

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 204

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PERSONAL DELIVERY DEVICES; AMENDING SECTION 49-117, IDAHO CODE,  
2 TO DEFINE "PERSONAL DELIVERY DEVICE" AND "PERSONAL DELIVERY DEVICE  
3 OPERATOR" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-123,  
4 IDAHO CODE, TO PROVIDE THAT A PERSONAL DELIVERY DEVICE IS NOT A MOTOR  
5 VEHICLE; AMENDING SECTION 49-605, IDAHO CODE, TO PROVIDE APPLICATION  
6 OF DRIVING ON SIDEWALKS TO A PERSONAL DELIVERY DEVICE; AMENDING CHAPTER  
7 23, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2305, IDAHO  
8 CODE, TO PROVIDE APPLICATION TO PERSONAL DELIVERY DEVICES; AND AMENDING  
9 SECTION 49-104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.  
10

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

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

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

18 (2) "Park trailer." (See "Trailer," section 49-121, Idaho Code)

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

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

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

25 (6) "Pedestrian path" means any path, sidewalk or way ~~set-aside~~ set  
26 aside and used exclusively by pedestrians.

27 (7) (a) "Person" means every natural person, firm, fiduciary, co-  
28 partnership, association, corporation, trustee, receiver or assignee  
29 for the benefit of creditors, political subdivision, state or federal  
30 governmental department, agency, or instrumentality, ~~and~~ and for the  
31 purposes of chapter 22, ~~of this title 49, Idaho Code,~~ shall include a  
32 private, common or contract carrier operating a vehicle on any highway  
33 of this state.

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

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

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

40 (iii) A person who is unable to walk two hundred (200) feet or  
41 more without great difficulty or discomfort due to the following  
42 impairments: neurological, orthopedic, respiratory, cardiac,

1           arthritic disorder, blindness, or the loss of function or absence  
2           of a limb.

3           (iv) For the purposes of chapters 3 and 4, ~~of this title 49, Idaho~~  
4           Code, a person with a permanent disability is one whose physician  
5           certifies that the person qualifies as a person with a disabili-  
6           ty pursuant to this ~~subsection (7) (b), paragraph~~ and further cer-  
7           tifies that there is no expectation for a fundamental or marked  
8           change in the person's condition at any time in the future.

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

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

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

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

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

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

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

44          (15) "Preceding year" means, for the purposes of section 49-435, Idaho  
45          Code, a period of twelve (12) consecutive months fixed by the department,  
46          prior to July 1 of the year immediately preceding the commencement of the  
47          registration or license year for which proportional registration is sought.  
48          The department in fixing the period shall make it conform to the terms, con-  
49          ditions and requirements of any applicable agreement or arrangement for the  
50          proportional registration of vehicles.

1 (146) "Pressure regulator valve" means a device or system ~~which that~~  
2 governs the load distribution and controls the weight borne by a variable  
3 load suspension axle in accordance with a predetermined valve setting.

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

29 (168) "Private property open to the public" means real property not  
30 owned by the federal government or the state of Idaho or any of its political  
31 subdivisions, but is available for vehicular traffic or parking by the gen-  
32 eral public with the permission of the owner or agent of the real property.

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

36 (1820) "Proof of financial responsibility" means proof of ability to  
37 respond in damages for liability, on account of accidents occurring sub-  
38 sequent to the effective date of the proof, arising out of the ownership,  
39 maintenance or use of a motor vehicle, in the amount of twenty-five thousand  
40 dollars (\$25,000) because of bodily injury to or death of one (1) person in  
41 any one (1) accident, and, subject to the limit for one (1) person, in the  
42 amount of fifty thousand dollars (\$50,000) because of bodily injury to or  
43 death of two (2) or more persons in any one (1) accident, and in the amount of  
44 fifteen thousand dollars (\$15,000) because of injury to or destruction of  
45 property of others in any one (1) accident.

46 (1921) "Proper authority" means a public highway agency.

47 (202) "Public highway agency" means the state transportation depart-  
48 ment, any city, county, highway district or any other state agency ~~which that~~  
49 has jurisdiction over public highway systems and public rights-of-way.

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

5 (224) "Public road jurisdiction" means a public highway agency.

6 (235) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho  
 7 Code)

8 SECTION 2. That Section 49-123, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

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

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

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

21 (2) "Vehicle" means:

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

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

33 (c) Authorized emergency vehicle. Vehicles operated by any fire de-  
 34 partment or law enforcement agency of the state of Idaho or any polit-  
 35 ical subdivision of the state, ambulances, vehicles belonging to per-  
 36 sonnel of voluntary fire departments while in performance of official  
 37 duties only, vehicles belonging to, or operated by EMS personnel certi-  
 38 fied or otherwise recognized by the EMS bureau of the Idaho department  
 39 of health and welfare while in the performance of emergency medical ser-  
 40 vices, sheriff's search and rescue vehicles ~~which that~~ are under the im-  
 41 mediate supervision of the county sheriff, wreckers ~~which that~~ are en-  
 42 gaged in motor vehicle recovery operations and are blocking part or all  
 43 of one (1) or more lanes of traffic, other emergency vehicles designated  
 44 by the director of the Idaho state police or vehicles authorized by the  
 45 Idaho transportation board and used in the enforcement of laws speci-  
 46 fied in section 40-510, Idaho Code, pertaining to vehicles of ten thou-  
 47 sand (10,000) pounds or greater.

48 (d) Commercial vehicle or commercial motor vehicle. For the purposes  
 49 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-

1 ment, a motor vehicle or combination of motor vehicles designed or used  
2 to transport passengers or property if the motor vehicle:

3 (i) Has a manufacturer's gross combination weight rating (GCWR)  
4 in excess of twenty-six thousand (26,000) pounds inclusive of  
5 a towed unit with a manufacturer's gross vehicle weight rating  
6 (GVWR) of more than ten thousand (10,000) pounds; or

7 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in  
8 excess of twenty-six thousand (26,000) pounds; or

9 (iii) Is designed to transport sixteen (16) or more people, in-  
10 cluding the driver; or

11 (iv) Is of any size and is used in the transportation of materials  
12 found to be hazardous for the purposes of the hazardous material  
13 transportation act and which require the motor vehicle to be plac-  
14 arded under the hazardous materials regulations (49 CFR part 172,  
15 subpart F).

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

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

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

1 (g) Glider kit vehicle. Every large truck manufactured from a kit man-  
2 ufactured by a manufacturer of large trucks which consists of a frame,  
3 cab complete with wiring, instruments, fenders and hood and front axles  
4 and wheels. The "glider kit" is made into a complete assembly by the ad-  
5 dition of the engine, transmission, rear axles, wheels and tires.

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

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

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

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

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

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

47 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate  
48 any vehicle or vessel previously manufactured, using metal, fiberglass  
49 or other composite materials. Replica vehicles must look like the orig-  
50 inal vehicle being replicated but may use a more modern drive train. At

1 a minimum, replica vehicles shall meet the same federal motor vehicle  
2 safety and emission standards in effect for the year and type of vehicle  
3 being replicated.

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

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

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

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

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

29 (iv) A vehicle or vessel constructed by the use of a custom kit  
30 that cannot be visually identified as a specific make or model.  
31 All specially constructed vehicles of a type required to be reg-  
32 istered shall be certified by the owner to meet all applicable  
33 federal motor vehicle safety standards in effect at the time con-  
34 struction is completed, and all requirements of chapter 9, title  
35 49, Idaho Code.

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

38 (r) Tank vehicle.

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

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

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

49 (ii) If a commercial motor vehicle transports one (1) or more  
50 tanks that are manifested either as empty or as residue and that

1           are actually empty or contain only residue, those tanks shall not  
2           be considered in determining whether the vehicle is a tank vehi-  
3           cle.

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

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

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

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

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

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

26          SECTION 3. That Section 49-605, Idaho Code, be, and the same is hereby  
27          amended to read as follows:

28          49-605. DRIVING UPON SIDEWALK. No person shall drive any vehicle upon  
29          a sidewalk or sidewalk area except upon a permanent or temporary driveway.  
30          This section shall not apply to any vehicle moved exclusively by human power,  
31          a personal delivery device, an electric personal assistive mobility device,  
32          nor to any motorized wheelchair. For the purposes of assuring the safety of  
33          pedestrians and others using sidewalks, a political subdivision having ju-  
34          risdiction over sidewalks may, by ordinance or by traffic control device,  
35          regulate the time, place and manner of the operation of electric personal as-  
36          sistive mobility devices.

37          SECTION 4. That Chapter 23, Title 40, Idaho Code, be, and the same is  
38          hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
39          ignated as Section 40-2305, Idaho Code, and to read as follows:

40          40-2305. PERSONAL DELIVERY DEVICES. (1) Notwithstanding any provi-  
41          sion of law to the contrary, a personal delivery device as defined in section  
42          49-117, Idaho Code, is authorized to operate on sidewalks and crosswalks;  
43          provided, however, that this section does not restrict a county, municipal-  
44          ity or highway district from otherwise adopting regulations for the safe  
45          operation of personal delivery devices.

46          (2) All personal delivery devices shall obey all traffic and pedestrian  
47          control devices and signs.



1 (3) A personal delivery device operating on sidewalks and crosswalks  
2 has all the rights and duties applicable to a pedestrian under the same cir-  
3 cumstances, except that the personal delivery device shall not unreasonably  
4 interfere with pedestrians or traffic, and shall yield the right-of-way to  
5 pedestrians on sidewalks and crosswalks.

6 (4) All personal delivery devices shall include a plate or marker that  
7 identifies the name and contact information of the operator of the personal  
8 delivery device and a unique identifying device number.

9 (5) All personal delivery devices shall be equipped with a braking sys-  
10 tem that, when active or engaged, will enable the personal delivery device to  
11 come to a controlled stop.

12 (6) No personal delivery device shall transport hazardous materials or  
13 hazardous wastes regulated pursuant to chapter 22, title 49, Idaho Code.

14 (7) No personal delivery device shall be operated on a public highway in  
15 the state, except to the extent necessary to cross a crosswalk.

16 (8) No personal delivery device shall operate on a sidewalk or cross-  
17 walk unless the personal delivery device operator is actively controlling or  
18 monitoring the navigation and operation of the personal delivery device.

19 SECTION 5. That Section 49-104, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 49-104. DEFINITIONS -- C. (1) "Cancellation of driver's license"  
22 means the annulment or termination by formal action of the department of a  
23 person's driver's license because of some error or defect in the driver's  
24 license or because the licensee is no longer entitled to the driver's li-  
25 cense. The cancellation of a driver's license is without prejudice and after  
26 compliance with requirements, the individual may apply for a new driver's  
27 license at any time after cancellation.

28 (2) "Caravaning" means the transportation of any motor vehicle into,  
29 out of, or within the state operating on its own wheels or in tow for the pur-  
30 pose of sale or offer of sale by any agent, dealer, manufacturer's represen-  
31 tative, purchaser, or prospective purchaser, regardless of residence unless  
32 the motor vehicle is licensed by the state of Idaho, or is owned by an auto-  
33 mobile dealer, duly licensed as a dealer by this state. It shall also be con-  
34 sidered as the transportation of property for hire by a motor vehicle upon  
35 the highways of this state.

36 (3) "Certificate of liability insurance" means a certificate of lia-  
37 bility insurance issued by an insurance company authorized to do business  
38 in this state or a certificate of liability insurance issued by the depart-  
39 ment of insurance which demonstrates current insurance against loss result-  
40 ing from liability imposed by law for bodily injury or death or damage to  
41 property suffered by any person caused by accident and arising out of the op-  
42 eration, maintenance or use of a motor vehicle described in the certificate  
43 in an amount not less than that required by section 49-117(~~1820~~), Idaho Code,  
44 and also demonstrates the current existence of any other coverage required  
45 by title 41, Idaho Code, or a certificate of self-insurance issued pursuant  
46 to law for each motor vehicle to be registered. A certificate of liability  
47 insurance shall contain the information required by the department of insur-  
48 ance, including the name and address of the owner of the motor vehicle and a  
49 description of the motor vehicle including identification number if there is

1 one, or a statement that all vehicles owned by a person or entity are covered  
2 by insurance, the inception date of coverage, and the name of the insurer.  
3 "Certificate of liability insurance" may also include the original contract  
4 of liability insurance or a true copy, demonstrating the current existence  
5 of the liability insurance described in this subsection.

6 (4) "Certification of safety compliance" means that a motor carrier  
7 certifies as part of its registration process that it has knowledge of the  
8 federal regulations and rules promulgated by the Idaho transportation de-  
9 partment and the Idaho state police applicable to motor carriers.

10 (5) "Chains" means metal traction devices required pursuant to section  
11 49-948, Idaho Code, which consist of two (2) circular metal loops, one (1)  
12 on each side of the tire, connected by not less than nine (9) evenly spaced  
13 chains across the tire tread.

14 (6) "Coerce" means to compel or attempt to compel by threat or use of  
15 force.

16 (7) "Commercial coach." (See section 39-4301, Idaho Code)

17 (8) "Commercial driver's license" means any class A, class B or class C  
18 driver's license as defined in section 49-105, Idaho Code.

19 (9) "Commercial driver license information system (CDLIS)" is the in-  
20 formation system established to serve as a clearinghouse for locating infor-  
21 mation related to the licensing and identification of motor vehicle drivers.

22 (10) "Commercial driver training school" means a business enterprise  
23 conducted by an individual, association, partnership, or corporation, for  
24 the education and training of persons, either practically or theoretically,  
25 or both, to operate or drive motor vehicles, and charging a consideration or  
26 tuition for such services.

27 (11) "Commercial learner's permit" means a permit issued to an indi-  
28 vidual by a state or other jurisdiction of domicile, in accordance with the  
29 standards contained in 49 CFR 383.5, that when carried with a valid driver's  
30 license issued by the same state or jurisdiction, authorizes the individual  
31 to operate a commercial vehicle when accompanied by a holder of a valid com-  
32 mercial driver's license (CDL) for purposes of behind-the-wheel training.

33 (12) "Commercial vehicle" or "commercial motor vehicle." (See "Vehi-  
34 cle," section 49-123, Idaho Code)

35 (13) "Compliance review" means an on-site examination of motor car-  
36 rier operations, which may be at the carrier's place of business, including  
37 driver's hours of service, vehicle maintenance and inspection, driver  
38 qualifications, commercial driver's license requirements, financial re-  
39 sponsibility, accidents, hazardous materials, and such other related safety  
40 and transportation records to determine safety fitness.

41 (14) "Controlled substance" means any substance so classified under  
42 section 102(6) of the controlled substances act, 21 U.S.C. 802(6), and in-  
43 cludes all substances listed on schedules I through V, of 21, CFR part 1308,  
44 as they may be revised from time to time.

45 (15) "Conviction" means:

46 (a) The person has pled guilty or has been found guilty, notwithstand-  
47 ing the form of the judgment or withheld judgment. A conviction for pur-  
48 poses of this title shall also include an infraction judgment.

49 (b) For purposes of disqualification or withdrawal of commercial vehi-  
50 cle driving privileges only, "conviction" means an unvacated adjudica-

1 tion of guilt, or determination that a person has violated or failed to  
2 comply with the law in a court of original jurisdiction or by an autho-  
3 rized administrative tribunal, an unvacated forfeiture of bail or col-  
4 lateral deposited to secure the person's appearance in court, a plea of  
5 guilty or nolo contendere accepted by the court, the payment of a fine or  
6 court cost, or violation of a condition of release without bail, regard-  
7 less of whether or not the penalty is rebated, suspended or probated.

8 (16) "Crosswalk" means:

9 (a) That part of a highway at an intersection included within the con-  
10 nections of the lateral lines of the sidewalks on opposite sides of the  
11 highway measured from the curbs or in the absence of curbs, from the  
12 edges of the traversable highway; and in the absence of a sidewalk on one  
13 side of the highway, that part of a highway included within the exten-  
14 sion of the lateral lines of the existing sidewalk at right angles to the  
15 centerline.

16 (b) Any portion of a highway at an intersection or elsewhere distinctly  
17 indicated for pedestrian crossing by lines or other markings on the sur-  
18 face.