

IN THE SENATE

SENATE BILL NO. 1274, As Amended in the House

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO TEXTING AND DRIVING; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO DEFINE A
3 TERM, TO PROVIDE INFRACTION PENALTIES FOR TEXTING WHILE DRIVING AND TO
4 PROVIDE APPLICATION TO VIOLATION POINT COUNTS AND MOVING TRAFFIC VIOLA-
5 TIONS.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 14, Title 49, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 49-1401A, Idaho Code, and to read as follows:

11 49-1401A. TEXTING WHILE DRIVING. (1) As used in this section, "tex-
12 ting" means engaging in the review of, or manual preparation and transmis-
13 sion of, written communications via handheld wireless devices. This defi-
14 nition does not include voice-operated or hands free devices that allow the
15 user to review, prepare and transmit a text message without the use of either
16 hand except to activate, deactivate or initiate a feature or function.

17 (2) Texting, as that term is defined in subsection (1) of this section,
18 while driving a moving motor vehicle shall constitute an infraction provided
19 this does not apply to voice-operated or hands free devices that allow the
20 user to review, prepare and transmit a text message without the use of either
21 hand except to activate, deactivate or initiate a feature or function. Every
22 person who violates this section shall be guilty of an infraction. A convic-
23 tion under this section shall not result in violation point counts as pre-
24 scribed in section 49-326, Idaho Code. In addition, a conviction under this
25 section shall not be deemed to be a moving traffic violation for the purpose
26 of establishing rates of motor vehicle insurance charged by a casualty in-
27 surer.