

IN THE SENATE

SENATE BILL NO. 1064

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; REPEALING SECTION 49-1401A, IDAHO CODE, RELAT-  
2 ING TO TEXTING WHILE DRIVING; AND AMENDING CHAPTER 14, TITLE 49, IDAHO  
3 CODE, BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO DEFINE  
4 TERMS, TO PROHIBIT PERSONS FROM OPERATING A MOTOR VEHICLE WHILE USING  
5 A MOBILE ELECTRONIC DEVICE, TO PROVIDE EXCEPTIONS, TO PROHIBIT PERSONS  
6 FROM OPERATING A MOTOR VEHICLE WHILE WEARING EARPHONES, TO PROVIDE  
7 PENALTIES, AND TO PROVIDE THAT THE STATE PREEMPTS THE FIELD OF REGU-  
8 LATING THE USE OF PERSONAL ELECTRONIC DEVICES IN MOTOR VEHICLES WHILE  
9 DRIVING.  
10

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

12 SECTION 1. That Section [49-1401A](#), Idaho Code, be, and the same is hereby  
13 repealed.

14 SECTION 2. That Chapter 14, Title 49, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 49-1401A, Idaho Code, and to read as follows:

17 49-1401A. DISTRACTED DRIVING. (1) As used in this section:

18 (a) "Mobile electronic device" means any handheld or portable elec-  
19 tronic device capable of providing wireless data or voice communication  
20 between two (2) or more persons or for amusement that is not manufac-  
21 tured primarily for hands-free use in a motor vehicle, including a  
22 cellular telephone; broadband personal communication device; two-way  
23 messaging device; text messaging device; pager; electronic device that  
24 can receive or transmit text or character-based images, access a social  
25 networking site, access or store data, or connect to the internet; per-  
26 sonal digital assistant; laptop computer; computer tablet; stand-alone  
27 computer; portable computing device; mobile device with a touchscreen  
28 display that is designed to be worn; electronic games; equipment that  
29 is capable of playing a video, taking photographs, capturing images, or  
30 recording or transmitting video; and any similar device that is read-  
31 ily removable from a vehicle and is used to write, send, or read text  
32 or data or capture images or video through manual input. "Mobile elec-  
33 tronic device" does not include a radio designed for the citizens band  
34 radio service or the amateur radio service of the federal communica-  
35 tions commission or a commercial two-way radio communications device,  
36 an information or communication system installed within a vehicle, a  
37 subscription-based emergency communication device, or a prescribed  
38 medical device.

39 (b) "Operate" means to drive or assume physical control of a motor ve-  
40 hicle in motion upon a public way, street, road, or highway. "Operate"  
41 does not include a motor vehicle that is lawfully parked.

1 (c) "Social networking site" means any web-based service that allows  
2 individuals to construct a profile within a founded system and communi-  
3 cate with other users of the site.

4 (2) Except as provided in this subsection, a person shall not operate a  
5 motor vehicle while using a mobile electronic device. The provisions of this  
6 subsection shall not apply to:

7 (a) A law enforcement officer, firefighter, emergency medical techni-  
8 cian, paramedic, operator of an authorized emergency vehicle, or sim-  
9 ilarly engaged paid or volunteer public safety first responder during  
10 the performance of that person's official duties, and a public utility  
11 employee or contractor acting within the scope of that person's employ-  
12 ment when responding to a public utility emergency;

13 (b) The use of a mobile electronic device for emergency purposes, in-  
14 cluding a text messaging device to contact a 911 system, an emergency  
15 call to a law enforcement agency, health care provider, fire depart-  
16 ment, or other emergency services agency or entity; reporting a fire,  
17 traffic accident, serious road hazard, or medical or hazardous mate-  
18 rials emergency to appropriate authorities; reporting the operator of  
19 another motor vehicle who is driving in a reckless or otherwise unsafe  
20 manner or who appears to be driving under the influence of alcohol or  
21 drugs; or reporting a crime;

22 (c) The use of a global positioning or navigation system feature of a  
23 mobile electronic device, provided that the operator of the vehicle is  
24 not manually entering information into the global positioning or navi-  
25 gation system feature of the device;

26 (d) The selection of a telephone number or name for the purpose of mak-  
27 ing or receiving a telephone call, provided that the action is performed  
28 through one-touch access or by voice command;

29 (e) The use of a mobile electronic device in a voice-operated or hands-  
30 free mode if the operator of the motor vehicle does not use his hands to  
31 operate the device, except to activate or deactivate a feature or func-  
32 tion of the device; or

33 (f) The use of a mobile electronic device by a governmental or commer-  
34 cial user as long as the mobile electronic device is being used in a sim-  
35 ilar manner as a commercial two-way radio communication device.

36 (3) No person shall use a mobile electronic device while operating a  
37 school bus that is transporting one (1) or more children, except for emer-  
38 gency purposes as provided in subsection (2) (b) of this section.

39 (4) No person shall operate a motor vehicle while wearing headphones or  
40 earphones in both ears simultaneously for the purposes of listening to mu-  
41 sic, video, or other sound broadcasts.

42 (5) A violation of this section shall be a moving violation and shall be  
43 an infraction punishable by a fine of fifty dollars (\$50.00) for a first of-  
44 fense and one hundred dollars (\$100) for a second offense. For each subse-  
45 quent offense, the offender shall be punished by a fine of two hundred dol-  
46 lars (\$200).

47 (6) If a person is involved in an accident at the time of the violation  
48 of this section, the fine shall be double the amount of the fine imposed under  
49 subsection (5) of this section, and the law enforcement officer investigat-

1     ing the accident shall indicate in any written accident report that the per-  
2     son was using a mobile electronic device at the time of the accident.

3             (7) A court may suspend a person's driver's license for up to ninety  
4     (90) days if the person has three (3) or more convictions for violations of  
5     this section within a three (3) year period.

6             (8) The state preempts the field of regulating the use of personal elec-  
7     tronic devices in motor vehicles while driving, and this section supersedes  
8     any local laws, ordinances, orders, rules, or regulations enacted by any po-  
9     litical subdivision or municipality to regulate the use of a personal elec-  
10    tronic device by the operator of a motor vehicle.