

SUMMARY STATEMENT

State v. Chad Christopher McKie

Docket No. 45239

The State charged Chad Christopher McKie with driving while under the influence (DUI), Idaho Code § 18-8004, which applies only to operators of motor vehicles while under the influence. At the time of McKie's arrest, he was operating a moped. At a preliminary hearing, McKie challenged the charge, arguing that a moped was not a motor vehicle pursuant to statute, and therefore his conduct did not fall within the ambit of the statutory proscription. The magistrate ruled that a moped fell within the statutory definition. McKie entered a conditional guilty plea to DUI, preserving his right to appeal the magistrate's ruling. On intermediate appeal, the district court affirmed the magistrate's ruling. On further appeal, McKie argued that a moped was explicitly excluded from the definition of motor vehicles for purposes of I.C. § 18-8004 because a moped was exempted from titling requirements. The Court of Appeals held that a moped is a motor vehicle within the meaning of I.C. § 18-8004. For purposes of I.C. § 18-3203, self-propelled vehicles are motor vehicles unless exempted. Since a moped is self-propelled, it is a motor vehicle unless it falls within the listed statutory exclusions. The Court of Appeals applied the ordinary rules of grammar and the plain meaning of the statutory words to conclude that the exclusion of vehicles refers to those of the same class, type, or sort as listed within the statute. Since a moped is not a vehicle that is in the same class, style or sort of vehicles listed within the statutory exclusions, a moped is not exempted from the statutory definition of motor vehicle for purposes of I.C. 18-8004. The Court of Appeals affirmed the district court's decision on intermediate appeal from the magistrate.