

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 466

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO INATTENTIVE DRIVING; AMENDING SECTION 49-1401, IDAHO CODE, TO  
PROVIDE ADDITIONAL PROVISIONS RELATING TO INATTENTIVE DRIVING.

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

SECTION 1. That Section 49-1401, Idaho Code, be, and the same is hereby  
amended to read as follows:

49-1401. RECKLESS DRIVING -- INATTENTIVE DRIVING. (1) Any person who  
drives or is in actual physical control of any vehicle upon a highway, or upon  
public or private property open to public use, carelessly and heedlessly or  
without due caution and circumspection, and at a speed or in a manner as to  
endanger or be likely to endanger any person or property, or who passes when  
there is a line in his lane indicating a sight distance restriction, shall be  
guilty of reckless driving and upon conviction shall be punished as provided  
in subsection (2) of this section.

(2) Every person who pleads guilty to or is found guilty of reckless  
driving for the first time is guilty of a misdemeanor and may be sentenced to  
jail for not more than six (6) months or may be fined not more than one thou-  
sand dollars (\$1,000), or may be punished by both fine and imprisonment. Ev-  
ery person who pleads guilty to or is found guilty of reckless driving, who  
has previously been found guilty of or has pled guilty to reckless driving,  
or any substantially conforming foreign criminal violation within five (5)  
years, notwithstanding the form of the judgment(s) or withheld judgment(s),  
is guilty of a misdemeanor and may be sentenced to jail for not more than  
one (1) year or may be fined not more than two thousand dollars (\$2,000), or  
may be punished by both fine and imprisonment. The department shall suspend  
the driver's license or privileges of any such person as provided in section  
49-326, Idaho Code.

(3) Inattentive driving shall be considered a lesser offense than reck-  
less driving and shall be applicable in those circumstances where the con-  
duct of the operator has been inattentive, careless or imprudent, in light of  
the circumstances then existing, rather than heedless or wanton, or in those  
cases where the danger to persons or property by the motor vehicle operator's  
conduct is slight, or in those circumstances where the operator has a known  
medical condition that he or she is not treating at the time he or she is op-  
erating a vehicle and that failure to treat the medical condition is affect-  
ing the operator's ability to drive. Every person convicted of inattentive  
driving under this section shall be guilty of a misdemeanor and may be sen-  
tenced to jail for not more than ninety (90) days or may be fined not more than  
three hundred dollars (\$300), or may be punished by both fine and imprison-  
ment.