

IN THE SENATE

SENATE BILL NO. 1312

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO INDIVIDUALS WITH DISABILITIES; AMENDING SECTION 18-5811, IDAHO
2 CODE, TO REVISE PROVISIONS REGARDING CERTAIN CRIMES AGAINST INDIVIDU-
3 ALS WITH DISABILITIES; AMENDING SECTION 18-5811A, IDAHO CODE, TO REVISE
4 PROVISIONS REGARDING UNLAWFUL USE OF AN ASSISTANCE DEVICE OR A SER-
5 VICE DOG; AMENDING SECTION 18-5812, IDAHO CODE, TO REVISE PROVISIONS
6 REGARDING BATTERY TO INDIVIDUALS WITH DISABILITIES AND SERVICE DOGS;
7 AMENDING SECTION 18-5812A, IDAHO CODE, TO REVISE PROVISIONS REGARDING
8 VIOLATION OF THE RIGHT TO BE ACCOMPANIED BY A SERVICE DOG; AMENDING SEC-
9 TION 18-5812B, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIOLATION OF
10 THE RIGHT TO BE ACCOMPANIED BY A SERVICE DOG-IN-TRAINING; AMENDING THE
11 HEADING FOR CHAPTER 7, TITLE 56, IDAHO CODE; AMENDING SECTION 56-701,
12 IDAHO CODE, TO REVISE PROVISIONS REGARDING STATE POLICY ON INDIVIDU-
13 ALS WITH DISABILITIES; AMENDING SECTION 56-701A, IDAHO CODE, TO REVISE
14 DEFINITIONS; AMENDING SECTION 56-702, IDAHO CODE, TO REVISE PROVISIONS
15 REGARDING THE USE OF PUBLIC PLACES BY INDIVIDUALS WITH DISABILITIES;
16 AMENDING SECTION 56-703, IDAHO CODE, TO REVISE PROVISIONS REGARDING
17 FULL AND EQUAL ACCOMMODATION; AMENDING SECTION 56-704, IDAHO CODE, TO
18 REVISE PROVISIONS REGARDING THE RIGHT TO USE A SERVICE DOG; AMENDING
19 SECTION 56-704A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RIGHT
20 TO BE ACCOMPANIED BY A DOG-IN-TRAINING; AMENDING SECTION 56-705, IDAHO
21 CODE, TO REVISE PROVISIONS REGARDING CIVIL LIABILITY; AMENDING SECTION
22 56-706, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-707,
23 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RIGHT TO CERTAIN EMPLOY-
24 MENT; AMENDING SECTION 49-109, IDAHO CODE, TO REMOVE A DEFINITION; AND
25 AMENDING SECTION 49-706, IDAHO CODE, TO REVISE PROVISIONS REGARDING
26 RIGHT-OF-WAY FOR CERTAIN PEDESTRIANS.
27

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

29 SECTION 1. That Section 18-5811, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 18-5811. ACTION REQUIRED TO AVOID ACCIDENT OR INJURY TO ~~DISABLED~~
32 ~~PERSON~~ INDIVIDUALS WITH DISABILITIES -- PROHIBITED ~~INTENTIONAL~~ ACTIONS --
33 PENALTIES. (1) Any person, whether a pedestrian, operating a vehicle or
34 otherwise, who approaches an individual appearing to be a ~~disabled person~~
35 an individual with a disability or lawfully using an assistance device or
36 assistance a service dog, and who:

37 (a) ~~Intentionally~~ Knowingly fails to stop, change course, speak or take
38 such other action as is necessary to avoid any accident or injury to the
39 ~~disabled person~~ individual with a disability, the assistance device or
40 the service dog, is guilty of a misdemeanor, punishable by imprison-
41 ment in the county jail not exceeding six (6) months, or by a fine of

1 not less than fifty dollars (\$50.00) nor more than one thousand dollars
2 (\$1,000), or by both.

3 (b) Intentionally Knowingly startles or frightens such person's dog,
4 is guilty of a misdemeanor, punishable by imprisonment in the county
5 jail not exceeding six (6) months, or by a fine of not less than fifty
6 dollars (\$50.00) nor more than one thousand dollars (\$1,000), or by
7 both.

8 (2) Any person who, without justification, intentionally knowingly in-
9 terferes with the use of ~~an assistance~~ a service dog or an assistance device
10 by obstructing, battering or intimidating the user ~~or of the service dog or~~
11 the assistance device, is guilty of a misdemeanor punishable by imprison-
12 ment in the county jail not exceeding six (6) months, or by a fine of not less
13 than fifty dollars (\$50.00) nor more than one thousand five hundred dollars
14 (\$1,500), or by both.

15 SECTION 2. That Section 18-5811A, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 18-5811A. UNLAWFUL USE OF ASSISTANCE DEVICE OR SERVICE DOG. Any per-
18 son, not being ~~a disabled person~~ an individual with a disability or being
19 trained to assist ~~disabled persons~~ an individual with a disability, who uses
20 an assistance device or ~~assistance~~ a service dog in an attempt to gain treat-
21 ment or benefits as ~~a disabled person~~ an individual with a disability, is
22 guilty of a misdemeanor.

23 SECTION 3. That Section 18-5812, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 18-5812. BATTERY TO ~~DISABLED PERSONS AND ASSISTANCE~~ SERVICE DOGS --
26 PENALTIES. (1) Any person who:

27 (a) Permits any animal which that is owned, harbored or controlled by
28 him to cause injury to or the death of any ~~assistance~~ service dog or dog-
29 in-training, is guilty of a misdemeanor.

30 (b) Intentionally Knowingly causes injury to or the death of any
31 ~~assistance~~ service dog or dog-in-training is guilty of a misdemeanor
32 punishable by imprisonment in the county jail not exceeding one (1)
33 year, or by a fine not exceeding five thousand dollars (\$5,000), or by
34 both.

35 (2) In addition to any other criminal or civil penalties provided for
36 violation of this section, any person convicted under this section, regard-
37 less of the form of judgment, shall be ordered to make full restitution to
38 the owner or custodian of such dog for all veterinary bills, replacement and
39 other costs resulting from the injury or death of the dog.

40 SECTION 4. That Section 18-5812A, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 18-5812A. ~~DISABLED PERSONS~~ INDIVIDUALS WITH DISABILITIES MAY BE
43 ACCOMPANIED BY ASSISTANCE SERVICE DOGS -- PENALTY FOR INTENTIONAL VIOLA-
44 TION. (1) ~~A disabled person~~ An individual with a disability shall not be
45 denied the use of any common carrier or public transportation facility or

1 admittance to any hotel, motel, cafe, elevator, housing for sale or rent, or
 2 any other public place within the state of Idaho by reason of his being accom-
 3 panied by ~~an assistance a service dog. A disabled person~~ An individual with
 4 a disability shall be entitled to have ~~an assistance a service dog~~ with him
 5 in such places and while using such facilities without being required to pay
 6 any additional charges for his ~~assistance service dog~~, but shall be liable
 7 for any damage caused by his ~~assistance service dog~~ if the place or facility
 8 normally charges persons for the damage they cause.

9 (2) Any person, firm, association or corporation or agent of any
 10 person, firm, association or corporation intentionally violating the provi-
 11 sions of this section shall be guilty of a misdemeanor.

12 SECTION 5. That Section 18-5812B, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 18-5812B. PERSON MAY BE ACCOMPANIED BY ~~AN ASSISTANCE SERVICE~~ DOG-IN-
 15 TRAINING -- LIABILITY. (1) A person shall not be denied the use of any common
 16 carrier or public transportation facility or admittance to any hotel, motel,
 17 cafe, elevator, or any other public place within the state of Idaho by rea-
 18 son of being accompanied by a dog-in-training. ~~Such dog-in-training shall~~
 19 ~~be properly leashed so that the person may maintain control of the dog.~~

20 (2) Access to ~~public places of public accommodation~~ for dogs-in-train-
 21 ing may be temporarily denied if the dog is poorly groomed so as to create a
 22 health hazard, ~~or~~ the person accompanying the dog cannot maintain control of
 23 the dog, the dog is a direct threat to the health or safety of others or the
 24 dog is not housebroken.

25 (3) The person accompanying the dog-in-training shall be liable for
 26 any damages, if the place or facility normally charges persons for the dam-
 27 age they cause, or injuries caused by the dog, and any third-party owner,
 28 lessor or manager of the public property shall in no way suffer liability for
 29 ~~damages or~~ injuries caused by the dog-in-training. If the person accompany-
 30 ing a dog-in-training is a minor, the parents of the child shall be liable.

31 SECTION 6. That the Heading for Chapter 7, Title 56, Idaho Code, be, and
 32 the same is hereby amended to read as follows:

33 CHAPTER 7

34 RIGHTS OF ~~THE BLIND AND PERSONS~~ INDIVIDUALS WITH ~~PHYSICAL~~ DISABILITIES

35 SECTION 7. That Section 56-701, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 56-701. POLICY OF STATE. It is the policy of this state to encourage
 38 and enable ~~the blind, the visually impaired, the hearing impaired, and the~~
 39 ~~otherwise physically disabled~~ individuals with disabilities to participate
 40 fully in the social and economic life of the state and to engage in remunera-
 41 tive employment.

42 SECTION 8. That Section 56-701A, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

1 56-701A. DEFINITIONS. As used in this chapter and chapter 58, title
2 18, Idaho Code:

3 (1) "Assistance device" means a cane or walking stick, predominantly
4 white or metallic in color, with or without red tip, or a manual or motorized
5 wheelchair or similar scooter, or other similar devices that enhance the
6 safety or mobility of a disabled person.

7 (2) ~~"Assistance dog" means a dog that has been trained as a guide dog
8 for a blind or visually impaired person, a hearing dog for a hearing impaired
9 person, or a service dog for a physically disabled person.~~

10 ~~(3) "Disabled person" means a hearing, visually or physically impaired
11 person.~~

12 ~~(4) "Dog-in-training" means a dog being specifically trained to de-
13 velop social, environmental and other skills needed for admission to a
14 training school work or other program for assistance dogs to perform tasks
15 for individuals with disabilities. Dogs-in-training shall wear a jacket,
16 collar, scarf or other similar article identifying it as a dog-in-training.~~

17 ~~(5) "Guide dog" means a dog that has been specially trained to aid a par-
18 ticular blind or visually impaired person.~~

19 ~~(6) "Hearing dog" means a dog that has been specially trained to aid a
20 particular hearing impaired person.~~

21 ~~(7) "Hearing impaired person" means a person who has a hearing impair-
22 ment manifested by a speech discrimination score of forty percent (40%) or
23 more in the better ear with appropriate correction as certified by a licensed
24 otologist, licensed audiologist, or the Idaho division of vocational reha-
25 bilitation.~~

26 ~~(8) "Physically impaired person" means any person with any substantial
27 physical disability which prevents normal participation in community or
28 life activities as are available and participated in by persons with no such
29 afflictions or conditions of the same age and sex.~~

30 (3) "Dog trainer" means a person who trains dogs for individuals with
31 disabilities, whether the person is a professional trainer or a volunteer.

32 (4) "Individual with a disability" or "individuals with disabilities"
33 means a person who has or persons who have a disability as defined in 42
34 U.S.C. 12102 and 28 CFR parts 35 and 36.

35 (5) "Personal protection" means, in reference to a dog, guarding, bit-
36 ing or protecting on command, whether for sport or protection, beyond the
37 scope of being task-trained to mitigate a handler's disability.

38 (6) "Place of public accommodation" means a business, accommodation,
39 refreshment, entertainment, recreation or transportation facility of any
40 kind, whether licensed or not, at which goods, services, facilities, priv-
41 ileges, advantages or accommodations are extended, offered, sold or other-
42 wise made available to the public.

43 (7) "Puppy raiser" means a person who is specifically involved in de-
44 veloping the social, environmental and other skills needed by a dog to be-
45 come a dog-in-training for an individual with a disability. Puppy raisers
46 are volunteers and must be under the guidance of a dog trainer or a service
47 dog training organization.

48 (98) "Service dog" or "service animal" means a dog that has been spe-
49 cially is individually trained to aid a particular physically disabled
50 person with a physical disability other than sight or hearing impairment do

1 work or perform tasks for the benefit of an individual with a disability,
 2 including a physical, sensory, psychiatric, intellectual or other mental
 3 disability. Other species of animals, whether wild or domestic, trained or
 4 untrained, are not service animals for the purposes of this chapter. The
 5 work or tasks performed by a service dog must be directly related to an indi-
 6 vidual's disability. Such work or tasks may include, but are not limited to,
 7 assisting individuals who are blind or who have low vision with navigation
 8 and other tasks, alerting individuals who are deaf or hard of hearing to
 9 the presence of people or sounds, providing nonviolent protection or res-
 10 cue work, pulling a wheelchair, assisting an individual during a seizure,
 11 alerting individuals to the presence of allergens, retrieving items such as
 12 medicine or the telephone, providing physical support and assistance with
 13 balance and stability to individuals with mobility disabilities, and help-
 14 ing persons with psychiatric and neurological disabilities by preventing
 15 or interrupting impulsive or destructive behaviors. The crime deterrent
 16 effects of an animal's presence and the provision of emotional support,
 17 well-being, comfort or companionship do not constitute work or tasks for the
 18 purposes of this chapter. Dogs whose sole function is to provide comfort or
 19 emotional support do not qualify as service dogs. Dogs who have been trained
 20 in personal protection do not qualify as service dogs.

21 ~~(10) "Visually impaired person" means any person who is blind, totally~~
 22 ~~blind, partially blind or otherwise visually impaired meaning such person~~
 23 ~~has central visual acuity not exceeding 20/200 in the better eye, with cor-~~
 24 ~~rected lenses, as measured by the Snellen test, or visual acuity greater than~~
 25 ~~20/200, but with a limitation in the field of vision such that the widest di-~~
 26 ~~ameter of the visual field subtends an angle not greater than twenty (20) de-~~
 27 ~~grees.~~

28 SECTION 9. That Section 56-702, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 56-702. RIGHT TO FULL AND FREE USE OF STREETS, HIGHWAYS, PUBLIC BUILD-
 31 INGS AND PUBLIC FACILITIES. ~~The blind, the visually impaired, the hearing~~
 32 ~~impaired, and the otherwise physically disabled~~ Individuals with disabili-
 33 ties have the same right as the ~~able-bodied~~ general public to the full and
 34 free use of the streets, highways, sidewalks, walkways, public buildings,
 35 public facilities, and other public places.

36 SECTION 10. That Section 56-703, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 56-703. RIGHT TO FULL AND EQUAL ACCOMMODATIONS IN ALL COMMON CARRI-
 39 ERS, HOTELS, LODGING HOUSES, PLACES OF PUBLIC ACCOMMODATION OR OTHER PUBLIC
 40 PLACES. (1) The blind, the visually impaired, the hearing impaired, and the
 41 ~~otherwise physically disabled~~ Individuals with disabilities are entitled to
 42 full and equal accommodations, advantages, facilities, and privileges of
 43 all common carriers, airplanes, motor vehicles, and railroad trains, motor
 44 buses, streetcars, boats or any other public conveyances or modes of trans-
 45 portation, hotels, lodging places, places of public accommodations, amuse-
 46 ment or resort, and other places to which the general public is invited, sub-
 47 ject only to the conditions and limitations established by law and applica-

1 ble alike to all persons, and any place or entity to which this section ap-
2 plies shall permit the use of a service dog or a dog-in-training by an in-
3 dividual with a disability. No place or entity listed in this subsection
4 may ask or require an individual with a disability to pay a surcharge, even
5 if persons accompanied by pets are required to pay a surcharge, or to comply
6 with other requirements generally not applicable to persons without pets.

7 (2) Notwithstanding the provisions of subsection (1) of this section,
8 any place or entity to which this section applies may ask an individual with a
9 disability to remove a service dog or a dog-in-training from the premises if:

10 (a) The dog is out of control, and the dog's handler does not take effec-
11 tive action to reestablish control; or

12 (b) The dog is not housebroken.

13 (3) If a dog is removed pursuant to subsection (2) of this section, the
14 individual with a disability shall be afforded the opportunity to remain
15 without the dog and to participate in any service, program or activity being
16 offered.

17 (4) At all times, a service dog or dog-in-training shall be under the
18 control of its handler and shall have a harness, leash or other tether, un-
19 less the handler is unable, because of a disability, to use such harness,
20 leash or tether, or unless the use of a harness, leash or tether would in-
21 terfere with the dog's safe, effective performance of work or tasks, in which
22 case the dog must be under the handler's control through voice control, sig-
23 nals or other effective means.

24 (5) An owner, operator or employee of a place or an entity to which this
25 section applies shall not inquire as to the nature or extent of an individ-
26 ual's disability but may make certain inquiries to determine whether a dog
27 is a service dog. Valid inquiries are limited to whether the dog's presence
28 is required because of a disability and what work or task the dog has been
29 trained to perform. Documentation, such as proof that the animal has been
30 certified, trained or licensed as a service dog, may not be requested. No in-
31 quiry shall be made about a service dog if it is readily apparent that the dog
32 is trained to do work or perform tasks for an individual with a disability,
33 including guiding an individual who is blind or has low vision, pulling an
34 individual's wheelchair, or providing assistance with stability or balance
35 to an individual with an obvious mobility disability.

36 (6) A dog trainer or a puppy raiser shall have the same right of access
37 with a dog-in-training that an individual with a disability would have with
38 a service dog when accompanied by a properly identified dog-in-training for
39 purposes of training only. A dog-in-training shall be under the control of
40 its handler at all times and shall have a harness, leash or other tether, un-
41 less the handler is unable because of a disability, to use a harness, leash
42 or other tether or the use of a harness, leash or other tether would interfere
43 with the dog-in-training's safe, effective performance of work or tasks, in
44 which case the dog-in-training must be otherwise under the handler's control
45 through voice control, signals or other effective means.

46 (7) An owner, operator or employee of a place or an entity to which this
47 section applies shall not inquire as to the nature or extent of an individ-
48 ual's disability but may make certain inquiries to determine whether a dog
49 is a dog-in-training. Valid inquiries are limited to whether the dog's pres-
50 ence is required because the dog is being trained for an individual with a

1 disability and what work or task the dog is being trained to perform. Docu-
 2 mentation, such as certification that the dog is a dog-in-training, may not
 3 be requested. No inquiry shall be made about a dog-in-training if it is read-
 4 ily apparent that the dog is being trained to do work or perform tasks for an
 5 individual with a disability, including the tasks identified in subsection
 6 (5) of this section.

7 SECTION 11. That Section 56-704, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 56-704. RIGHT TO USE OF ASSISTANCE SERVICE DOG -- LIABILITY. Every
 10 ~~disabled person~~ individual with a disability shall have the right to be
 11 accompanied by ~~an assistance~~ a service dog, in any of the places listed in
 12 section 56-703, Idaho Code, without being required to pay an extra charge for
 13 the ~~assistance~~ service dog; provided that ~~he~~ the individual shall be liable
 14 for any damage done to the premises or facilities by ~~his~~ the service dog if
 15 the place normally charges individuals for any damage they cause.

16 SECTION 12. That Section 56-704A, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 56-704A. RIGHTS OF PERSONS WITH DOGS-IN-TRAINING -- LIABILITY. (1)
 19 Every person who is specially training or socializing a dog for the purpose
 20 of being ~~an assistance~~ a service dog shall have the right to be accompanied
 21 by the dog in any of the places listed in section 56-703, Idaho Code, without
 22 being required to pay an extra charge for the dog if the accompaniment is part
 23 of the dog's training or socialization to become ~~an assistance~~ a service dog.
 24 ~~The person accompanying the dog-in-training shall carry and upon request~~
 25 ~~display an identification card issued by a recognized school for assistance~~
 26 ~~dogs or organization which serves disabled persons~~ be visually identifiable
 27 as a dog-in-training as provided in section 56-701A(2), Idaho Code. The
 28 person shall be fully liable for any damages done to the premises or facil-
 29 ities by the dog if the premises or facilities normally charge persons for
 30 any damage they cause, and no liability to other persons shall be attached
 31 to the owner, lessor or manager of the property, arising out of activities
 32 permitted by this chapter.

33 (2) For purposes of training only, dog trainers and puppy raisers shall
 34 have the same rights of access with dogs-in-training as individuals with
 35 disabilities when accompanied by a visually identifiable dog-in-training.

36 SECTION 13. That Section 56-705, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 56-705. CIVIL LIABILITY FOR ~~INTENTIONAL~~ VIOLATION OF STATUTES PRO-
 39 ~~TECTING DISABLED PERSONS~~ INDIVIDUALS WITH DISABILITIES. Civil action may
 40 be brought against any person ~~intentionally~~ violating the provisions of
 41 section 18-5811, 18-5811A, 18-5812, ~~or~~ 18-5812A or 18-5812B, Idaho Code,
 42 with judgment awarded upon proof of the elements to a preponderance of the
 43 evidence. As a part of any such civil judgment, a successful plaintiff shall
 44 be awarded punitive damages in an amount equal to all other damages suffered
 45 by the plaintiff, but in no event less than five hundred dollars (\$500). The

1 failure of a ~~disabled person~~ an individual with a disability to use an assis-
 2 tance device or ~~assistance~~ a service dog shall not be held to constitute nor
 3 be evidence of contributory negligence in any civil action.

4 SECTION 14. That Section 56-706, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 56-706. INTERFERENCE WITH RIGHTS OR ACTIVITIES -- PENALTY. Any per-
 7 son or persons, firm or corporation, or the agent of any person or persons,
 8 firm or corporation who denies or interferes with admittance to or enjoyment
 9 of the public facilities enumerated in this chapter or otherwise interferes
 10 with the rights of a ~~totally or partially blind, hearing impaired, or oth-~~
 11 ~~erwise disabled person~~ an individual with a disability under this chapter
 12 shall be guilty of a misdemeanor.

13 SECTION 15. That Section 56-707, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 56-707. RIGHT TO BE EMPLOYED IN EMPLOYMENT SUPPORTED IN WHOLE OR IN
 16 PART BY PUBLIC FUNDS -- RESTRICTION -- USE OF SICK LEAVE. (1) ~~The blind,~~
 17 ~~the visually impaired, the hearing impaired, and the otherwise disabled~~
 18 Individuals with disabilities shall be employed in the state service, the
 19 service of the political subdivisions of the state, in the public schools,
 20 and in all other employment supported in whole or in part by public funds on
 21 the same terms and conditions as the able-bodied, unless it is shown that the
 22 particular disability prevents the performance of the work involved.

23 (2) Persons employed as provided in subsection (1) of this section, may
 24 use accrued sick leave for the purpose of obtaining ~~guide~~ service dogs and
 25 necessary training.

26 SECTION 16. That Section 49-109, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 49-109. DEFINITIONS -- H. (1) "Habitual violator" means any person who
 29 has a driving record which shows a violation point count of eighteen (18) or
 30 more points in any consecutive twenty-four (24) month period; or twenty-four
 31 (24) or more points in any consecutive thirty-six (36) month period.

32 (2) "Hazardous material" means any material that has been designated as
 33 hazardous under 49 U.S.C. section 5103, and is required to be placarded under
 34 subpart F of 49 CFR part 172, or any quantity of material listed as a select
 35 agent or toxin under 42 CFR part 73.

36 (3) "Hazardous waste" means a material that is subject to the hazardous
 37 waste manifest requirements of the EPA due to the type and quantity of the ma-
 38 terial, or which would be subject to these requirements absent an interim au-
 39 thorization to the state under title 40, code of federal regulations or which
 40 includes in whole or in part polychlorinated biphenyls which are regulated
 41 by title 40, code of federal regulations, part 761.

42 (4) ~~"Hearing aid dog." (See "Hearing impaired person," section~~
 43 ~~56-701A, Idaho Code)~~

44 (5) "Highway" means the entire width between the boundary lines of ev-
 45 ery way publicly maintained when any part is open to the use of the public

1 for vehicular travel, with jurisdiction extending to the adjacent property
2 line, including sidewalks, shoulders, berms and rights-of-way not intended
3 for motorized traffic. The term "street" is interchangeable with highway.

4 (a) Arterial. Any highway designated by the local authority as part of
5 a major arterial system of highways within its jurisdiction.

6 (b) Controlled-access. Any highway or roadway in respect to which own-
7 ers or occupants of abutting lands and other persons have no legal right
8 of access to or from the highway except at such points only or in such
9 manner as may be determined by the public authority having jurisdiction
10 over the highway.

11 (c) Through. Any highway or portion of it on which vehicular traffic is
12 given preferential right-of-way, and at the entrances to which vehicu-
13 lar traffic from intersecting highways is required by law to yield the
14 right-of-way to vehicles on the through highway in obedience to a stop
15 sign, yield sign, or other traffic-control device.

16 SECTION 17. That Section 49-706, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 49-706. ~~BLIND AND/OR HEARING IMPAIRED PEDESTRIAN WITH DISABILITY HAS~~
19 ~~RIGHT-OF-WAY. (1) The driver of a vehicle shall yield the right-of-way to~~
20 ~~any blind pedestrian individual with a disability carrying a clearly visi-~~
21 ~~ble white cane an assistance device or accompanied by a guide dog or a hearing~~
22 ~~impaired person accompanied by a hearing aid service dog.~~

23 (2) For purposes of this section, "assistance device," "individual
24 with a disability" and "service dog" shall have the same meanings as provided
25 in section 56-701A, Idaho Code.