of the context of said law.

(2) Notwithstanding the provisions of section [19-4705](#), Idaho Code, the court may order that fifty dollars (\$50.00) of the fine imposed under the provisions of this section be paid by the defendant to the person or persons, other than the officer making the arrest, who, in the judgment of the court, provided information that led directly to the arrest and conviction of the defendant.

(3) It shall constitute a misdemeanor for any person to willfully throw, deposit, or place, or to lose and willfully leave upon or alongside of any highway or street used by the public for public travel, any debris,

substance, object or material that impedes traffic or creates a hazardous driving condition, and is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500) or by imprisonment in the county jail not exceeding six (6) months, or by both.

[18-3906, added 1972, ch. 336, sec. 1, p. 925; am. 1974, ch. 12, sec. 86, p. 61; am. 1986, ch. 298, sec. 1, p. 747; am. 2015, ch. 177, sec. 1, p. 578; am. 2015, ch. 183, sec. 1, p. 587.]

18-3907. OBSTRUCTION OF HIGHWAYS. Any person who obstructs, injures or damages any public road, street or highway, either by placing obstruction therein or by digging in, deepening or deviating the water of any stream, or by placing any obstruction in any ditch or stream within or along any public road, street or highway, or by placing or constructing any obstruction, ditch or embankments upon his own or other lands, so as to make or cause any water to flow upon or impair any public road, street or highway, or rides or drives upon and along the sidewalk of any road, street or highway, whenever such sidewalk has been graded or graveled, located or designated by any order of the board of commissioners or city council, or prepared in any other manner dedicating and designating the same for and to that particular use and purpose, either by the property owner or by the public, or in any other manner injures or obstructs any public road, street or highway, is guilty of a misdemeanor.

[I.C., sec. 18-3907, as added by 1972, ch. 336, sec. 1, p. 925.]

18-3908. FLOODING HIGHWAYS. Any person who runs water either by flooding or sprinkler irrigation across any public highway, road or street, without first constructing a good and sufficient ditch or ditches to convey the same, or who fails to bridge such ditch or ditches, or to keep such bridge or ditches in good repair, or to ensure that the flow from the sprinkler does not flood the public highway, road or street and all persons, companies or corporations who suffer any water used by them for the purpose of irrigation, or any other purposes, to flow into or upon any public highway, road or street, in any other manner than that authorized by law, are guilty of an infraction on the first offense, and shall be guilty of a misdemeanor for each offense thereafter per calendar year, and upon conviction thereof shall be fined fifty dollars (\$50.00), and for a second offense, double said fine and costs; and it is hereby made the duty of all road supervisors, constables and marshals, to make complaint before the proper court, for violations of this section, whenever notified or having knowledge thereof. A person may not be charged under the provisions of this chapter if the flooding from a sprinkler or other water conveyance system is a result of mechanical failure, wind or other climatic condition, or other circumstances outside of the control of the person.

[18-3908, added 1972, ch. 336, sec. 1, p. 925; am. 2001, ch. 289, sec. 1, p. 1026; am. 2015, ch. 198, sec. 2, p. 608.]

18-3910. EVASION OF TOLL. Every person not exempt from paying tolls who crosses on any ferry or toll bridge, or passes through any toll gate, lawfully kept, without paying the toll therefor and with intent to avoid such payment is punishable by fine not exceeding \$20.00.

[I.C., sec. 18-3910, as added by 1972, ch. 336, sec. 1, p. 926.]

18-3911. WILD FLOWERS OR SHRUBS ALONG HIGHWAY -- REMOVAL OR TRANSPORT ILLEGAL. (1) It is the duty of all citizens of this state to protect the wild flowers of this state referred to in this section from needless destruction and waste.

(2) It shall be unlawful for any person in this state to wilfully and negligently cut, dig up, trim, pick, or remove, any plant, flower, shrub, bush, fruit or other vegetation growing upon the right of way of any public highway within this state.

(3) It shall be unlawful for any person to export from this state, or to sell or offer for sale or transport bulbs, corms, rhizomes, roots or plants of native wild flowers or shrubs of the state of any of the following genera:

- a. Tiger lily ... *Lilium Columbianum*
- b. Queen Cup ... *Clintonia uniflora*
- c. Trillium (both species)
- d. Lady's Slipper ... *Cypripedium montanum*
- e. Stream orchis ... *Epipactis Gigantea*
- f. Coral root ... *Corallorhiza* (all species)
- g. Columbine ... *Aquilegia formosa*
- h. Syringa or mock orange ... *Philadelphus lewisii*
- i. Dogwood ... *Cornus nuttallii* and *canadensis*
- j. Indian Pipe Family (all members)
- k. Rhododendron (all species)
- l. Twin Flower ... *Linnaea americana*
- m. Mission bells or rive root ... *Fritillaria lanceolata*
- n. Bitter root ... *Lewisia rediviva*
- o. Angel slipper, fairy slipper ... *Calypso bulbosa*

(4) It shall be unlawful for any person to sell or transport or offer for sale the bulbs, corms, rhizomes, roots or parts of any of the plants or shrubs mentioned in subsections (2) and (3) of this section which have been dug, pulled up or gathered upon any highway.

(5) The provisions of this section shall not be construed to apply to any employee of the federal government or of the state of Idaho or of any political subdivision of the state engaged in work upon any state, county or public road or highway while performing such work under the supervision of the federal government, the state or any political subdivision thereof.

(6) The provisions of this section shall not be construed to apply to the owner of any tract or tracts of land, or to his agents or employee, as to such tract or tracts, or to any shrub, plant or other vegetation which is declared by law to be a public nuisance.

(7) Nothing in this section shall be construed as prohibiting the digging, pulling, gathering or sending out of this state, at such times the Idaho transportation department may approve, any propagated plants or shrubs mentioned in subsections (2) and (3) of this section, in such quantity and at such times as the agency or persons having control of the land, public or private, may determine and approve.

[I.C., sec. 18-3911, as added by 1972, ch. 336, sec. 1, p. 926; am. 1974, ch. 12, sec. 87, p. 61.]

18-3912. PROSECUTION OF VIOLATORS -- DUTY OF TRANSPORTATION DEPARTMENT. Insofar as the state highway system is concerned, it shall be the duty of the Idaho transportation department and of all its employees to present

evidence of any violation of the provisions of this act to the prosecuting attorney of the county in which any such violations occur. Such prosecuting attorney shall prosecute any person guilty of a violation of the provisions of this act.

[I.C., sec. 18-3912, as added by 1972, ch. 336, sec. 1, p. 927; am. 1974, ch. 12, sec. 88, p. 61.]

18-3913. WILD FLOWERS PROTECTED -- AMENDED LIST -- DUTY OF DEPARTMENT OF FISH AND GAME. (a) In order to further protect native wild flowers and shrubs from needless destruction and waste, the department of fish and game may, after investigation and public hearings and in accordance with the provisions of this act, establish and amend a list of wild flowers and shrubs in addition to those listed in section [18-3911](#)(3), Idaho Code. The provisions of this act will then apply to such "established" or "amended" list.

(b) In determining additions to the list of wild flowers set forth herein, the department of fish and game may take into consideration:

- (1) The laws and regulations of the United States and other states.
- (2) The effect on the scenic beauty of public roads and public land.
- (3) The necessity to preserve and protect native plants whenever it appears that they might possibly become extinct.

[I.C., sec. 18-3913, as added by 1972, ch. 336, sec. 1, p. 927; am. 2003, ch. 129, sec. 1, p. 380.]

18-3914. VIOLATION A MISDEMEANOR. A violation of this chapter and regulations authorized by this act is a misdemeanor unless the violation is defined as an infraction.

[I.C., sec. 18-3914, as added by 1972, ch. 336, sec. 1, p. 928; am. 2001, ch. 289, sec. 2, p. 1027.]