

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 208

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING SECTION 49-202, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RAILROAD CROSSINGS.

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

SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours, except for those records declared by law to be for the confidential use of the department, or those records containing personal information subject to restrictions or conditions regarding disclosure. If the department has contracted for a service to be provided by another entity, an additional fee shall be charged by that contractor whether the service is rendered during normal business hours, other than normal business hours or on weekends.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:

- (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license \$14.00
- (b) For issuing every Idaho certificate of title \$14.00
- (c) For furnishing a duplicate copy of any Idaho certificate of title \$14.00
- (d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section \$26.00
- (e) For recording a transitional ownership document, in addition to any other fee required by this section \$26.00
- (f) For furnishing a replacement of any receipt of registration \$5.00
- (g) For furnishing copies of registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record \$7.00
- Additional contractor fee, not to exceed \$4.00
- (h) For services in searching files of vehicle or other registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- (i) Placing "stop" cards in vehicle registration or title files, each \$21.00
- (j) For issuance of an assigned or replacement vehicle identification number (VIN) \$18.00
- (k) For a vehicle identification number (VIN) inspection whether conducted by a city or county peace officer or any other peace officer or designated agent of the state of Idaho, per inspection \$5.00

- 1 (l) For all replacement registration stickers, each \$2.00
- 2 (m) For issuing letters of temporary vehicle clearance
- 3 to Idaho-based motor carriers \$18.00
- 4 (n) For all sample license plates, each\$21.00
- 5 (o) For filing release of liability statements \$3.50
- 6 (p) For safety and insurance programs for each vehicle operated
- 7 by a motor carrier \$3.00

8 A lesser amount may be set by rule of the board.

9 (3) The fees required in this section shall not apply when the service
10 is furnished to any federal, state, county or city peace officer when such
11 service is required in the performance of their duties as peace officers.

12 (4) The department may enter into agreements with private companies or
13 public entities to provide the services for which a fee is collected in sub-
14 section (2) (g) of this section. Such private contractor shall collect the
15 fee prescribed and remit the fee to the department. The contractor shall
16 also collect and retain the additional fee charged for his services.

17 (5) (a) The department shall pay three dollars (\$3.00) of the fee col-
18 lected by a county assessor or other agent of the department as provided
19 in subsection (2) (a) through (f) of this section, and four dollars
20 (\$4.00) as provided in subsection (2) (g) of this section, to the county
21 assessor or sheriff of the county or agent collecting such fee, which
22 shall be deposited with the county treasurer and credited to the county
23 current expense fund. The remainder of the fees collected as provided
24 in that subsection shall be paid by the department to the state trea-
25 surer and placed in the state highway account.

26 (b) The fee collected under subsection (2) (k) of this section for a VIN
27 inspection shall be placed in the city general fund if conducted by a
28 city peace officer, in the county current expense fund if conducted by a
29 county peace officer, shall be retained by the special agent authorized
30 to perform the inspection, or paid to the state treasurer and placed to
31 the credit of the Idaho state police if conducted by the Idaho state po-
32 lice or in the state highway account if conducted by the department.

33 (c) The fee collected under subsection (2) (o) of this section for fil-
34 ing release of liability statements shall be retained by the county as-
35 sessor of the county collecting such fee, and shall be deposited with
36 the county treasurer and credited to the county current expense fund.

37 (d) The fee in subsection (2) (m) of this section shall not apply when
38 the Idaho-based motor carrier or its representative obtains and prints
39 the document using internet access.

40 (e) The fee collected under subsection (2) (p) of this section for mo-
41 tor carriers shall be paid by the department to the state treasurer and
42 placed in the state highway account. The director and the director of
43 the Idaho state police shall jointly determine the amount to be trans-
44 ferred from the state highway account to the law enforcement fund for
45 motor carrier safety programs conducted by the Idaho state police pur-
46 suant to the provisions of section 67-2901A, Idaho Code.

47 (6) The department as often as practicable may provide to law enforce-
48 ment agencies the record of suspensions and revocations of driver licenses
49 via the Idaho law enforcement telecommunications system (ILETS).

1 (7) The department shall provide the forms prescribed in chapter 5 of
2 this title, shall receive and file in its office in Ada county all instru-
3 ments required in chapter 5 of this title to be filed with the department,
4 shall prescribe a uniform method of numbering certificates of title, and
5 shall maintain in the department indices for such certificates of title. All
6 indices shall be by motor or identification number and alphabetical by name
7 of the owner.

8 (8) The department shall file each registration received under a
9 distinctive registration number assigned to the vehicle and to the owner
10 thereof.

11 (9) The department shall not renew a driver's license or identification
12 card when fees required by law have not been paid or where fees for past pe-
13 riods are due, owing and unpaid including insufficient fund checks, until
14 those fees have been paid.

15 (10) The department shall not grant the registration of a vehicle when:

16 (a) The applicant is not entitled to registration under the provisions
17 of this title; or

18 (b) The applicant has neglected or refused to furnish the department
19 with the information required in the appropriate form or reasonable ad-
20 ditional information required by the department; or

21 (c) The fees required by law have not been paid, or where fees for past
22 registration periods are due, owing and unpaid including insufficient
23 fund checks.

24 (11) The department or its authorized agents have the authority to re-
25 quest any person to submit to medical, vision, highway, or written examina-
26 tions, to protect the safety of the public upon the highways. The depart-
27 ment or its authorized agents may exercise such authority based upon evi-
28 dence which may include, but is not limited to, observations made.

29 (12) The department shall revoke the registration of any vehicle:

30 (a) Which the department shall determine is unsafe or unfit to be oper-
31 ated or is not equipped as required by law;

32 (b) Whenever the person to whom the registration card or registration
33 plate has been issued shall make or permit to be made any unlawful use of
34 the same or permit their use by a person not entitled thereto;

35 (c) For any violation of vehicle registration requirements by the owner
36 or operator in the current or past registration periods;

37 (d) Whenever a motor carrier requests revocation, or whenever an inter-
38 state carrier's federal operating authority has been revoked;

39 (e) For failure of the owner or operator to file the reports required
40 or nonpayment of audit assessments or fees assessed against the owner by
41 the department or the state tax commission pursuant to audit under the
42 provisions of section 49-439, Idaho Code;

43 (f) Identified by any city or county administering a program estab-
44 lished by ordinance for the inspection and readjustment of motor vehi-
45 cles (which program is part of an approved state implementation plan
46 adopted by both the state and federal governments under 42 U.S.C. sec-
47 tion 7410) as having failed to comply with an ordinance requiring motor
48 vehicle emission inspection and readjustment; provided that no vehicle
49 shall be identified to the department under this subsection (f) unless:

1 (i) The city or county certifies to the department that the owner
2 of the motor vehicle has been given notice and had the opportunity
3 for a hearing concerning compliance with the ordinance and has ex-
4 hausted all remedies and appeals from any determination made at
5 such hearing; and

6 (ii) The city or county reimburses the department for all direct
7 costs associated with the registration revocation procedure.

8 (13) The department shall not reregister or permit a vehicle to oper-
9 ate on a special trip permit until all fees, penalties and interest have been
10 paid.

11 (14) The department shall institute educational programs, demonstra-
12 tions, exhibits and displays.

13 (15) The department shall cancel a driver's license or identification
14 card when fees required by law have not been paid or where fees are due, owing
15 and unpaid including insufficient fund checks, until those fees have been
16 paid.

17 (16) The department shall examine persons and vehicles by written,
18 oral, vision and skills tests without compulsion except as provided by law.

19 (17) The department shall employ expert and special help as needed in
20 the department.

21 (18) The department shall compile accident statistics and disseminate
22 information relating to those statistics.

23 (19) The department shall cooperate with the United States in the elimi-
24 nation of road hazards, whether of a physical, visual or mental character.

25 (20) The department shall place and maintain traffic-control devices,
26 conforming to the board's manual and specifications, upon all state highways
27 as it shall deem necessary to indicate and to carry out the provisions of this
28 title or to regulate, warn, or guide traffic. No local authority shall place
29 or maintain any traffic-control device upon any highway under the jurisdic-
30 tion of the department except by the latter's permission. The placement and
31 maintenance of such a traffic-control device by a local authority shall be
32 made according to the board's manual and specifications for a uniform system
33 of traffic-control devices.

34 (21) The department may conduct an investigation of any bridge or other
35 elevated structure constituting a part of a highway, and, if it shall find
36 that the structure cannot with safety to itself withstand vehicles travel-
37 ing at a speed otherwise permissible under this title, shall determine and
38 declare the maximum speed of vehicles which the structure can safely with-
39 stand, and shall cause or permit suitable signs stating the maximum speed to
40 be erected and maintained before each end of the structure.

41 (22) Whenever the department shall determine on the basis of an engi-
42 neering and traffic investigation that slow speeds on any highway or part of
43 a highway impede the normal and reasonable movement of traffic, the depart-
44 ment may determine and declare a minimum speed limit below which no person
45 shall drive a vehicle except when necessary for safe operation or in compli-
46 ance with law, and that limit shall be effective when posted upon appropriate
47 fixed or variable signs.

48 (23) The department shall regulate or prohibit the use of any con-
49 trolled-access highway by any class or kind of traffic which is found to be
50 incompatible with the normal and safe movement of traffic.

1 (24) The department shall erect and maintain traffic-control devices on
2 controlled-access highways on which any prohibitions are applicable.

3 ~~(25) Wherever a highway crosses one (1) or more railroads at grade, the~~
4 ~~department or local authorities within their respective jurisdictions shall~~
5 ~~place and maintain stop signs, directing vehicular traffic approaching the~~
6 ~~crossing to come to a full stop prior to entering the crossing at all railroad~~
7 ~~crossings where electric or mechanical warning signals do not exist. Place-~~
8 ~~ment of these stop signs shall be mandatory except when in the determination~~
9 ~~of public highway agencies the existence of stop signs at a given crossing~~
10 ~~would constitute a greater hazard than their absence based on a recognized~~
11 ~~engineering study.~~

12 ~~Nothing in this subsection shall be construed as granting immunity to~~
13 ~~any railroad company as to liability, if any, for an accident which might oc-~~
14 ~~cur at a crossing where stop signs are erected and in place, but liability, if~~
15 ~~any, shall be determined as provided by law. Liability on the part of govern-~~
16 ~~mental authorities on account of absence of any stop sign at a crossing shall~~
17 ~~be determined as provided by law.~~

18 ~~(26)~~ The department and local authorities are authorized to determine
19 those portions of any highway under their respective jurisdictions where
20 overtaking and passing or driving on the left side of the roadway would be
21 especially hazardous and may by appropriate signs or markings on the roadway
22 indicate the beginning and end of those zones and when signs or markings are
23 in place and clearly visible to an ordinarily observant person, every driver
24 of a vehicle shall obey those directions.

25 (276) The department and local authorities in their respective ju-
26 risdictions may in their discretion issue special permits authorizing the
27 operation upon a highway of traction engines or tractors having movable
28 tracks with transverse corrugations upon the periphery of the movable tracks
29 or farm tractors or other farm machinery, the operation of which upon a high-
30 way would otherwise be prohibited under this title or title 40, Idaho Code.

31 (287) The department and local highway authorities within their respec-
32 tive jurisdictions may place official traffic-control devices prohibiting,
33 limiting or restricting the stopping, standing or parking of vehicles on any
34 highway where such stopping, standing or parking is dangerous to those using
35 the highway or where the stopping, standing or parking of vehicles unduly in-
36 terferes with the free movement of traffic thereon.

37 (298) On any informational material printed after July 1, 1995, by or at
38 the order of the department and distributed to counties, school districts
39 or individuals for the purpose of assisting a person to successfully pass
40 a driver's license test, the department shall include material about the
41 state's open range law and responsibilities, liabilities and obligations of
42 drivers driving in the open range.