

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 618

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION AND PENALTIES; AMENDING SECTION  
49-438, IDAHO CODE, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR A WARNING  
AND TO PROVIDE FOR MEASURING OF GROSS WEIGHT FOR CERTAIN VEHICLES.

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

SECTION 1. That Section 49-438, Idaho Code, be, and the same is hereby  
amended to read as follows:

49-438. PENALTY FOR EXCEEDING REGISTERED GROSS WEIGHT OR PERMITTED  
MAXIMUM REGISTERED GROSS WEIGHT -- EXCEPTIONS. (1) Any person who shall  
operate, cause, permit, or suffer to be operated upon any highway any vehicle  
or combination of vehicles with a gross weight in excess of the registered  
maximum gross weight of the vehicle specified in this title shall have  
committed a violation under the infraction or misdemeanor provisions of  
section 49-1013, Idaho Code.

(2) Any person who shall operate, cause, permit, or suffer to be  
operated upon any highway any vehicle or combination of vehicles with a gross  
weight in excess of the registered maximum gross weight not authorized by  
a valid permit issued pursuant to section 49-432, Idaho Code, shall have  
committed a violation under the infraction or misdemeanor provisions of  
section 49-1013, Idaho Code.

(3) (a) Any person who shall operate, cause, permit, or suffer to be  
operated upon any highway any vehicle or combination of vehicles with  
a gross weight that violates the provisions of subsection (1) or (2)  
of this section shall have no penalty assessed, but shall be issued a  
written warning for the first such violation during a harvest season,  
provided that such violation is due to mud, snow or ice and that the  
vehicle or combination of vehicles at issue is loaded with and is  
transporting fresh agricultural produce from the field to market or raw  
cut timber products to market. The provisions of this subsection (3) (a)  
shall not apply to a person who commits a second or subsequent violation  
of the provisions of subsection (1) or (2) of this section when such  
second or subsequent violation occurs during the same harvest season as  
the person's first violation.

(b) For any person who shall operate, cause, permit, or suffer to  
be operated upon any highway any vehicle or combination of vehicles,  
where the gross weight of such vehicle or vehicles is governed by the  
provisions of chapter 4, title 49, Idaho Code, and where such vehicle or  
combination of vehicles is primarily loaded with and transporting fresh  
agricultural produce from the field to market or raw cut timber products  
to market, the following shall apply: The measuring of gross weight,  
by the state of Idaho or any political subdivision of the state, of any  
such vehicle or combination of vehicles, shall be conducted in an area

1 or locale of the lowest possible motor vehicle congestion in order to  
2 provide for the safety of the traveling public.