

IN THE SENATE

SENATE BILL NO. 1211

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE THE DEFINITION OF "PROOF OF FINANCIAL RESPONSIBILITY"; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(2) "Park trailer." (See "Trailer," section 49-121, Idaho Code)

(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer less than thirty (30) hours per week.

(4) "Peace officer." (See section 19-5101(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair or an electric personal assistive mobility device.

(6) "Pedestrian path" means any path, sidewalk or way set-aside and used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality, and for the purposes of chapter 22 of this title shall include a private, common or contract carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

(iv) For the purposes of chapters 3 and 4 of this title, a person with a permanent disability is one whose physician certifies that the person qualifies as a person with a disability pursuant to this subsection (7) (b), and further certifies that there is no expecta-

1 tion for a fundamental or marked change in the person's condition
2 at any time in the future.

3 (8) "Personal information" means information that identifies an indi-
4 vidual, including an individual's photograph or computerized image, social
5 security number, driver identification number, name, address, telephone
6 number, and medical or disability information, but does not include infor-
7 mation on vehicular accidents, driving or equipment-related violations,
8 the five-digit zip code of the person's address, or status of the driver's
9 license or motor vehicle registration.

10 (9) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

11 (10) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

12 (11) "Possessory lien" means a lien dependent upon possession for com-
13 pensation to which a person is legally entitled for making repairs or per-
14 forming labor upon, and furnishing supplies or materials for, and for the
15 towing, storage, repair, or safekeeping of, any vehicle of a type subject to
16 registration.

17 (12) "Possessory lienholder" means any person claiming a lien, that
18 lien claimed to have accrued on a basis of services rendered to the vehicle
19 which is the subject of the lien.

20 (13) "Preceding year" means, for the purposes of section 49-435, Idaho
21 Code, a period of twelve (12) consecutive months fixed by the department,
22 prior to July 1 of the year immediately preceding the commencement of the
23 registration or license year for which proportional registration is sought.
24 The department in fixing the period shall make it conform to the terms, con-
25 ditions and requirements of any applicable agreement or arrangement for the
26 proportional registration of vehicles.

27 (14) "Pressure regulator valve" means a device or system which governs
28 the load distribution and controls the weight borne by a variable load sus-
29 pension axle in accordance with a predetermined valve setting.

30 (15) "Principal place of business" means an enclosed commercial struc-
31 ture located within the state, easily accessible and open to the public at
32 all reasonable times, with an improved display area large enough to display
33 five (5) or more vehicles of the type the dealer is licensed to sell, imme-
34 diately adjoining the building, and at which the business of a dealer, in-
35 cluding the display and repair of vehicles, may be lawfully carried on in ac-
36 cordance with the terms of all applicable building codes, zoning and other
37 land-use regulatory ordinances, and in which building the public shall be
38 able to contact the dealer or his salesmen in person or by telephone at all
39 reasonable times, and at which place of business shall be kept and maintained
40 the books, records and files necessary to conduct the business. The prin-
41 cipal place of business shall display an exterior sign permanently affixed
42 to the land or building, with letters clearly visible to the major avenue
43 of traffic. In no event shall a room or rooms in a hotel, rooming house, or
44 apartment house building or a part of any single or multiple unit dwelling
45 house be considered a "principal place of business" within the terms and pro-
46 visions of this title unless the entire ground floor of that hotel, apartment
47 house, or rooming house building or dwelling house be devoted principally to
48 and occupied for commercial purposes, and the office or offices of the dealer
49 be located on the ground floor.

1 (16) "Private property open to the public" means real property not owned
2 by the federal government or the state of Idaho or any of its political sub-
3 divisions, but is available for vehicular traffic or parking by the general
4 public with the permission of the owner or agent of the real property.

5 (17) "Private road" means every way or place in private ownership and
6 used for vehicular travel by the owner and those having express or implied
7 permission from the owner, but not by other persons.

8 (18) "Proof of financial responsibility" means:

9 (a) As to any policy of motor vehicle liability insurance in existence
10 or with an effective date before January 1, 2012, proof of ability to re-
11 spond in damages for liability, on account of accidents occurring sub-
12 sequent to the effective date of the proof, arising out of the owner-
13 ship, maintenance or use of a motor vehicle, in the amount of twenty-
14 five thousand dollars (\$25,000) because of bodily injury to or death of
15 one (1) person in any one (1) accident, and, subject to the limit for one
16 (1) person, in the amount of fifty thousand dollars (\$50,000) because of
17 bodily injury to or death of two (2) or more persons in any one (1) acci-
18 dent, and in the amount of fifteen thousand dollars (\$15,000) because of
19 injury to or destruction of property of others in any one (1) accident;
20 and

21 (b) As to any new policy or the first renewal or replacement of any ex-
22 isting policy of motor vehicle liability insurance with an effective
23 date on or after January 1, 2012, it means proof of ability to respond in
24 damages for liability, on account of accidents occurring subsequent to
25 the effective date of the proof, arising out of the ownership, mainte-
26 nance or use of a motor vehicle, in the amount of fifty thousand dollars
27 (\$50,000) because of bodily injury to or death of one (1) person in any
28 one (1) accident, and, subject to the limit for one (1) person, in the
29 amount of one hundred thousand dollars (\$100,000) because of bodily
30 injury to or death of two (2) or more persons in any one (1) accident, and
31 in the amount of thirty thousand dollars (\$30,000) because of injury to
32 or destruction of property of others in any one (1) accident.

33 (19) "Proper authority" means a public highway agency.

34 (20) "Public highway agency" means the state transportation depart-
35 ment, any city, county, highway district or any other state agency which has
36 jurisdiction over public highway systems and public rights-of-way.

37 (21) "Public right-of-way" means a right-of-way open to the public and
38 under the jurisdiction of a public highway agency, where the public highway
39 agency has no obligation to construct or maintain said right-of-way for ve-
40 hicular traffic.

41 (22) "Public road jurisdiction" means a public highway agency.

42 (23) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho
43 Code)

44 SECTION 2. This act shall be in full force and effect on and after Jan-
45 uary 1, 2012.