

IN THE SENATE

SENATE BILL NO. 1284, As Amended in the House

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO BOOTING OF MOTOR VEHICLES; PROVIDING LEGISLATIVE INTENT; AMEND-
2 ING SECTION 49-103, IDAHO CODE, TO DEFINE THE TERM "BOOT"; AMENDING SEC-
3 TION 49-229, IDAHO CODE, TO PROVIDE ADDITIONAL CIRCUMSTANCES WHEN A VE-
4 HICLE MAY BE INJURED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
5 TION 49-1806, IDAHO CODE, TO PROVIDE FOR BOOTING OF UNAUTHORIZED VEHI-
6 CLES ON PRIVATE PROPERTY; AMENDING SECTION 49-1812, IDAHO CODE, TO PRO-
7 VIDE FOR CLAIMING OF BOOTED VEHICLES; AND DECLARING AN EMERGENCY.
8

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

10 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature, as
11 immobilization of motor vehicles by booting in the state of Idaho vitally af-
12 fects the public interest and the public welfare, and that in order to pro-
13 mote the public interest and the public welfare, and in the exercise of its
14 police power, it is necessary to regulate those who operate motor vehicle
15 booting businesses in Idaho by local government, in order to prevent frauds,
16 impositions, and other abuses upon its citizens. The Legislature finds it
17 necessary to allow local governments to establish minimum consumer protec-
18 tion standards as well as remedies for motorists who suffer property damage
19 as a result of having their motor vehicles booted or who claim to have been
20 wrongfully booted.

21 SECTION 2. That Section 49-103, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 49-103. DEFINITIONS -- B. (1) "Bicycle" means every vehicle propelled
24 exclusively by human power upon which any person may ride, having two (2)
25 tandem wheels, and except scooters and similar devices.

26 (2) "Board" means the Idaho transportation board.

27 (3) "Boat transporter" means any vehicle combination designed and used
28 specifically to transport assembled boats and boat hulls.

29 (4) "Boot" means a device used by a towing company or other entity to
30 temporarily immobilize or disable a motor vehicle for purposes of enforcing
31 parking restrictions.

32 (5) "Broker" means a person who, for a fee, commission, or other valu-
33 able consideration, arranges or offers to arrange a transaction involving
34 the sale, but not resale, of a new vehicle, and who is not:

35 (a) A representative or an agent or employee of a representative;

36 (b) A distributor, agent or employee of a distributor; or

37 (c) At any point in the transaction, the owner of the vehicle involved
38 in the transaction.

39 (56) "Bus" means every motor vehicle designed for carrying more than
40 ten (10) passengers and used for the transportation of persons; and every mo-
41 tor vehicle, other than a taxicab, designed and used for the transportation

1 of persons for compensation. A motor vehicle used in a ridesharing arrange-
 2 ment that has a seating capacity for not more than fifteen (15) persons, in-
 3 cluding the driver, shall not be a "bus" under the provisions of this title
 4 relating to equipment requirements, rules of the road, or registration.

5 (67) "Business district." (See "District", section 49-105, Idaho Code)

6 (78) "Buy." (See "Sell", "sold", and "purchase", section 49-120, Idaho
 7 Code)

8 SECTION 3. That Section 49-229, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 49-229. INJURING VEHICLE. Except as authorized by section 49-1806,
 11 Idaho Code, aAny person who shall individually, or in association with one
 12 (1) or more others, ~~wilfully willfully~~ break, injure, tamper with or remove
 13 any part or parts of any vehicle for the purpose of injuring, defacing or
 14 destroying the vehicle, or temporarily or permanently preventing its useful
 15 operation, or for any purpose against the will or without the consent of the
 16 owner of the vehicle, or who shall in any other manner ~~wilfully willfully~~ or
 17 maliciously interfere with or prevent the running or operation of the vehi-
 18 cle shall be guilty of a misdemeanor.

19 SECTION 4. That Section 49-1806, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 49-1806. REMOVAL -- BOOTING OF UNAUTHORIZED AND ABANDONED VEHICLE
 22 FROM REAL PROPERTY. (1) Any person having possession or control of real prop-
 23 erty who finds an unauthorized vehicle standing upon his property is permit-
 24 ted to have the vehicle removed or booted if there is posted on or near the
 25 property in a clearly conspicuous location, in large print, a sign or notice
 26 that unauthorized vehicles will be removed or booted at the owner's expense
 27 and designating the name of the towing firm. Unauthorized vehicles need not
 28 meet the provision of section 49-102(2), Idaho Code, in this instance.

29 (2) Any person having possession or control of real property who finds
 30 an abandoned vehicle standing on his property, where the property is not
 31 posted as set out in subsection (1) of this section, may contact an au-
 32 thorized officer, who must in turn comply with the provisions of section
 33 49-1804, Idaho Code, in accomplishing the removal of the vehicle except un-
 34 der those circumstances set out in subsection (3) of this section.

35 (3) Where access into or out of private property or substantial in-
 36 terference with the use and enjoyment of private property is created by an
 37 unauthorized or abandoned vehicle being parked or otherwise left on pri-
 38 vate property, the person owning or controlling the property may contact an
 39 authorized officer who may, without regard for the provisions of section
 40 49-1804, Idaho Code, immediately proceed to have the vehicle removed to a
 41 garage or nearest place of safety. All other provisions of this chapter
 42 shall be complied with.

43 SECTION 5. That Section 49-1812, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

1 49-1812. CLAIMING OF VEHICLES. (1) The owner of any vehicle removed or
2 booted under the provisions of this chapter except those vehicles impounded
3 for investigation or suspected stolen, may take possession of the vehicle at
4 any time prior to sale by proving ownership and paying the costs relative to
5 towing and storing or booting the vehicle and costs of advertising except as
6 otherwise provided in section 49-1805, Idaho Code.

7 (2) A lienholder of any vehicle removed or booted under the provisions
8 of this chapter except those vehicles impounded for investigation or sus-
9 pected stolen, may take possession of the vehicle at any time prior to the
10 sale by proving the presence of the lien and by paying the costs relative to
11 towing and storing the vehicle and costs of advertising. The lienholder may
12 also take possession of the vehicle by purchasing the vehicle at the sale.
13 Nothing in this chapter shall be construed to abate any cause of action that a
14 lienholder has against the owner of an abandoned vehicle.

15 (3) Any insurer having a claim made against it pertaining to any vehi-
16 cle removed or booted under the provisions of this chapter, except those ve-
17 hicles impounded for investigation or suspected stolen, may take possession
18 of the vehicle at any time prior to the settlement of such claim following
19 determination by such insurer that the vehicle has been determined by such
20 insurer to be a total loss, obtaining verbal consent of the owner and by pay-
21 ing the lawfully entitled costs relative to towing and storing the vehicle.
22 The insurer holding facility shall allow access to the vehicle owner or their
23 representative upon the vehicle owner or their representative providing ev-
24 idence of ownership. Personal property unrelated to the vehicle must be re-
25 turned to the vehicle owner in conformance with section 49-1809(2), Idaho
26 Code. If no total loss settlement is reached, the insurer shall return the
27 vehicle to a mutually agreed upon location. Any holding facility that re-
28 leases a vehicle consistent with the provisions of this subsection shall be
29 held harmless for the release of such vehicle. The insurer shall provide the
30 location and telephone number of the insurer holding facility to the vehicle
31 owner or their representative.

32 SECTION 6. An emergency existing therefor, which emergency is hereby
33 declared to exist, this act shall be in full force and effect on and after its
34 passage and approval.