

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 508

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO ELECTRIC-ASSISTED BICYCLES; AMENDING SECTION 49-106, IDAHO  
2 CODE, TO DEFINE THE TERM "ELECTRIC-ASSISTED BICYCLE" AND TO REVISE DEF-  
3 INITIONS; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE DEFINITIONS;  
4 AMENDING SECTION 49-123, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING  
5 SECTION 49-310, IDAHO CODE, TO PROVIDE APPLICATION TO ELECTRIC-AS-  
6 SISTED BICYCLE INFRACTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
7 SECTION 40-616, IDAHO CODE, TO PROVIDE APPLICATION TO ELECTRIC-AS-  
8 SISTED BICYCLES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
9 49-666, IDAHO CODE, TO PROVIDE APPLICATION TO ELECTRIC-ASSISTED BICY-  
10 CLES; AMENDING SECTION 49-720, IDAHO CODE, TO PROVIDE APPLICATION OF  
11 STOPPING AND TURN SIGNAL REQUIREMENTS TO ELECTRIC-ASSISTED BICYCLES,  
12 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;  
13 AND AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF NEW SEC-  
14 TIONS 49-725 THROUGH 49-732, IDAHO CODE, TO PROVIDE RIGHTS AND DUTIES OF  
15 ELECTRIC-ASSISTED BICYCLES, TO PROVIDE INSURANCE, LICENSING AND REG-  
16 ISTRATION REQUIREMENTS, TO PROVIDE TAMPERING RESTRICTIONS, TO PROVIDE  
17 FOR CONSUMER PRODUCT SAFETY COMMISSION COMPLIANCE, TO PROVIDE FOR PATH  
18 USE BY CLASS 1 AND 2 ELECTRIC-ASSISTED BICYCLES, TO PROVIDE PATH USE BY  
19 CLASS 3 ELECTRIC-ASSISTED BICYCLES, TO PROVIDE AN AGE RESTRICTION FOR  
20 OPERATING A CLASS 3 ELECTRIC-ASSISTED BICYCLE AND TO PROVIDE FOR VIOLA-  
21 TIONS.  
22

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

24 SECTION 1. That Section 49-106, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 49-106. DEFINITIONS -- E. (1) "Electric-assisted bicycle" means a bi-  
27 cycle equipped with fully operable pedals and an electric motor of less than  
28 seven hundred fifty (750) watts and that meets one (1) of the following re-  
29 quirements:

30 (a) "Class 1 electric-assisted bicycle" or "low-speed pedal-assisted  
31 electric-assisted bicycle" means a bicycle equipped with a motor that  
32 provides assistance only when the rider is pedaling and ceases when the  
33 rider stops pedaling or when the bicycle reaches the speed of twenty  
34 (20) miles per hour.

35 (b) "Class 2 electric-assisted bicycle" or "low-speed throttle-as-  
36 sisted electric-assisted bicycle" means a bicycle equipped with a motor  
37 that may be used exclusively to propel the bicycle and that is not capa-  
38 ble of providing assistance when the bicycle reaches the speed of twenty  
39 (20) miles per hour.

40 (c) "Class 3 electric-assisted bicycle" or "pedal-assisted elec-  
41 tric-assisted bicycle" means a bicycle equipped with a motor that  
42 provides assistance only when the rider is pedaling and ceases when

1        the rider stops pedaling or when the bicycle reaches the speed of  
 2        twenty-eight (28) miles per hour.

3        (2) "Electric personal assistive mobility device" means a self-balanc-  
 4        ing two (2) nontandem wheeled device having no more than three (3) wheels de-  
 5        signed to transport only one (1) person, with an electric propulsion system  
 6        that limits the maximum speed of the device to fifteen (15) miles per hour or  
 7        less.

8        (23) "Emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

9        (34) "Encumbrance." (See "Lien," section 49-113, Idaho Code)

10       (45) "EPA" means the environmental protection agency of the United  
 11       States.

12       (56) "Essential parts" means all integral and body parts of a vehicle  
 13       of a type required to be registered, the removal, alteration or substitution  
 14       of which would tend to conceal the identity of the vehicle or substantially  
 15       alter its appearance, model, type or mode of operation.

16       (67) "Established place of business" means a place occupied either con-  
 17       tinuously or at regular periods by a dealer or manufacturer where his books  
 18       and records are kept and a large share of his business is transacted.

19       (78) "Excessive" or "unusual noise" means any sound made by a passen-  
 20       ger motor vehicle or a motorcycle at any time under any condition of grade,  
 21       speed, acceleration or deceleration, which exceeds ninety-two (92) deci-  
 22       bels, or any lower decibel level that is fixed by law or rules adopted by the  
 23       board of health and welfare, on the "A" scale of a general radio company No.  
 24       1551-B sound level meter, or equivalent, stationed at a distance of not less  
 25       than twenty (20) feet to the side of a vehicle or motorcycle as the vehicle or  
 26       motorcycle passes the ~~soundmeter~~ sound meter or is stationed not less than  
 27       twenty (20) feet from a stationary motor or engine.

28       (89) "Excessive speed" means any speed of fifteen (15) miles per hour  
 29       or more above the posted speed limit, and is only for purposes of determining  
 30       disqualification of commercial driving privileges.

31       (910) "Executive head," as used in chapter 20, title 49, Idaho Code,  
 32       means the governor of the state of Idaho.

33       (101) "Explosives" means any chemical compound or mechanical mixture  
 34       that is commonly used or intended for the purpose of producing an explosion  
 35       and which contains any oxidizing and combustive units or other ingredients  
 36       in proportions, quantities or packing that an ignition by fire, by friction,  
 37       by concussion, by percussion or by detonator of any part of the compound or  
 38       mixture may cause a sudden generation of highly heated gases with which the  
 39       resultant gaseous pressures are capable of producing destructive effects on  
 40       contiguous objects or of destroying life or limb.

41       (112) "Extraordinary circumstances" means any situation where an emer-  
 42       gency exists or public safety is endangered, or any situation in which a ve-  
 43       hicle:

44       (a) Is blocking or impeding traffic; or

45       (b) Is causing a hazard; or

46       (c) Has the potential of impeding any emergency vehicle; or

47       (d) Is impeding any snow removal or other road maintenance operation;

48       or

49       (e) Has been stolen but not yet reported as recovered; or

- 1 (f) Is not registered, or displays a license plate registration tag  
 2 which has been expired; or  
 3 (g) Has been involved in an accident and remains on the highway; or  
 4 (h) The driver has been arrested.

5 SECTION 2. That Section 49-114, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7 49-114. DEFINITIONS -- M. (1) "Major component part" for vehicles  
 8 means a rear or rear clip, frame or subframe, body or center, passenger area,  
 9 cab, front or front end assembly or front clip or nose section or roof of pas-  
 10 senger compartment. "Major component part" for vessels means a hull, bow,  
 11 gunnel, stern or transom, or permanently attached propulsion unit.

12 (2) "Manifest" means a form used for identifying the quantity, compo-  
 13 sition, origin, routing, waste or material identification code and desti-  
 14 nation of hazardous material or hazardous waste during any transportation  
 15 within, through, or to any destination in this state.

16 (3) "Manufactured home." (See section 39-4105, Idaho Code)

17 (4) "Manufacturer" means every person engaged in the business of con-  
 18 structing or assembling vehicles of a type required to be registered at an  
 19 established place of business in this state. The term, for purposes of sec-  
 20 tions 49-1613 through 49-1615, 49-1617, 49-1622 and 49-1623, Idaho Code,  
 21 shall include a distributor and other factory representatives.

22 (5) "Manufacturer's year designation" means the model year designated  
 23 by the vehicle manufacturer, and not the year in which the vehicle is, in  
 24 fact, manufactured.

25 (6) "Maximum gross weight" means the scale weight of a vehicle,  
 26 equipped for operation, to which shall be added the maximum load to be car-  
 27 ried as declared by the owner in making application for registration. When  
 28 a vehicle against which a registration fee is assessed is a combination of  
 29 vehicles, the term "maximum gross weight" means the combined maximum gross  
 30 weights of all vehicles in the combination.

31 (7) "Metal tire." (See "Tires," section 49-121, Idaho Code)

32 (8) "Mileage" means actual distance that a vehicle has traveled.

33 (9) "Moped" means a limited-speed motor-driven cycle having:

34 (a) ~~Both motorized and pedal~~ propulsion that is not capable of pro-  
 35 pelling the vehicle at a speed in excess of thirty (30) miles per hour  
 36 on level ground, whether two (2) or three (3) wheels are in contact with  
 37 the ground during operation. If an internal combustion engine is used,  
 38 the displacement shall not exceed fifty (50) cubic centimeters and the  
 39 moped shall have a power drive system that functions directly or auto-  
 40 matically without clutching or shifting by the operator after the drive  
 41 system is engaged; or

42 (b) Two (2) wheels or three (3) wheels with no pedals, which is powered  
 43 solely by electrical energy, has an automatic transmission, a motor  
 44 ~~which that~~ produces less than two (2) gross brake horsepower, is capable  
 45 of propelling the device at a maximum speed of not more than thirty (30)  
 46 miles per hour on level ground and, as originally manufactured, meets  
 47 federal motor vehicle safety standards for motor-driven cycles is not  
 48 an electric-assisted bicycle as defined in section 49-106, Idaho Code.

1 A moped is not required to be titled and no motorcycle endorsement is  
2 required for its operator.

3 A moped does not include an electric-assisted bicycle.

4 (10) "Motorbike" means a vehicle as defined in section 67-7101, Idaho  
5 Code. Such vehicle shall be titled and may be approved for motorcycle reg-  
6 istration pursuant to section 49-402, Idaho Code, upon certification by the  
7 owner of the installation and use of conversion components that make the  
8 motorbike compliant with federal motor vehicle safety standards. A motor-  
9 bike is not an electric-assisted bicycle as defined in section 49-106, Idaho  
10 Code.

11 (11) "Motorcycle" means every motor vehicle having a seat or saddle for  
12 the use of the rider, designed to travel on not more than three (3) wheels  
13 in contact with the ground or designed to travel on two (2) wheels in con-  
14 tact with the ground which is modified by the addition of two (2) stabilizing  
15 wheels on the rear of the motor vehicle, that meets the federal motor vehi-  
16 cle safety standards as originally designed, and includes a converted motor-  
17 bike, but does not include a motor-driven cycle, a motorbike, a tractor, an  
18 electric-assisted bicycle or a moped.

19 (12) "Motor carrier" means an individual, partnership, corporation or  
20 other legal entity engaged in the transportation by motor vehicle of persons  
21 or property in the furtherance of a business or for hire.

22 (13) "Motor-driven cycle" means a cycle with a motor that produces five  
23 (5) brake horsepower or less as originally manufactured that meets federal  
24 motor vehicle safety standards as originally designed, and does not include  
25 mopeds or electric-assisted bicycles. Such vehicle shall be titled and a mo-  
26 torcycle endorsement is required for its operation.

27 (14) "Motor home" means a vehicular unit designed to provide temporary  
28 living quarters, built into an integral part or permanently attached to a  
29 self-propelled motor vehicle chassis. The vehicle must contain permanently  
30 installed independent life support systems ~~which~~ that meet the national fire  
31 protection association (NFPA) 1192 standard on recreational vehicles, and  
32 provide at least four (4) of the following facilities: cooking, refriger-  
33 ation or icebox, self-contained toilet, heating and/or air conditioning, a  
34 potable water supply system, including a faucet and sink, separate 110-125  
35 volt electrical power supply and/or LP-gas supply.

36 (15) "Motorized wheelchair" means a motor vehicle with a speed not in  
37 excess of eight (8) miles per hour, designed for and used by a person with a  
38 disability.

39 (16) "Motor number." (See "Identifying number," section 49-110, Idaho  
40 Code)

41 (17) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

42 (18) "Motor vehicle liability policy" means an owner's or operator's  
43 policy of liability insurance, certified as provided in section 49-1210,  
44 Idaho Code, as proof of financial responsibility, and issued by an insurance  
45 carrier duly authorized to transact business in this state, to or for the  
46 benefit of the person named therein as insured.

47 (19) "Motor vehicle record" means any record that pertains to a motor  
48 vehicle registration, motor vehicle title or identification documents or  
49 other similar credentials issued by the department or other state or local  
50 agency.

1       (20) "Multiuse path" or "trail" is a path physically separated from mo-  
2 tor vehicle traffic by an open space or barrier and within either a public  
3 right-of-way or easement that accommodates two-way nonmotorized travelers  
4 including pedestrians, bicyclists, joggers and skaters.

5       SECTION 3. That Section 49-123, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7       49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an  
8 axle or axles designed to support a part of the vehicle and load and which  
9 can be regulated to vary the amount of load supported by such an axle or axles  
10 and which can be deployed or lifted by the operator of the vehicle. (See also  
11 section 49-117, Idaho Code)

12       (a) "Fully raised" means that the variable load suspension axle is in  
13 an elevated position preventing the tires on such axle from having any  
14 contact with the roadway.

15       (b) "Fully deployed" means that the variable load suspension axle is  
16 supporting a portion of the weight of the loaded vehicle as controlled  
17 by the preset pressure regulator valve.

18       (2) "Vehicle" means:

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

22       (b) Assembled vehicle or vessel. A vehicle or vessel, not including a  
23 salvage vehicle or vessel, that has been constructed using major compo-  
24 nent parts from two (2) or more vehicles or vessels or that has been re-  
25 paired using new factory major component parts so that the resulting ve-  
26 hicle or vessel has the same appearance as a vehicle or vessel that was  
27 manufactured under a specific make and model by a manufacturer. A vehi-  
28 cle or vessel utilizing a kit for the entire body or a glider kit vehicle  
29 is not an assembled vehicle.

30       (c) Authorized emergency vehicle. Vehicles operated by any fire  
31 department or law enforcement agency of the state of Idaho or any po-  
32 litical subdivision of the state, ambulances, vehicles belonging to  
33 personnel of voluntary fire departments while in performance of offi-  
34 cial duties only, vehicles belonging to, or operated by EMS personnel  
35 certified or otherwise recognized by the EMS bureau of the Idaho depart-  
36 ment of health and welfare while in the performance of emergency medical  
37 services, sheriff's search and rescue vehicles that are under the imme-  
38 diate supervision of the county sheriff, wreckers that are engaged in  
39 motor vehicle recovery operations and are blocking part or all of one  
40 (1) or more lanes of traffic, other emergency vehicles designated by the  
41 director of the Idaho state police or vehicles authorized by the Idaho  
42 transportation board and used in the enforcement of laws specified  
43 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand  
44 (10,000) pounds or greater.

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

- 1 (i) Has a manufacturer's gross combination weight rating (GCWR)  
2 in excess of twenty-six thousand (26,000) pounds inclusive of  
3 a towed unit with a manufacturer's gross vehicle weight rating  
4 (GVWR) of more than ten thousand (10,000) pounds; or  
5 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in  
6 excess of twenty-six thousand (26,000) pounds; or  
7 (iii) Is designed to transport sixteen (16) or more people, in-  
8 cluding the driver; or  
9 (iv) Is of any size and is used in the transportation of materials  
10 found to be hazardous for the purposes of the hazardous material  
11 transportation act and which require the motor vehicle to be plac-  
12 arded under the hazardous materials regulations (49 CFR part 172,  
13 subpart F).

14 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle  
15 registration, a vehicle or combination of vehicles of a type used or  
16 maintained for the transportation of persons for hire, compensation or  
17 profit, or the transportation of property for the owner of the vehicle,  
18 or for hire, compensation, or profit, and shall include fixed load spe-  
19 cially constructed vehicles exceeding the limits imposed by chapter  
20 10, title 49, Idaho Code, and including drilling rigs, construction,  
21 drilling and wrecker cranes, log jammers, log loaders, and similar  
22 vehicles which are normally operated in an overweight or oversize  
23 condition or both, but shall not include those vehicles registered pur-  
24 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section  
25 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement  
26 that has a seating capacity for not more than fifteen (15) persons,  
27 including the driver, shall not be a "commercial vehicle" under the pro-  
28 visions of this title relating to equipment requirements, rules of the  
29 road, or registration.

30 (e) Farm vehicle. A vehicle or combination of vehicles owned by a  
31 farmer or rancher, or by their designated agent, which ~~are~~ is operated  
32 over public highways, and used exclusively to transport unprocessed  
33 agricultural products raised, owned or grown by the owner of the vehicle  
34 to market or place of storage; and shall include the transportation by  
35 the farmer or rancher of any equipment, supplies or products purchased  
36 by that farmer or rancher for his own use, and used in the farming or  
37 ranching operation or used by a farmer partly in transporting agricul-  
38 tural products or livestock from the farm of another farmer that were  
39 originally grown or raised on the farm, or when used partly in trans-  
40 porting agricultural supplies, equipment, materials or livestock to  
41 the farm of another farmer for use or consumption on the farm but not  
42 transported for hire, and shall not include vehicles of husbandry or ve-  
43 hicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

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

49 (g) Glider kit vehicle. Every large truck manufactured from a kit man-  
50 ufactured by a manufacturer of large trucks which consists of a frame,

1 cab complete with wiring, instruments, fenders and hood and front axles  
2 and wheels. The "glider kit" is made into a complete assembly by the ad-  
3 dition of the engine, transmission, rear axles, wheels and tires.

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

12 (i) Multipurpose passenger vehicle (MPV). For the purposes of section  
13 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer  
14 persons which is constructed either on a truck chassis or with special  
15 features for occasional off-road operation.

16 (j) Neighborhood electric vehicle (NEV). A self-propelled, electri-  
17 cally powered, four-wheeled motor vehicle which is emission free and  
18 conforms to the definition and requirements for low-speed vehicles as  
19 adopted in the federal motor vehicle safety standards for low-speed ve-  
20 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-  
21 tled, registered and insured according to law as provided respectively  
22 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated  
23 by a licensed driver. Operation of an NEV on a highway shall be allowed  
24 as provided in section 49-663, Idaho Code.

25 (k) Noncommercial vehicle. For the purposes of chapter 4, title 49,  
26 Idaho Code, motor vehicle registration, a noncommercial vehicle shall  
27 not include those vehicles required to be registered under sections  
28 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-  
29 nations of vehicles which are not commercial vehicles or farm vehicles,  
30 but shall include motor homes. A noncommercial vehicle shall include  
31 those vehicles having a combined gross weight not in excess of sixty  
32 thousand (60,000) pounds and not held out for hire, used for purposes  
33 related to private use and not used in the furtherance of a business or  
34 occupation for compensation or profit or for transporting goods for  
35 other than the owner.

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

39 (m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previ-  
40 ously determined or declared to be a salvage vehicle that has been re-  
41 built or repaired using like make and model parts and visually appears  
42 as a vehicle or vessel that was originally constructed under a distinc-  
43 tive manufacturer. This includes a salvage vehicle or vessel which is  
44 damaged to the extent that a "rebuilt salvage" brand is required to be  
45 added to the title.

46 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate  
47 any vehicle or vessel previously manufactured, using metal, fiberglass  
48 or other composite materials. Replica vehicles must look like the origi-  
49 nal vehicle being replicated but may use a more modern drive train. At  
50 a minimum, replica vehicles shall meet the same federal motor vehicle

1 safety and emission standards in effect for the year and type of vehicle  
2 being replicated.

3 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-  
4 vage certificate of title, salvage bill of sale or other documentation  
5 has been issued showing evidence that the vehicle or vessel has been de-  
6 clared salvage or which has been damaged to the extent that the owner,  
7 or an insurer, or other person acting on behalf of the owner, determines  
8 that the cost of parts and labor minus the salvage value makes it uneco-  
9 nomical to repair or rebuild. When an insurance company has paid money  
10 or has made other monetary settlement as compensation for a total loss  
11 of any vehicle or vessel, such vehicle shall be considered to be a sal-  
12 vage vehicle or vessel.

13 (p) Specially constructed vehicle or vessel. Every vehicle or vessel  
14 of a type required to be registered not originally constructed under a  
15 distinctive name, make, model or type by a generally recognized man-  
16 ufacturer of vehicles or vessels and not materially altered from its  
17 original construction and cannot be visually identified as a vehicle or  
18 vessel produced by a particular manufacturer. This includes:

19 (i) A vehicle or vessel that has been structurally modified so  
20 that it does not have the same appearance as a similar vehicle or  
21 vessel from the same manufacturer; or

22 (ii) A vehicle or vessel that has been constructed entirely from  
23 homemade parts and materials not obtained from other vehicles or  
24 vessels; or

25 (iii) A vehicle or vessel that has been constructed by using major  
26 component parts from one (1) or more manufactured vehicles or ves-  
27 sels and cannot be identified as a specific make or model; or

28 (iv) A vehicle or vessel constructed by the use of a custom kit  
29 that cannot be visually identified as a specific make or model.

30 All specially constructed vehicles of a type required to be reg-  
31 istered shall be certified by the owner to meet all applicable  
32 federal motor vehicle safety standards in effect at the time con-  
33 struction is completed, and all requirements of chapter 9, title  
34 49, Idaho Code.

35 (q) Specialty off-highway vehicle. A specialty off-highway vehicle as  
36 defined in section 67-7101, Idaho Code.

37 (r) Tank vehicle.

38 (i) Any commercial motor vehicle transporting, or designed to  
39 transport, any liquid or gaseous materials within:

40 1. A tank that is either permanently or temporarily attached  
41 or secured to the vehicle or chassis and has a rated capacity  
42 of one thousand (1,000) gallons or more; or

43 2. Multiple tanks either permanently or temporarily at-  
44 tached or secured, when the aggregate rated capacity of  
45 those tanks is one thousand (1,000) gallons or more, as de-  
46 termined by adding the capacity of each individual tank with  
47 a capacity of more than one hundred nineteen (119) gallons.

48 (ii) If a commercial motor vehicle transports one (1) or more  
49 tanks that are manifested either as empty or as residue and that  
50 are actually empty or contain only residue, those tanks shall not



1           be considered in determining whether the vehicle is a tank vehi-  
2           cle.

3           (s) Total loss vehicle. Every vehicle that is deemed to be uneconomi-  
4           cal to repair. A total loss shall occur when an insurance company or any  
5           other person pays or makes other monetary settlement to the owner when  
6           it is deemed to be uneconomical to repair the damaged vehicle. The com-  
7           pensation for total loss as defined herein shall not include payments  
8           by an insurer or other person for medical care, bodily injury, vehicle  
9           rental or for anything other than the amount paid for the actual damage  
10          to the vehicle.

11          (3) "Vehicle identification number." (See "identifying number," sec-  
12          tion 49-110, Idaho Code)

13          (4) "Vehicle salesman" means any person who, for a salary, commission  
14          or compensation of any kind, is employed either directly or indirectly, or  
15          regularly or occasionally by any dealer to sell, purchase or exchange, or to  
16          negotiate for the sale, purchase or exchange of vehicles. (See also "full-  
17          time salesman," section 49-107, Idaho Code, and "part-time salesman," sec-  
18          tion 49-117, Idaho Code)

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

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

21          (7) "Violation" means a conviction of a misdemeanor charge involving a  
22          moving traffic violation, or an admission or judicial determination of the  
23          commission of an infraction involving a moving traffic infraction, except  
24          bicycle infractions and electric-assisted bicycle infractions.

25          SECTION 4. That Section 49-310, Idaho Code, be, and the same is hereby  
26          amended to read as follows:

27          49-310. APPLICATIONS OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS. (1)  
28          The application of any person under the age of eighteen (18) years for any  
29          class D instruction permit, restricted driver's license, restricted school  
30          attendance driving permit, driver training instruction permit or driver's  
31          license shall be signed and verified before a person authorized to adminis-  
32          ter oaths by either the father or mother of the applicant, if both are living  
33          and have custody of him; or if either be dead, then by the surviving parent  
34          who has custody of him; or by the Idaho resident host of a foreign exchange  
35          student; or in the event neither parent is living, or if living and does  
36          not have the custody of the applicant, then by the person or guardian having  
37          such custody, with verifiable custody or guardianship documents, or by an  
38          employer of the applicant. In the event there is no guardian or employer  
39          then some other responsible person willing to assume the obligation for the  
40          applicant may sign the application. Any person who signs the applicant's  
41          application shall attest that the applicant is in compliance with the school  
42          attendance provisions of section 49-303A, Idaho Code. When the minor per-  
43          son applies for a class D driver's license, a parent or guardian or a person  
44          authorized by the parent or guardian shall attest that the minor person has  
45          satisfied the requirements and conditions applicable to the class D super-  
46          vised instruction permit pursuant to section 49-307, Idaho Code. The person  
47          willing to assume responsibility for the applicant must be at least eighteen  
48          (18) years of age. When signing for a restricted school attendance driving  
49          permit, the person signing the applicant's application shall attest that

1 the conditions set forth within section 49-307A, Idaho Code, are met. Each  
 2 application for a restricted school attendance driving permit shall also be  
 3 signed by the local county sheriff, the president of the board of trustees  
 4 of the local school district, and the school principal of the applicant's  
 5 school, verifying that the conditions set forth within section 49-307A,  
 6 Idaho Code, are met.

7 (2) Any negligence or willful misconduct of a person under the age of  
 8 eighteen (18) years when operating a motor vehicle upon a highway shall be  
 9 imputed to the person who signed the application of that person for a permit  
 10 or driver's license, and that person shall be jointly and severally liable  
 11 with the permit or driver's license holder for any damage caused by negli-  
 12 gence or willful misconduct, except as otherwise provided by law.

13 (3) In the event a permit or driver's license holder under the age of  
 14 eighteen (18) years maintains, or there is maintained upon his behalf, proof  
 15 of financial responsibility as required under the motor vehicle financial  
 16 responsibility laws of this state, or by the director if the form and amount  
 17 is not fixed by law, then the department may accept the application when  
 18 signed by one (1) parent or guardian of the applicant, and while that proof is  
 19 maintained the parent or guardian shall not be subject to liability for the  
 20 negligence or willful misconduct of the person under the age of eighteen (18)  
 21 years, as imposed under subsection (2) of this section.

22 (4) Any person who has signed the application of a minor for a permit or  
 23 driver's license shall be liable civilly for the payment of any court penalty  
 24 imposed because the minor has been found to have committed an infraction vi-  
 25 olation. The provisions of this section shall not apply or create any civil  
 26 liability for the person signing the application in connection with any  
 27 pedestrian, ~~or~~ bicycle infraction or electric-assisted bicycle infraction,  
 28 and provided this subsection shall not apply to any civil action where the  
 29 plaintiff is other than the state of Idaho.

30 SECTION 5. That Section 40-616, Idaho Code, be, and the same is hereby  
 31 amended to read as follows:

32 40-616. SIDEWALKS OR SIDE PATHS. Commissioners and boards of commis-  
 33 sioners of any highway district are empowered to set apart on and along any  
 34 public highway outside the boundaries of incorporated cities a strip of land  
 35 not exceeding eight (8) feet in width for a sidewalk or side path and to make  
 36 an order designating the width of the path and to cause the line separating  
 37 the path from the highway proper to be located and marked with stakes, posts,  
 38 grade or other marker. After the sidewalks and paths have been set apart  
 39 and the line separating them from the highway has been located and marked,  
 40 the use shall be restricted to pedestrians, ~~and~~ riders of bicycles propelled  
 41 solely by the power of the rider and riders of electric-assisted bicycles de-  
 42 defined in section 49-106, Idaho Code.

43 SECTION 6. That Section 49-666, Idaho Code, be, and the same is hereby  
 44 amended to read as follows:

45 49-666. MOTORCYCLE, MOTORBIKE, ELECTRIC-ASSISTED BICYCLES, UTV AND  
 46 ATV SAFETY HELMETS -- REQUIREMENTS AND STANDARDS. No person under eighteen  
 47 (18) years of age shall ride upon or be permitted to operate a motorcycle,

1 motorbike, electric-assisted bicycle, utility type vehicle or an all-ter-  
 2 rain vehicle unless at all times when so operating or riding upon the vehicle  
 3 he is wearing, as part of his motorcycle, motorbike, UTV or ATV equipment,  
 4 a protective safety helmet of a type and quality equal to or better than the  
 5 standards established for helmets by the director, except the provisions of  
 6 this section shall not apply when such vehicles are operated or ridden on  
 7 private property, or when used as an implement of husbandry, and shall also  
 8 not apply to completely enclosed autocycles.

9 SECTION 7. That Section 49-720, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 49-720. STOPPING -- TURN AND STOP SIGNALS. (1) A person operating a bi-  
 12 cycle, ~~or~~ human-powered vehicle or an electric-assisted bicycle approaching  
 13 a stop sign shall slow down and, if required for safety, stop before enter-  
 14 ing the intersection. After slowing to a reasonable speed or stopping, the  
 15 person shall yield the right-of-way to any vehicle in the intersection or ap-  
 16 proaching on another highway so closely as to constitute an immediate haz-  
 17 ard during the time the person is moving across or within the intersection  
 18 or junction of highways, except that a person after slowing to a reasonable  
 19 speed and yielding the right-of-way, if required, may cautiously make a turn  
 20 or proceed through the intersection without stopping.

21 (2) A person operating a bicycle or human-powered vehicle approaching a  
 22 steady red traffic control light shall stop before entering the intersection  
 23 and shall yield to all other traffic. Once the person has yielded, he may  
 24 proceed through the steady red light with caution. Provided however, that  
 25 a person after slowing to a reasonable speed and yielding the right-of-way,  
 26 if required, may cautiously make a right-hand turn. A left-hand turn onto  
 27 a one-way highway may be made on a red light after stopping and yielding to  
 28 other traffic.

29 (3) A person riding a bicycle shall comply with the provisions of sec-  
 30 tion ~~49-643~~ 49-644, Idaho Code.

31 (4) A signal of intention to turn right or left shall be given during  
 32 not less than the last one hundred (100) feet traveled by the bicycle before  
 33 turning, provided that a signal by hand and arm need not be given if the hand  
 34 is needed in the control or operation of the bicycle.

35 SECTION 8. That Chapter 7, Title 49, Idaho Code, be, and the same is  
 36 hereby amended by the addition thereto of NEW SECTIONS, to be known and des-  
 37 ignated as Sections 49-725 through 49-732, Idaho Code, and to read as fol-  
 38 lows:

39 49-725. RIGHTS AND DUTIES OF ELECTRIC-ASSISTED BICYCLES. Except as  
 40 otherwise provided in this title, an electric-assisted bicycle or an oper-  
 41 ator of an electric-assisted bicycle shall be afforded all the rights and  
 42 privileges, and be subject to all of the duties and safety requirements, of  
 43 a nonelectric-assisted bicycle or the operator of a nonelectric-assisted  
 44 bicycle.

45 49-726. INSURANCE, LICENSING, AND REGISTRATION. Class 1, 2 and 3  
 46 electric-assisted bicycles are not subject to the provisions of section

1 49-301(1), Idaho Code, relating to driver's licenses. An electric-assisted  
2 bicycle is not a motor vehicle. An electric-assisted bicycle and any person  
3 operating an electric-assisted bicycle are not subject to the provisions of  
4 this title relating to financial responsibility, driver's licenses, titles  
5 registration and license plate requirements.

6 49-727. TAMPERING RESTRICTION. (1) A person shall not tamper with or  
7 modify an electric-assisted bicycle so as to change the motor-powered speed  
8 capability or motor engagement (between pedal-assist and throttle-assist  
9 types of engagement) of an electric-assisted bicycle, unless he appropri-  
10 ately replaces the label indicating the classification required in this  
11 section.

12 (2) A person shall not tamper with or modify an electric-assisted bicy-  
13 cle in a manner that allows the motor to provide assistance above the speed  
14 of:

15 (a) Twenty (20) miles per hour if the bike is being propelled exclu-  
16 sively by the motor; or

17 (b) Twenty-eight (28) miles per hour if the motor is providing assis-  
18 tance only when the rider is pedaling.

19 (3) A device shall no longer be considered an electric-assisted bicycle  
20 if the motor is modified such that the motor is capable of propelling the de-  
21 vice at a speed that exceeds:

22 (a) Twenty (20) miles per hour if the bike is being propelled exclu-  
23 sively by the motor; or

24 (b) Twenty-eight (28) miles per hour if the motor is providing assis-  
25 tance only when the rider is pedaling.

26 (4) A person violating the provisions of this section shall be guilty of  
27 a misdemeanor.

28 49-728. CONSUMER PRODUCT SAFETY COMMISSION COMPLIANCE. An electric-  
29 assisted bicycle shall comply with the equipment and manufacturing require-  
30 ments for bicycles adopted by the United States consumer product safety com-  
31 mission (16 CFR 1512).

32 49-729. PATH USE BY CLASS 1 AND 2 ELECTRIC-ASSISTED BICYCLES. A class  
33 1 electric-assisted bicycle or a class 2 electric-assisted bicycle may be  
34 used in all places where bicycles are permitted to travel including, but not  
35 limited to, bicycle and multiuse paths and trails. However, the municipal-  
36 ity, local authority or governing body of a public agency having jurisdic-  
37 tion over a path or trail may prohibit, by ordinance, the operation of a class  
38 1 or class 2 electric-assisted bicycle on that bicycle path or trail.

39 49-730. PATH USE BY CLASS 3 ELECTRIC-ASSISTED BICYCLES. A class 3  
40 electric-assisted bicycle shall not be operated on a bicycle or multiuse  
41 path or trail unless it is within or adjacent to a highway or roadway, or un-  
42 less the municipality, local authority or governing body of a public agency  
43 having jurisdiction over the path or trail permits, by ordinance, that op-  
44 eration.

1           49-731. AGE RESTRICTION. No person under the age of fifteen (15) years  
2 may operate a class 3 electric-assisted bicycle. A person under the age of  
3 fifteen (15) years may ride as a passenger on a class 3 electric-assisted bi-  
4 cycle that is designed to accommodate passengers.

5           49-732. VIOLATION. A violation of this chapter and chapter 6, title  
6 49, Idaho Code, shall be an infraction.