

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 655

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO COMMERCIAL VEHICLES; AMENDING SECTION 49-105, IDAHO CODE, TO RE-
3 VISE THE DEFINITIONS OF CLASS A AND B DRIVER'S LICENSES AND TO MAKE TECH-
4 NICAL CORRECTIONS; AND AMENDING SECTION 49-123, IDAHO CODE, TO REVISE
5 THE DEFINITION OF A COMMERCIAL MOTOR VEHICLE AND TO MAKE TECHNICAL COR-
6 RECTIONS.

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

8 SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the busi-
11 ness of buying, selling or exchanging five (5) or more new or used vehicles,
12 new or used neighborhood electric vehicles, new or used motorcycles, motor-
13 driven cycles, snow machines or motorbikes, travel trailers, truck campers,
14 all-terrain vehicles, utility type vehicles or motor homes in any calendar
15 year, either outright or on conditional sale, bailment, lease, chattel mort-
16 gage, or otherwise, or who has an established place of business for the sale,
17 lease, trade, or display of these vehicles. No insurance company, bank, fi-
18 nance company, public utilities company, or other person coming into posses-
19 sion of any vehicle, as an incident to its regular business, who shall sell
20 that vehicle under any contractual rights it may have, shall be considered a
21 dealer. See also "salvage pool," section 49-120, Idaho Code.

22 (2) "Dealer's selling agreement." (See "Franchise," section 49-107,
23 Idaho Code)

24 (3) "Department" means the Idaho transportation department acting di-
25 rectly or through its duly authorized officers and agents, except in chap-
26 ters 6 and 9, title 49, Idaho Code, where the term means the Idaho state po-
27 lice, except as otherwise specifically provided.

28 (4) "Designated family member" means the spouse, child, grandchild,
29 parent, brother or sister of the owner of a vehicle dealership who, in the
30 event of the owner's death, is entitled to inherit the ownership interest in
31 the dealership under the same terms of the owner's will, or who has been nom-
32 inated in any other written instrument, or who, in the case of an incapaci-
33 tated owner of a dealership, has been appointed by a court as the legal repre-
34 sentative of the dealer's property.

35 (5) "Director" means the director of the Idaho transportation depart-
36 ment, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term
37 means the director of the Idaho state police.

38 (6) "Disclose" means to engage in any practice or conduct to make avail-
39 able and make known personal information contained in records of the depart-
40 ment about a person to any other person, organization or entity, by any means
41 of communication.

1 (7) "Disqualification" as defined in 49 CFR part 383, means withdrawal
2 by the department of commercial vehicle driving privileges.

3 (8) "Distributor" means any person, firm, association, corporation or
4 trust, resident or nonresident, who has a franchise from a manufacturer of
5 vehicles to distribute vehicles in this state, and who in whole or in part
6 sells or distributes new vehicles to dealers or who maintains distributor
7 representatives.

8 (9) "Distributor branch" means a branch office similarly maintained by
9 a distributor for the same purposes a factory branch is maintained.

10 (10) "Distributor representative" means any person, firm, association,
11 corporation or trust, and each officer and employee thereof engaged as a
12 representative of a distributor, or distributor branch, of vehicles for the
13 purpose of making or promoting the sale of vehicles, or for supervising or
14 contacting dealers or prospective dealers.

15 (11) "District" means:

16 (a) Business district. The territory contiguous to and including a
17 highway when within any six hundred (600) feet along the highway there
18 are buildings in use for business or industrial purposes, including ho-
19 tels, banks or office buildings, railroad stations and public buildings
20 which occupy at least three hundred (300) feet of frontage on one side or
21 three hundred (300) feet collectively on both sides of the highway.

22 (b) Residential district. The territory contiguous to and including
23 a highway not comprising a business district when the property on the
24 highway for a distance of three hundred (300) feet or more is in the main
25 improved with residences, or residences and buildings in use for busi-
26 ness.

27 (c) Urban district. The territory contiguous to and including any
28 highway which is built up with structures devoted to business, indus-
29 try or dwelling houses. For purposes of establishing speed limits in
30 accordance with the provisions of section 49-654, Idaho Code, no state
31 highway or any portion thereof lying within the boundaries of an urban
32 district is subject to the limitations which otherwise apply to non-
33 state highways within an urban district.

34 (12) "Documented vessel" means a vessel having a valid marine document
35 as a vessel of the United States.

36 (13) "Downgrade" as it pertains to commercial drivers' licensing shall
37 mean either:

38 (a) The driver has changed his or her medical requirement self-certifi-
39 cation to interstate but operates exclusively in transportation or op-
40 erations excepted from part 391 of the federal motor carrier safety reg-
41 ulations; or

42 (b) The driver has changed his or her medical requirement self-certifi-
43 cation to intrastate and operates exclusively in transportation or op-
44 erations as listed in section 67-2901B(2), Idaho Code; or

45 (c) The driver no longer has commercial motor vehicle driving privi-
46 leges, but has retained privileges to drive noncommercial motor vehi-
47 cles.

48 (14) "Drag race" means the operation of two (2) or more vehicles from a
49 point side by side at accelerating speeds in a competitive attempt to out-
50 distance each other, or the operation of one (1) or more vehicles over a com-

1 mon selected course, from the same point to the same point, for the purpose
2 of comparing the relative speeds or power of acceleration of the vehicles
3 within a certain distance or time limit.

4 (15) "Driver" means every person who drives or is in actual physical
5 control of a vehicle.

6 (16) "Driver's license" means a license or permit issued by the depart-
7 ment or by any other jurisdiction to an individual which authorizes the indi-
8 vidual to operate a motor vehicle or commercial motor vehicle on the highways
9 in accordance with the requirements of title 49, Idaho Code.

10 (17) "Driver's license -- Classes of" are issued for the operation of a
11 vehicle based on the size of the vehicle or the type of load, and mean:

12 (a) Class A. This license shall be issued and valid for the operation
13 of any combination of motor vehicles with a ~~manufacturer's gross combi-~~
14 ~~nation weight rating (GCWR)~~ in excess of twenty-six thousand (26,000)
15 pounds, provided the ~~manufacturer's gross vehicle weight rating (GVWR)~~
16 of the vehicle(s) being towed is in excess of ten thousand (10,000)
17 pounds. Persons holding a valid class A license may also operate vehi-
18 cles requiring a class B, C or D license.

19 (b) Class B. This license shall be issued and valid for the operation
20 of any single vehicle with a ~~manufacturer's gross vehicle weight rating~~
21 ~~(GVWR)~~ in excess of twenty-six thousand (26,000) pounds, or any such
22 vehicle towing a vehicle not in excess of ten thousand (10,000) pounds
23 ~~manufacturer's gross vehicle weight rating (GVWR)~~. Persons holding a
24 valid class B license may also operate vehicles requiring a class C li-
25 cense or a class D license.

26 (c) Class C. This license shall be issued and valid for the operation
27 of any single vehicle or combination of vehicles that does not meet the
28 definition of class A or class B, as defined in this section, but that
29 either is designed to transport sixteen (16) or more people including
30 the driver, or is of any size which does not meet the definition of class
31 A or class B and is used in the transportation of materials found to be
32 hazardous according to the hazardous material transportation act and
33 which requires the motor vehicle to be placarded under the federal haz-
34 ardous materials regulations 49 CFR part 172, subpart F. Persons hold-
35 ing a valid class C license may also operate vehicles requiring a class D
36 license.

37 (d) Class D. This license shall be issued and valid for the operation of
38 a motor vehicle that is not a commercial vehicle as defined in section
39 49-123, Idaho Code.

40 (e) "Seasonal driver's license" means a special restricted class B or
41 C driver's license to operate certain commercial vehicles in farm-re-
42 lated industries under restrictions imposed by the department. As used
43 in this definition, "farm-related industry" shall mean custom har-
44 vesters, farm retail outlets and suppliers, agri-chemical businesses
45 and livestock feeders. Seasonal driver's licenses are not valid for
46 driving vehicles carrying any quantities of hazardous material requir-
47 ing placarding, except for diesel fuel in quantities of one thousand
48 (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients,
49 in vehicles or implements of husbandry with total capacities of three

1 thousand (3,000) gallons or less, and solid fertilizers, i.e., solid
2 plant nutrients, that are not mixed with any organic substance.

3 (18) "Driver record" means any record that pertains to an individual's
4 driver's license, driving permit, driving privileges, driving history,
5 identification documents or other similar credentials issued by the depart-
6 ment.

7 (19) "Driver's license endorsements" means special authorizations that
8 are required to be displayed on a driver's license which permit the driver to
9 operate certain types of commercial vehicles or commercial vehicles hauling
10 certain types of cargo, or to operate a motorcycle or a school bus.

11 (a) "Endorsement T -- Double/Triple trailer" means this endorsement is
12 required on a class A, B or C license to permit the licensee to operate a
13 vehicle authorized to tow more than one (1) trailer.

14 (b) "Endorsement H -- Hazardous material" means this endorsement is re-
15 quired on a class A, B or C license if the driver is operating a vehicle
16 used in the transportation of materials found to be hazardous according
17 to the hazardous material transportation act and which requires the mo-
18 tor vehicle to be placarded under the federal hazardous materials regu-
19 lations 49 CFR part 172, subpart F.

20 (c) "Endorsement P -- Passenger" means this endorsement is required on
21 a class A, B or C license to permit the licensee to operate a vehicle de-
22 signed to transport sixteen (16) or more people including the driver.

23 (d) "Endorsement N -- Tank vehicle" means this endorsement is required
24 on a class A, B or C license to permit the licensee to operate a tank ve-
25 hicle as defined in section 49-123, Idaho Code.

26 (e) "Endorsement M -- Motorcycle" means this endorsement is required on
27 a driver's license to permit the driver to operate a motorcycle or mo-
28 tor-driven cycle.

29 (f) "Endorsement S -- School bus" means this endorsement is required on
30 a class A, B or C license to permit the licensee to operate a school bus
31 in accordance with 49 CFR part 383, to transport preprimary, primary or
32 secondary school students from home to school, from school to home, or
33 to and from school-sponsored events. School bus does not include a bus
34 used as a common carrier.

35 (20) "Driveway" means a private road giving access from a public way to a
36 building on abutting grounds.

37 (21) "Dromedary tractor" means every motor vehicle designed and used
38 primarily for drawing a semitrailer and so constructed as to carry mani-
39 fested cargo in addition to a part of the weight of the semitrailer.

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

42 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
43 axle or axles designed to support a part of the vehicle and load and which
44 can be regulated to vary the amount of load supported by such an axle or axles
45 and which can be deployed or lifted by the operator of the vehicle. (See also
46 section 49-117, Idaho Code)

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

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

4 (2) "Vehicle" means:

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

8 (b) Assembled vehicle or vessel. A vehicle or vessel, not including a
 9 salvage vehicle or vessel, that has been constructed using major compo-
 10 nent parts from two (2) or more vehicles or vessels or that has been re-
 11 paired using new factory major component parts so that the resulting ve-
 12 hicle or vessel has the same appearance as a vehicle or vessel that was
 13 manufactured under a specific make and model by a manufacturer. A vehi-
 14 cle or vessel utilizing a kit for the entire body or a glider kit vehicle
 15 is not an assembled vehicle.

16 (c) Authorized emergency vehicle. Vehicles operated by any fire
 17 department or law enforcement agency of the state of Idaho or any po-
 18 litical subdivision of the state, ambulances, vehicles belonging to
 19 personnel of voluntary fire departments while in performance of offi-
 20 cial duties only, vehicles belonging to, or operated by EMS personnel
 21 certified or otherwise recognized by the EMS bureau of the Idaho depart-
 22 ment of health and welfare while in the performance of emergency medical
 23 services, sheriff's search and rescue vehicles that are under the imme-
 24 diate supervision of the county sheriff, wreckers that are engaged in
 25 motor vehicle recovery operations and are blocking part or all of one
 26 (1) or more lanes of traffic, other emergency vehicles designated by the
 27 director of the Idaho state police or vehicles authorized by the Idaho
 28 transportation board and used in the enforcement of laws specified
 29 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand
 30 (10,000) pounds or greater.

31 (d) Commercial vehicle or commercial motor vehicle. For the purposes
 32 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-
 33 ment, a motor vehicle or combination of motor vehicles designed or used
 34 to transport passengers or property if the motor vehicle:

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

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

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

43 (iv) Is of any size and is used in the transportation of materials
 44 found to be hazardous for the purposes of the hazardous material
 45 transportation act and which require the motor vehicle to be plac-
 46 arded under the hazardous materials regulations (49 CFR part 172,
 47 subpart F).

48 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
 49 registration, a vehicle or combination of vehicles of a type used or
 50 maintained for the transportation of persons for hire, compensation or

1 profit, or the transportation of property for the owner of the vehicle,
2 or for hire, compensation, or profit, and shall include fixed load spe-
3 cially constructed vehicles exceeding the limits imposed by chapter
4 10, title 49, Idaho Code, and including drilling rigs, construction,
5 drilling and wrecker cranes, log jammers, log loaders, and similar
6 vehicles which are normally operated in an overweight or oversize
7 condition or both, but shall not include those vehicles registered pur-
8 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
9 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
10 that has a seating capacity for not more than fifteen (15) persons,
11 including the driver, shall not be a "commercial vehicle" under the pro-
12 visions of this title relating to equipment requirements, rules of the
13 road, or registration.

14 (e) Farm vehicle. A vehicle or combination of vehicles owned by a
15 farmer or rancher, or by ~~their~~ the farmer's or rancher's designated
16 agent, which ~~are~~ is operated over public highways, and used exclusively
17 to transport unprocessed agricultural products raised, owned or grown
18 by the owner of the vehicle to market or place of storage; and shall
19 include the transportation by the farmer or rancher of any equipment,
20 supplies or products purchased by that farmer or rancher for his own
21 use, and used in the farming or ranching operation or used by a farmer
22 partly in transporting agricultural products or livestock from the farm
23 of another farmer that were originally grown or raised on the farm, or
24 when used partly in transporting agricultural supplies, equipment,
25 materials or livestock to the farm of another farmer for use or consump-
26 tion on the farm but not transported for hire, and shall not include
27 vehicles of husbandry or vehicles registered pursuant to sections
28 49-402 and 49-402A, Idaho Code.

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

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

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

46 (i) Multipurpose passenger vehicle (MPV). For the purposes of section
47 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
48 persons which is constructed either on a truck chassis or with special
49 features for occasional off-road operation.

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

10 (k) Noncommercial vehicle. For the purposes of chapter 4, title 49,
11 Idaho Code, motor vehicle registration, a noncommercial vehicle shall
12 not include those vehicles required to be registered under sections
13 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
14 nations of vehicles which are not commercial vehicles or farm vehicles,
15 but shall include motor homes. A noncommercial vehicle shall include
16 those vehicles having a combined gross weight not in excess of sixty
17 thousand (60,000) pounds and not held out for hire, used for purposes
18 related to private use and not used in the furtherance of a business or
19 occupation for compensation or profit or for transporting goods for
20 other than the owner.

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

24 (m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previ-
25 ously determined or declared to be a salvage vehicle that has been re-
26 built or repaired using like make and model parts and visually appears
27 as a vehicle or vessel that was originally constructed under a distinc-
28 tive manufacturer. This includes a salvage vehicle or vessel which is
29 damaged to the extent that a "rebuilt salvage" brand is required to be
30 added to the title.

31 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate
32 any vehicle or vessel previously manufactured, using metal, fiberglass
33 or other composite materials. Replica vehicles must look like the origi-
34 nal vehicle being replicated but may use a more modern drive train. At
35 a minimum, replica vehicles shall meet the same federal motor vehicle
36 safety and emission standards in effect for the year and type of vehicle
37 being replicated.

38 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-
39 vage certificate of title, salvage bill of sale or other documentation
40 has been issued showing evidence that the vehicle or vessel has been de-
41 clared salvage or which has been damaged to the extent that the owner,
42 or an insurer, or other person acting on behalf of the owner, determines
43 that the cost of parts and labor minus the salvage value makes it uneco-
44 nomical to repair or rebuild. When an insurance company has paid money
45 or has made other monetary settlement as compensation for a total loss
46 of any vehicle or vessel, such vehicle shall be considered to be a sal-
47 vage vehicle or vessel.

48 (p) Specially constructed vehicle or vessel. Every vehicle or vessel
49 of a type required to be registered not originally constructed under a
50 distinctive name, make, model or type by a generally recognized man-

1 manufacturer of vehicles or vessels and not materially altered from its
2 original construction and cannot be visually identified as a vehicle or
3 vessel produced by a particular manufacturer. This includes:

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

7 (ii) A vehicle or vessel that has been constructed entirely from
8 homemade parts and materials not obtained from other vehicles or
9 vessels; or

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

13 (iv) A vehicle or vessel constructed by the use of a custom kit
14 that cannot be visually identified as a specific make or model.
15 All specially constructed vehicles of a type required to be reg-
16 istered shall be certified by the owner to meet all applicable
17 federal motor vehicle safety standards in effect at the time con-
18 struction is completed, and all requirements of chapter 9, title
19 49, Idaho Code.

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

22 (r) Tank vehicle.

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

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

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

33 (ii) If a commercial motor vehicle transports one (1) or more
34 tanks that are manifested either as empty or as residue and that
35 are actually empty or contain only residue, those tanks shall not
36 be considered in determining whether the vehicle is a tank vehi-
37 cle.

38 (s) Total loss vehicle. Every vehicle that is deemed to be uneconomi-
39 cal to repair. A total loss shall occur when an insurance company or any
40 other person pays or makes other monetary settlement to the owner when
41 it is deemed to be uneconomical to repair the damaged vehicle. The com-
42 pensation for total loss as defined herein shall not include payments
43 by an insurer or other person for medical care, bodily injury, vehicle
44 rental or for anything other than the amount paid for the actual damage
45 to the vehicle.

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

48 (4) "Vehicle salesman" means any person who, for a salary, commission
49 or compensation of any kind, is employed either directly or indirectly, or
50 regularly or occasionally by any dealer to sell, purchase or exchange, or to

1 negotiate for the sale, purchase or exchange of vehicles. (See also "full-
2 time salesman," section 49-107, Idaho Code, and "part-time salesman," sec-
3 tion 49-117, Idaho Code)

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

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

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