

IN THE SENATE

SENATE BILL NO. 1070

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO CHARGES FOR MOTOR VEHICLE TRAFFIC INCIDENT RESPONSES; AMEND-
2 ING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
3 31-3222, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT A COUNTY FROM CHARGING
4 AN INCIDENT RESPONSE FEE FOR THE USE OF EMERGENCY SERVICES RELATED TO
5 TRAFFIC INCIDENTS, TO AUTHORIZE A COUNTY TO CHARGE FOR CERTAIN ACTUAL
6 EXPENSES IN TRAFFIC INCIDENTS, TO PROVIDE FOR APPORTIONMENT OF ACTUAL
7 EXPENSES AND TO PROVIDE THAT ESTABLISHED PROVISIONS SHALL NOT APPLY TO
8 CERTAIN CHARGES; AND AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE
9 ADDITION OF A NEW SECTION 50-346, IDAHO CODE, TO DEFINE TERMS, TO PRO-
10 HIBIT A MUNICIPALITY FROM CHARGING AN INCIDENT RESPONSE FEE FOR THE USE
11 OF EMERGENCY SERVICES RELATED TO TRAFFIC INCIDENTS, TO AUTHORIZE A MU-
12 NICIPALITY TO CHARGE FOR CERTAIN ACTUAL EXPENSES IN TRAFFIC INCIDENTS,
13 TO PROVIDE FOR APPORTIONMENT OF ACTUAL EXPENSES AND TO PROVIDE THAT ES-
14 TABLISHED PROVISIONS SHALL NOT APPLY TO CERTAIN CHARGES.
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16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Chapter 32, Title 31, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 31-3222, Idaho Code, and to read as follows:

20 31-3222. CHARGES RELATING TO MOTOR VEHICLE TRAFFIC INCIDENT RE-
21 SPONSES. (1) As used in this section, "county" includes persons who contract
22 with a county to provide emergency police, fire or ambulance services.

23 (2) As used in this section, "incident response fee" means charges or
24 fees imposed on the driver or owner of a motor vehicle for the county's re-
25 sponse to, or investigation of, a motor vehicle traffic incident, but does
26 not include charges for providing necessary ambulance or emergency medical
27 services.

28 (3) A county shall not impose an incident response fee, but may charge
29 a person legally responsible for causing the motor vehicle traffic incident
30 actual expenses incurred by the county as a result of responding to such in-
31 cident, limited to:

32 (a) The cost to repair damaged public property;

33 (b) The cost to the county for materials used at the scene of the traffic
34 incident; and

35 (c) Towing costs.

36 (4) If a county is allowed to charge more than one (1) individual for ex-
37 penses set forth in subsection (3) of this section, the county shall appor-
38 tion the charges so that it does not receive more for responding to the traf-
39 fic incident than actual expenses incurred.

40 (5) The provisions of this section shall not apply to charges allowed
41 pursuant to section 6-2401, Idaho Code.

1 SECTION 2. That Chapter 3, Title 50, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 50-346, Idaho Code, and to read as follows:

4 50-346. CHARGES RELATING TO MOTOR VEHICLE TRAFFIC INCIDENT RE-
5 SPONSES. (1) As used in this section, "municipality" means a city or fire
6 district and includes persons who contract with a municipality to provide
7 emergency police, fire or ambulance services.

8 (2) As used in this section, "incident response fee" means charges or
9 fees imposed on the driver or owner of a motor vehicle for the municipality's
10 response to, or investigation of, a motor vehicle traffic incident, but does
11 not include charges for providing necessary ambulance or emergency medical
12 services.

13 (3) A municipality shall not impose an incident response fee, but may
14 charge a person legally responsible for causing the motor vehicle traffic
15 incident actual expenses incurred by the municipality as a result of re-
16 sponding to such incident, limited to:

17 (a) The cost to repair damaged public property;

18 (b) The cost to the municipality for materials used at the scene of the
19 traffic incident; and

20 (c) Towing costs.

21 (4) If a municipality is allowed to charge more than one (1) individual
22 for expenses set forth in subsection (3) of this section, the municipality
23 shall apportion the charges so that it does not receive more for responding
24 to the traffic incident than actual expenses incurred.

25 (5) The provisions of this section shall not apply to charges allowed
26 pursuant to section 6-2401, Idaho Code.