AN ACT

RELATING TO COMMERCIAL VEHICLES; AMENDING SECTION 49-105, IDAHO CODE, TO REVISE THE DEFINITIONS OF CLASS A AND B DRIVER'S LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-123, IDAHO CODE, TO REVISE THE DEFINITION OF A COMMERCIAL MOTOR VEHICLE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby amended to read as follows:

49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the business of buying, selling or exchanging five (5) or more new or used vehicles, new or used neighborhood electric vehicles, new or used motorcycles, motor-driven cycles, snow machines or motorbikes, travel trailers, truck campers, all-terrain vehicles, utility type vehicles or motor homes in any calendar year, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, or who has an established place of business for the sale, lease, trade, or display of these vehicles. No insurance company, bank, finance company, public utilities company, or other person coming into possession of any vehicle, as an incident to its regular business, who shall sell that vehicle under any contractual rights it may have, shall be considered a dealer. See also "salvage pool," section 49-120, Idaho Code.

(2) "Dealer's selling agreement." (See "Franchise," section 49-107, Idaho Code)

(3) "Department" means the Idaho transportation department acting directly or through its duly authorized officers and agents, except in chapters 6 and 9, title 49, Idaho Code, where the term means the Idaho state police, except as otherwise specifically provided.

(4) "Designated family member" means the spouse, child, grandchild, parent, brother or sister of the owner of a vehicle dealership who, in the event of the owner's death, is entitled to inherit the ownership interest in the dealership under the same terms of the owner's will, or who has been nominated in any other written instrument, or who, in the case of an incapacitated owner of a dealership, has been appointed by a court as the legal representative of the dealer's property.

(5) "Director" means the director of the Idaho transportation department, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term means the director of the Idaho state police.

(6) "Disclose" means to engage in any practice or conduct to make available and make known personal information contained in records of the department about a person to any other person, organization or entity, by any means of communication.
(7) "Disqualification" as defined in 49 CFR part 383, means withdrawal by the department of commercial vehicle driving privileges.

(8) "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who has a franchise from a manufacturer of vehicles to distribute vehicles in this state, and who in whole or in part sells or distributes new vehicles to dealers or who maintains distributor representatives.

(9) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.

(10) "Distributor representative" means any person, firm, association, corporation or trust, and each officer and employee thereof engaged as a representative of a distributor, or distributor branch, of vehicles for the purpose of making or promoting the sale of vehicles, or for supervising or contacting dealers or prospective dealers.

(11) "District" means:

(a) Business district. The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

(b) Residential district. The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences, or residences and buildings in use for business.

(c) Urban district. The territory contiguous to and including any highway which is built up with structures devoted to business, industry or dwelling houses. For purposes of establishing speed limits in accordance with the provisions of section 49-654, Idaho Code, no state highway or any portion thereof lying within the boundaries of an urban district is subject to the limitations which otherwise apply to non-state highways within an urban district.

(12) "Documented vessel" means a vessel having a valid marine document as a vessel of the United States.

(13) "Downgrade" as it pertains to commercial drivers' licensing shall mean either:

(a) The driver has changed his or her medical requirement self-certification to interstate but operates exclusively in transportation or operations excepted from part 391 of the federal motor carrier safety regulations; or

(b) The driver has changed his or her medical requirement self-certification to intrastate and operates exclusively in transportation or operations as listed in section 67-2901B(2), Idaho Code; or

(c) The driver no longer has commercial motor vehicle driving privileges, but has retained privileges to drive noncommercial motor vehicles.

(14) "Drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a com-
mon selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicles within a certain distance or time limit.

(15) "Driver" means every person who drives or is in actual physical control of a vehicle.

(16) "Driver's license" means a license or permit issued by the depart-
ment or by any other jurisdiction to an individual which authorizes the indi-
vidual to operate a motor vehicle or commercial motor vehicle on the highways in accordance with the requirements of title 49, Idaho Code.

(17) "Driver's license -- Classes of" are issued for the operation of a vehicle based on the size of the vehicle or the type of load, and mean:

(a) Class A. This license shall be issued and valid for the operation of any combination of motor vehicles with a manufacturer's gross com-
nutation weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds, provided the manufacturer's gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of ten thousand (10,000) pounds. Persons holding a valid class A license may also operate vehi-
cles requiring a class B, C or D license.

(b) Class B. This license shall be issued and valid for the operation of any single vehicle with a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight rating (GVWR). Persons holding a valid class B license may also operate vehicles requiring a class C li-
cense or a class D license.

(c) Class C. This license shall be issued and valid for the operation of any single vehicle or combination of vehicles that does not meet the definition of class A or class B, as defined in this section, but that either is designed to transport sixteen (16) or more people including the driver, or is of any size which does not meet the definition of class A or class B and is used in the transportation of materials found to be hazardous according to the hazardous material transportation act and which requires the motor vehicle to be placarded under the federal haz-
ardous materials regulations 49 CFR part 172, subpart F. Persons holding a valid class C license may also operate vehicles requiring a class D license.

(d) Class D. This license shall be issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in section 49-123, Idaho Code.

(e) "Seasonal driver's license" means a special restricted class B or C driver's license to operate certain commercial vehicles in farm-re-
lated industries under restrictions imposed by the department. As used in this definition, "farm-related industry" shall mean custom har-
vesters, farm retail outlets and suppliers, agri-chemical businesses and livestock feeders. Seasonal driver's licenses are not valid for driving vehicles carrying any quantities of hazardous material requir-
ing placarding, except for diesel fuel in quantities of one thousand (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients, in vehicles or implements of husbandry with total capacities of three
thousand (3,000) gallons or less, and solid fertilizers, i.e., solid
plant nutrients, that are not mixed with any organic substance.

(18) "Driver record" means any record that pertains to an individual's
driver's license, driving permit, driving privileges, driving history,
identification documents or other similar credentials issued by the depart-
ment.

(19) "Driver's license endorsements" means special authorizations that
are required to be displayed on a driver's license which permit the driver to
operate certain types of commercial vehicles or commercial vehicles hauling
certain types of cargo, or to operate a motorcycle or a school bus.

(a) "Endorsement T -- Double/Triple trailer" means this endorsement is
required on a class A, B or C license to permit the licensee to operate a
vehicle authorized to tow more than one (1) trailer.

(b) "Endorsement H -- Hazardous material" means this endorsement is re-
quired on a class A, B or C license if the driver is operating a vehicle
used in the transportation of materials found to be hazardous according
to the hazardous material transportation act and which requires the mo-
tor vehicle to be placarded under the federal hazardous materials regu-
lations 49 CFR part 172, subpart F.

(c) "Endorsement P -- Passenger" means this endorsement is required on
a class A, B or C license to permit the licensee to operate a vehicle de-
gined to transport sixteen (16) or more people including the driver.

(d) "Endorsement N -- Tank vehicle" means this endorsement is required
on a class A, B or C license to permit the licensee to operate a tank ve-
Hicle as defined in section 49-123, Idaho Code.

(e) "Endorsement M -- Motorcycle" means this endorsement is required on
a driver's license to permit the driver to operate a motorcycle or mo-
tor-driven cycle.

(f) "Endorsement S -- School bus" means this endorsement is required on
a class A, B or C license to permit the licensee to operate a school bus
in accordance with 49 CFR part 383, to transport preprimary, primary or
secondary school students from home to school, from school to home, or
to and from school-sponsored events. School bus does not include a bus
used as a common carrier.

(20) "Driveway" means a private road giving access from a public way to a
building on abutting grounds.

(21) "Dromedary tractor" means every motor vehicle designed and used
primarily for drawing a semitrailer and so constructed as to carry mani-
fested cargo in addition to a part of the weight of the semitrailer.

SECTION 2. That Section 49-123, Idaho Code, be, and the same is hereby
amended to read as follows:

49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
axle or axles designed to support a part of the vehicle and load and which
can be regulated to vary the amount of load supported by such an axle or axles
and which can be deployed or lifted by the operator of the vehicle. (See also
section 49-117, Idaho Code)

(a) "Fully raised" means that the variable load suspension axle is in
an elevated position preventing the tires on such axle from having any
contact with the roadway.
(b) "Fully deployed" means that the variable load suspension axle is supporting a portion of the weight of the loaded vehicle as controlled by the preset pressure regulator valve.

(2) "Vehicle" means:

(a) General. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(b) Assembled vehicle or vessel. A vehicle or vessel, not including a salvage vehicle or vessel, that has been constructed using major component parts from two (2) or more vehicles or vessels or that has been repaired using new factory major component parts so that the resulting vehicle or vessel has the same appearance as a vehicle or vessel that was manufactured under a specific make and model by a manufacturer. A vehicle or vessel utilizing a kit for the entire body or a glider kit vehicle is not an assembled vehicle.

(c) Authorized emergency vehicle. Vehicles operated by any fire department or law enforcement agency of the state of Idaho or any political subdivision of the state, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, vehicles belonging to or operated by EMS personnel certified or otherwise recognized by the EMS bureau of the Idaho department of health and welfare while in the performance of emergency medical services, sheriff's search and rescue vehicles that are under the immediate supervision of the county sheriff, wreckers that are engaged in motor vehicle recovery operations and are blocking part or all of one lane or more lanes of traffic, other emergency vehicles designated by the director of the Idaho state police or vehicles authorized by the Idaho transportation board and used in the enforcement of laws specified in section 40–510, Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or greater.

(d) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and 9 of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or

(ii) Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or

(iii) Is designed to transport sixteen (16) or more people, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or
profit, or the transportation of property for the owner of the vehicle, or for hire, compensation, or profit, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 10, title 49, Idaho Code, and including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(e) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher, or by their agent, which are operated over public highways, and used exclusively to transport unprocessed agricultural products raised, owned or grown by the owner of the vehicle to market or place of storage; and shall include the transportation by the farmer or rancher of any equipment, supplies or products purchased by that farmer or rancher for his own use, and used in the farming or ranching operation or used by a farmer partly in transporting agricultural products or livestock from the farm of another farmer that were originally grown or raised on the farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on the farm but not transported for hire, and shall not include vehicles of husbandry or vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

(f) Foreign vehicle. Every vehicle of a type required to be registered under the provisions of this title brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(g) Glider kit vehicle. Every large truck manufactured from a kit manufactured by a manufacturer of large trucks which consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The "glider kit" is made into a complete assembly by the addition of the engine, transmission, rear axles, wheels and tires.

(h) Motor vehicle. Every vehicle which is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.

(i) Multipurpose passenger vehicle (MPV). For the purposes of section 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer persons which is constructed either on a truck chassis or with special features for occasional off-road operation.
(j) Neighborhood electric vehicle (NEV). A self-propelled, electrically powered, four-wheeled motor vehicle which is emission free and conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under federal regulations at 49 CFR part 571. An NEV shall be titled, registered and insured according to law as provided respectively in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated by a licensed driver. Operation of an NEV on a highway shall be allowed as provided in section 49-663, Idaho Code.

(k) Noncommercial vehicle. For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a noncommercial vehicle shall not include those vehicles required to be registered under sections 49-402 and 49-402A, Idaho Code, and means all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles, but shall include motor homes. A noncommercial vehicle shall include those vehicles having a combined gross weight not in excess of sixty thousand (60,000) pounds and not held out for hire, used for purposes related to private use and not used in the furtherance of a business or occupation for compensation or profit or for transporting goods for other than the owner.

(l) Passenger car. For the purposes of section 49-966, Idaho Code, a motor vehicle, except a multipurpose passenger vehicle, motorcycle or trailer, designed to carry ten (10) or fewer persons.

(m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previously determined or declared to be a salvage vehicle that has been rebuilt or repaired using like make and model parts and visually appears as a vehicle or vessel that was originally constructed under a distinctive manufacturer. This includes a salvage vehicle or vessel which is damaged to the extent that a "rebuilt salvage" brand is required to be added to the title.

(n) Replica vehicle or vessel. A vehicle or vessel made to replicate any vehicle or vessel previously manufactured, using metal, fiberglass or other composite materials. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles shall meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated.

(o) Salvage vehicle or vessel. Any vehicle or vessel for which a salvage certificate of title, salvage bill of sale or other documentation has been issued showing evidence that the vehicle or vessel has been declared salvage or which has been damaged to the extent that the owner, or an insurer, or other person acting on behalf of the owner, determines that the cost of parts and labor minus the salvage value makes it uneconomical to repair or rebuild. When an insurance company has paid money or has made other monetary settlement as compensation for a total loss of any vehicle or vessel, such vehicle shall be considered to be a salvage vehicle or vessel.

(p) Specially constructed vehicle or vessel. Every vehicle or vessel of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized man-
manufacturer of vehicles or vessels and not materially altered from its
original construction and cannot be visually identified as a vehicle or
vessel produced by a particular manufacturer. This includes:
(i) A vehicle or vessel that has been structurally modified so
that it does not have the same appearance as a similar vehicle or
vessel from the same manufacturer; or
(ii) A vehicle or vessel that has been constructed entirely from
homemade parts and materials not obtained from other vehicles or
vessels; or
(iii) A vehicle or vessel that has been constructed by using major
component parts from one (1) or more manufactured vehicles or ves-
sels and cannot be identified as a specific make or model; or
(iv) A vehicle or vessel constructed by the use of a custom kit
that cannot be visually identified as a specific make or model.
All specially constructed vehicles of a type required to be reg-
istered shall be certified by the owner to meet all applicable
federal motor vehicle safety standards in effect at the time con-
struction is completed, and all requirements of chapter 9, title
49, Idaho Code.
(q) Specialty off-highway vehicle. A specialty off-highway vehicle as
defined in section 67-7101, Idaho Code.
(r) Tank vehicle.
(i) Any commercial motor vehicle transporting, or designed to
transport, any liquid or gaseous materials within:
1. A tank that is either permanently or temporarily attached
or secured to the vehicle or chassis and has a rated capacity
of one thousand (1,000) gallons or more; or
2. Multiple tanks either permanently or temporarily at-
tached or secured, when the aggregate rated capacity of
those tanks is one thousand (1,000) gallons or more, as de-
termined by adding the capacity of each individual tank with
a capacity of more than one hundred nineteen (119) gallons.
(ii) If a commercial motor vehicle transports one (1) or more
tanks that are manifested either as empty or as residue and that
are actually empty or contain only residue, those tanks shall not
be considered in determining whether the vehicle is a tank vehi-
cle.
(s) Total loss vehicle. Every vehicle that is deemed to be unecono-
rical to repair. A total loss shall occur when an insurance company or any
other person pays or makes other monetary settlement to the owner when
it is deemed to be uneconomical to repair the damaged vehicle. The com-
pensation for total loss as defined herein shall not include payments
by an insurer or other person for medical care, bodily injury, vehicle
rental or for anything other than the amount paid for the actual damage
to the vehicle.
(3) "Vehicle identification number." (See "identifying number," sec-
tion 49-110, Idaho Code)
(4) "Vehicle salesman" means any person who, for a salary, commission
or compensation of any kind, is employed either directly or indirectly, or
regularly or occasionally by any dealer to sell, purchase or exchange, or to
negotiate for the sale, purchase or exchange of vehicles. (See also "full-time salesman," section 49-107, Idaho Code, and "part-time salesman," section 49-117, Idaho Code)

(5) "Vessel." (See section 67-7003, Idaho Code)

(6) "Veteran." (See section 65-502, Idaho Code)

(7) "Violation" means a conviction of a misdemeanor charge involving a moving traffic violation, or an admission or judicial determination of the commission of an infraction involving a moving traffic infraction, except bicycle infractions.