

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 434

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO PUNISHMENT FOR INFRACTION; AMENDING SECTION 18-111, IDAHO CODE,  
2 TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION; AMENDING SEC-  
3 TION 18-113A, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN  
4 INFRACTION AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE PENALTY  
5 FOR AN INFRACTION; AMENDING SECTION 19-1902, IDAHO CODE, TO REMOVE PRO-  
6 VISIONS RELATING TO AN INFRACTION PENALTY; AMENDING SECTION 49-110,  
7 IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION;  
8 AND AMENDING SECTION 49-1503, IDAHO CODE, TO REVISE PROVISIONS RELATING  
9 TO THE PENALTY FOR A CERTAIN INFRACTION.  
10

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

12 SECTION 1. That Section 18-111, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 18-111. FELONY, MISDEMEANOR AND INFRACTION DEFINED. A felony is a  
15 crime which is punishable with death or by imprisonment in the state prison.  
16 An infraction is a civil public offense, not constituting a crime, which is  
17 punishable only by a penalty not exceeding ~~one~~ three hundred dollars (\$~~1~~300)  
18 and for which no period of incarceration may be imposed. Every other crime is  
19 a misdemeanor. When a crime punishable by imprisonment in the state prison  
20 is also punishable by fine or imprisonment in a county jail, in the discre-  
21 tion of the court, it shall be deemed a misdemeanor for all purposes after a  
22 judgment imposing a punishment other than imprisonment in the state prison.

23 SECTION 2. That Section 18-113A, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 18-113A. PUNISHMENT FOR INFRACTION. Every offense declared to be an  
26 infraction is punishable only by a penalty not exceeding ~~one~~ three hundred  
27 dollars (\$~~1~~300) as provided in this section and no imprisonment. The penalty  
28 for an infraction shall be:

29 (1) The amount set by statute;

30 (2) Subject to subsection (1) of this section, the amount set as a fixed  
31 penalty for that infraction as of January 1, 2014, by the Idaho supreme court  
32 infraction rule 9, excepting subsection (38) of infraction rule 9 for "other  
33 infractions";

34 (3) The amount set by city or county ordinance for which the city or  
35 county has authority to impose a penalty and which is not otherwise set un-  
36 der subsection (1) or (2) of this section;

37 (4) An amount set by the sentencing court in its discretion where the  
38 statute or ordinance authorizing the penalty for a specific infraction vio-  
39 lation sets an upper penalty limit using language such as "not to exceed" or  
40 "not more than" a specific amount; or

1       (5) Fifteen dollars and fifty cents (\$15.50) for an infraction without  
 2 a specific penalty set under subsection (1), (2) or (3) of this section, or  
 3 having no specific upper limit for which the sentencing court has discretion  
 4 under subsection (4) of this section.

5       SECTION 3. That Section 19-1902, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7       19-1902. TRIAL BY JURY. Issues of fact must be tried by jury, unless a  
 8 trial by jury be waived in criminal cases by the consent of both parties ex-  
 9 pressed in open court and entered in the minutes. In case of misdemeanor the  
 10 jury may consist of six (6) or any number less than six (6) upon which the par-  
 11 ties may agree in open court. There shall be no right to trial by jury for  
 12 an infraction ~~punishable only by a penalty not to exceed one hundred dollars~~  
 13 ~~(\$100) and no imprisonment.~~

14       SECTION 4. That Section 49-110, Idaho Code, be, and the same is hereby  
 15 amended to read as follows:

16       49-110. DEFINITIONS -- I. (1) "Identifying number" means:

17       (a) Motor number. That identifying number stamped on the engine of a  
 18 vehicle.

19       (b) Vehicle identification number. The numbers and letters, if any,  
 20 placed on a vehicle by the manufacturer for the purpose of identifying  
 21 the vehicle.

22       (2) "Implements of husbandry" means every vehicle including self-pro-  
 23 pelled units, designed or adapted and used exclusively in agricultural,  
 24 horticultural, dairy and livestock growing and feeding operations when be-  
 25 ing incidentally operated. Such implements include, but are not limited  
 26 to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, har-  
 27 rows, hay balers, harvesting and stacking equipment, pesticide applicators,  
 28 plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor  
 29 when attached to or drawing any implement of husbandry shall be construed  
 30 to be an implement of husbandry. "Implements of husbandry" do not include  
 31 semitrailers, nor do they include motor vehicles or trailers, unless their  
 32 design limits their use to agricultural, horticultural, dairy or livestock  
 33 growing and feeding operations.

34       (3) "Incidentally operated" means the transport of the implement of  
 35 husbandry from one (1) farm operation to another.

36       (4) "Individual record" means a record containing personal information  
 37 about a designated person who is the subject of the record as identified in a  
 38 request for information.

39       (5) "Infraction" means a civil public offense, not constituting a  
 40 crime, which is not punishable by incarceration and for which there is no  
 41 right to a trial by jury or right to court-appointed counsel, and which is  
 42 punishable by only a penalty not exceeding ~~one~~ three hundred dollars (\$1300)  
 43 and no imprisonment.

44       (6) "Instruction permits":

45       (a) "Class A, B or C instruction permit" means a temporary privilege to  
 46 operate a motor vehicle for which a commercial driver's license is re-  
 47 quired; is available only to a person who is eighteen (18) years of age

1 or older; is issued pursuant to the provisions of section 49-305, Idaho  
2 Code; and the permittee is subject to the conditions specified therein.

3 (b) "Class D driver's training instruction permit" means a temporary  
4 privilege to operate a class D motor vehicle while attending classes  
5 as an enrollee of a public or private driver's training course only; is  
6 available to a person aged fourteen and one-half (14 1/2) and older; is  
7 issued to the instructor of the driver's training course; is issued and  
8 expires pursuant to the provisions of section 49-307, Idaho Code; and  
9 the permittee is subject to the conditions specified in section 49-307,  
10 Idaho Code.

11 (c) "Class D instruction permit" means a temporary privilege to op-  
12 erate a class D motor vehicle which is available to a person under the  
13 age of seventeen (17) years who has successfully completed an approved  
14 driver's training course and has satisfied the requirements of a class D  
15 supervised instruction permit, or to any person seventeen (17) years of  
16 age or older; is valid for a period of one hundred eighty (180) days or as  
17 provided in section 49-305, Idaho Code, if applicable; privileges are  
18 limited to driving with a person who is at least eighteen (18) years of  
19 age who holds a valid class D driver's license and is actually occupying  
20 a seat beside the permittee; is issued pursuant to the provisions of  
21 section 49-305, Idaho Code; and the permittee is subject to the condi-  
22 tions specified in section 49-305, Idaho Code.

23 (d) "Class D supervised instruction permit" means a temporary privi-  
24 lege to operate a class D motor vehicle which is available to a person  
25 who is at least fourteen and one-half (14 1/2) years of age who has suc-  
26 cessfully completed an approved driver's training course. No person  
27 may apply for a class D driver's license until he has attained the age of  
28 at least fifteen (15) years and has successfully satisfied the require-  
29 ments of this permit, as specified and issued pursuant to the provisions  
30 of section 49-307, Idaho Code.

31 (7) "Instructor" means any person, whether acting for himself as oper-  
32 ator of a commercial driver training school or for such a school for compen-  
33 sation, who teaches, conducts classes of, gives demonstrations to, or super-  
34 vises practice of, persons learning to operate or drive motor vehicles.

35 (8) "Insurer" means any insurer, public or private, which shall in-  
36 clude, but not be limited to, insurance companies domiciled in the state of  
37 Idaho, agents, adjuster or any other person acting on behalf of any insurance  
38 not domiciled in the state of Idaho and any self-insured entity operating  
39 under Idaho insurance laws or rules.

40 (9) "International registration plan" means a registration reci-  
41 procity agreement among the states of the United States and provinces  
42 of Canada providing for payment of registration and licensing fees on a  
43 proportional basis determined by the fleet miles operated in the various  
44 jurisdictions.

45 (10) "Intersection" means:

46 (a) The area embraced within the prolongation or connection of the  
47 lateral curb lines, or, if none, then the lateral boundary lines of the  
48 roadways of two (2) highways which join one another at, or approximately  
49 at, right angles, or the area within which vehicles traveling upon dif-  
50 ferent highways joining at any other angle may come in conflict.

1 (b) Where a highway includes two (2) roadways thirty (30) feet or more  
2 apart, then every crossing of each roadway of the divided highway by an  
3 intersecting highway shall be regarded as a separate intersection. In  
4 the event an intersecting highway also includes two (2) roadways thirty  
5 (30) feet or more apart, then every crossing of two (2) roadways of the  
6 highways shall be regarded as a separate intersection.

7 (c) The junction of an alley with a street or highway shall not consti-  
8 tute an intersection.

9 SECTION 5. That Section 49-1503, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 49-1503. PENALTIES FOR VIOLATIONS OF STATUTES AND ORDINANCES. (1) No  
12 local authority may, by ordinance, regulation or otherwise make any act a  
13 misdemeanor which, but for that ordinance or regulation, would constitute an  
14 infraction under any provision of this chapter and all such acts made a mis-  
15 demeanor or for which a misdemeanor penalty has been established by any local  
16 authority through ordinance, regulation or otherwise are hereby declared to  
17 be infractions as defined in section 49-110, Idaho Code.

18 (2) The penalty for an infraction citation and the judgment entered for  
19 the commission of an infraction shall be the amount ~~set for that infraction~~  
20 ~~in the payment schedule to be adopted by supreme court order and published~~  
21 ~~annually by the administrative director of the courts~~ provided in section  
22 18-113A, Idaho Code.