

IN THE SENATE

SENATE BILL NO. 1085

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO RECREATIONAL FEES; AMENDING SECTION 67-7008, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING CERTAIN FEES; AMENDING SECTION 67-7008A,
3 IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN FEES; AMENDING SEC-
4 TION 67-7014, IDAHO CODE, TO REVISE PROVISIONS REGARDING A FEE; AMEND-
5 ING SECTION 67-7103, IDAHO CODE, TO REVISE PROVISIONS REGARDING A FEE;
6 AMENDING SECTION 67-7104, IDAHO CODE, TO REVISE PROVISIONS REGARDING A
7 FEE; AMENDING SECTION 67-7106, IDAHO CODE, TO REVISE PROVISIONS REGARD-
8 ING A FEE; AMENDING SECTION 67-7115, IDAHO CODE, TO REVISE PROVISIONS
9 REGARDING CERTAIN FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
10 SECTION 67-7116, IDAHO CODE, TO PROVIDE FOR A CERTAIN HANDLING FEE;
11 AMENDING SECTION 67-7118, IDAHO CODE, TO REVISE PROVISIONS REGARDING
12 A COMMISSION AMOUNT; AMENDING SECTION 67-7122, IDAHO CODE, TO REVISE
13 PROVISIONS REGARDING CERTAIN FEES AND TO PROVIDE FOR THE PURCHASE AND
14 DISPLAY OF RENTAL VALIDATION STICKERS; AMENDING SECTION 67-7124, IDAHO
15 CODE, TO REVISE PROVISIONS REGARDING CERTAIN FEES; AMENDING SECTION
16 67-7126, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN FEES AND TO
17 ESTABLISH PROVISIONS REGARDING AN OFF-HIGHWAY VEHICLE LAW ENFORCEMENT
18 PROGRAM; AMENDING SECTION 67-7128, IDAHO CODE, TO REVISE PROVISIONS
19 REGARDING THE OFF-ROAD MOTOR VEHICLE ADVISORY COMMITTEE; AMENDING SEC-
20 TION 67-7130, IDAHO CODE, TO REVISE PROVISIONS REGARDING MULTIPLE YEAR
21 CERTIFICATES AND TO REVISE PROVISIONS REGARDING A FEE; REPEALING SEC-
22 TION 57-1901, IDAHO CODE, RELATING TO THE CREATION OF AN OFF-ROAD MOTOR
23 VEHICLE ACCOUNT; AMENDING CHAPTER 19, TITLE 57, IDAHO CODE, BY THE AD-
24 DITION OF A NEW SECTION 57-1901, IDAHO CODE, TO ESTABLISH AN OFF-ROAD
25 MOTOR VEHICLE ACCOUNT; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
26 FECTIVE DATE.
27

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

29 SECTION 1. That Section 67-7008, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 67-7008. CERTIFICATE OF NUMBER -- EXPIRATION -- FEES. (1) Within fif-
32 teen (15) days after purchase, or as otherwise provided in this section, the
33 owner of each vessel requiring numbering by the state of Idaho shall file an
34 application for a certificate of number with an assessor or authorized ven-
35 dor on forms provided by the department. The application shall be signed
36 by the owner and shall be accompanied by the fee designated in this section.
37 Upon receipt of an application in approved form and the appropriate fee, the
38 assessor or authorized vendor shall enter the same on the records of its of-
39 fice and issue to the applicant two (2) validation stickers and a certifi-
40 cate of number, the receipt of any fee paid, and the name and address of the
41 owner. The owner shall also receive a vessel number that shall be perma-
42 nently assigned to the boat. The owner shall paint on or permanently attach

1 to each side of the bow of the vessel the vessel number and validation sticker
2 in a manner as may be prescribed by rules of the department in order that
3 they may be completely visible, and the number shall be maintained in legi-
4 ble condition. The certificate of number shall be pocket-size and shall be
5 on board and available at all times for inspection on the vessel for which is-
6 sued whenever that vessel is in operation, except that livery operators may
7 have the rental agreement on board rented vessels in lieu of the certificate
8 of number.

9 (2) The owner of any vessel for which a current certificate of number
10 has been issued pursuant to any federal law or a federally approved numbering
11 system of another state shall, if the vessel is operated on the waters of this
12 state in excess of sixty (60) days, make application for an Idaho certificate
13 of number in the manner prescribed in this section. Each assessor and autho-
14 rized vendor shall record, on a form provided by the department, the names of
15 all owners of vessels who make application for certificates of number, to-
16 gether with the amount of the fees paid by the owners.

17 (3) All records of the department made or kept pursuant to this section
18 shall be kept current and shall be public records.

19 (4) Every certificate of number issued shall continue in full force and
20 effect through December 31 of the year displayed on the validation sticker
21 unless sooner terminated or discontinued in accordance with law. Certifi-
22 cates of number may be renewed by the owner in the same manner provided for in
23 the initial securing of them.

24 (5) The owner of any vessel shall notify the department within fif-
25 teen (15) days if his vessel is destroyed or abandoned, or if it is sold
26 or transferred either wholly or in part to another person or persons, or
27 if the owner's address no longer conforms to the address appearing on the
28 certificate of number. In all such cases, the notice shall be accompanied
29 by a surrender of the certificate of number. When the surrender of the cer-
30 tificate is by reason of the vessel being destroyed, abandoned or sold, the
31 department shall cancel the certificate and enter that fact in its records.
32 If the surrender is by reason of a change of address on the part of the owner,
33 the new address shall be endorsed on the certificate and the certificate
34 returned to the owner.

35 (6) Whenever the ownership of a vessel changes, the purchaser shall,
36 within fifteen (15) days after acquisition, make application to the depart-
37 ment for transfer to him of the certificate of number issued for the vessel,
38 giving his name, address, and the vessel number and shall, at the same time,
39 pay to the department a transfer fee of three dollars (\$3.00). Upon receipt
40 of the application and fee, the department shall transfer the certificate of
41 number issued for the vessel to the new owner or owners. Unless the applica-
42 tion is made and the fee paid within fifteen (15) days, the vessel shall be
43 considered to be without a certificate of number.

44 (7) No numbers other than the validation stickers and vessel number is-
45 sued to a vessel or granted by reciprocity pursuant to law shall be painted,
46 attached, or otherwise displayed on either side of the bow of the vessel.

47 (8) If any certificate of number becomes lost, mutilated, or illegible,
48 the owner of the vessel for which the same was issued shall obtain a dupli-
49 cate of the certificate from the department upon application and the payment
50 of a fee of three dollars (\$3.00). If one or both validation stickers are

1 lost, stolen, or destroyed, any sticker remnants and the certificate of num-
 2 ber should be returned to the department along with a three-dollar (\$3.00)
 3 fee and an application for a duplicate certificate of number and validation
 4 stickers.

5 (9) A person engaged in the manufacture or sale of vessels of a type oth-
 6 erwise required to be numbered by law may obtain, pursuant to regulations
 7 duly promulgated by the department, certificates of number for use in the
 8 testing or demonstration only of a vessel upon payment of thirteen dollars
 9 (\$13.00) for each certificate. Certificates of number so issued may be used
 10 by the applicant in the testing or demonstration only of vessels by temporary
 11 placement of the numbers assigned by the certificates on the vessel tested
 12 or demonstrated and shall be issued and displayed as otherwise prescribed by
 13 this chapter or by regulation of the department.

14 (10) The fees for each calendar year shall be:

15 (a) Vessels 0-12 feet in length	\$20.00 <u>\$21.00</u>
16 (b) Vessels over 12 feet in length	20.00 <u>21.00</u>

17 plus \$2.00 per foot for each additional foot
 18 in excess of 12 feet.

19 (11) The provisions of subsection (10) of this section with respect to
 20 the amount of payment of fees shall not apply to vessels owned by any chari-
 21 table or religious organization, scout organization or any similar organi-
 22 zation not used and operated for profit. All vessels currently numbered by
 23 the state of Idaho and having paid the fees imposed by subsection (10) of this
 24 section shall not be assessed and taxed as personal property in the state of
 25 Idaho.

26 (12) The fee for vessels owned by any charitable or religious organiza-
 27 tion, scout organization or similar organization not used and operated for
 28 profit shall be two dollars (\$2.00) per year.

29 (13) Each vessel number required by this section shall: be in plain ver-
 30 tical block characters of not less than three (3) inches in height; contrast
 31 with the color of the background; have spaces or hyphens that are equal to the
 32 width of a letter other than "I" or a number other than "1" between the let-
 33 ter and number groupings; be read from left to right; be maintained in legi-
 34 ble condition; and be as high above the waterline as practicable without de-
 35 creasing the visibility of the number.

36 (14) Manufacturers and dealers. When a vessel is used by a manufacturer
 37 or dealer for testing or demonstrating, the vessel number may be painted on
 38 or attached to removable plates that are temporarily but firmly attached to
 39 each side of the forward half of the vessel.

40 (15) Special circumstances. On vessels so configured that a vessel num-
 41 ber on the hull or superstructure would not be easily visible, the vessel
 42 number shall be painted on or attached to a backing plate that is attached to
 43 the forward half of the vessel so that the vessel number is visible from each
 44 side of the vessel.

45 (16) Each vessel number issued according to this section shall consist
 46 of the prefix "ID," which denotes Idaho as the state of issuing authority,
 47 followed by not more than four (4) numerals followed by not more than two (2)
 48 capital letters; or by not more than three (3) numerals followed by not more
 49 than three (3) capital letters. A vessel number suffix may not include the
 50 letters "I," "O," or "Q," which may be mistaken for numerals.

1 (17) Validation stickers issued according to this section shall: be
2 displayed within six (6) inches of and directly in line with the vessel num-
3 ber displayed on the vessel; be approximately three (3) inches square; and
4 indicate the year in which each validation sticker expires by the colors
5 green, red, blue, and international orange, in rotation beginning with green
6 for stickers that expire in 1987.

7 (18) Validation stickers issued according to this section that have be-
8 come invalid shall be removed from the vessel.

9 (19) Except as allowed in this chapter, each application for a certifi-
10 cate of number and each certificate of number referred to in this section
11 shall contain: the number issued to the vessel; expiration date of the cer-
12 tificate; state of principal use; name of the owner; address of the owner,
13 including ZIP code; whether the vessel is used for pleasure, rent or lease,
14 dealer or manufacturer demonstration, commercial passenger carrying, com-
15 mercial fishing, or other use; manufacturer's hull identification number,
16 if any; make of the vessel; year the vessel was manufactured; overall length
17 of the vessel; whether the vessel is an open boat, cabin cruiser, houseboat,
18 or other type; hull material; whether the propulsion is inboard, outboard,
19 inboard out-drive, or sail; whether the fuel is gasoline, diesel, or other;
20 the number previously issued by an issuing authority for the vessel, if any;
21 whether the application is for a new certificate of number, renewal of a cer-
22 tificate of number, or transfer of ownership; and the signature of the owner.

23 (20) A certificate of number issued to a manufacturer or dealer to be
24 used on a vessel for test or demonstration purposes may omit the requirements
25 of this chapter if the word "manufacturer" or "dealer" is plainly marked on
26 the certificate.

27 (21) A certificate of number issued to a vessel that is to be rented or
28 leased without propulsion machinery may omit the requirements of this chap-
29 ter if the words "livery vessel" are plainly marked on the certificate.

30 (22) Each applicant for a certificate of number as prescribed in this
31 section shall submit to the department or authorized vendor the bill of sale
32 from the dealer or a bill of sale from the previous owner of the vessel and,
33 if the vessel is homebuilt, a sworn statement attesting to the identity of
34 the builder, the location or place of construction, the source of the mate-
35 rial used for construction, and a description of the vessel. The statement
36 must also be accompanied by any receipts received from the purchase or acqui-
37 sition of the materials used in the construction of the vessel and a copy of
38 the construction plans, if any; if the vessel has been rebuilt, it must con-
39 tain a sworn statement attesting to the identity of the builder, the location
40 or place of rebuilding, the source of the material used for rebuilding, and
41 a description of the vessel. The statement must also be accompanied by any
42 receipts received for the purchase or acquisition of the materials used in
43 the rebuilding of the vessel and documentation indicating the source of the
44 original hull and proof of ownership from the previous owner. If none of the
45 documents listed in this subsection are available, the applicant must submit
46 an affidavit of ownership to the department.

47 (23) Only those counties in the state with a boating improvement pro-
48 gram recognized by the department shall be eligible to receive moneys from
49 the state vessel account. A "boating improvement program" means that one (1)
50 or more recognized boating facilities are being developed and/or maintained

1 within the county's jurisdiction and/or that the county has or is actively
2 developing a recognized boating law enforcement program.

3 (24) A boating improvement program is recognized if it contains one (1)
4 or more boating facilities that are being maintained within the county's
5 jurisdiction or boating facilities that are being developed within the
6 county's jurisdiction. A boating facility is an improved public boating
7 access site that includes at least an improved concrete or asphalt boat ramp
8 and any type of parking area for vehicles and their attached boat trailers.
9 "Being developed" means that substantiating evidence can and shall be pre-
10 sented in proof of the development and/or that the county has or is actively
11 developing a boating law enforcement program. A boating law enforcement
12 program is a program whereby an agent of the county sheriff's department
13 is currently patrolling, or has in the recent past patrolled, the county's
14 waterways and has enforced the provisions of this chapter. "Actively de-
15 veloping" means that substantiating evidence can and shall be presented in
16 proof of the development.

17 SECTION 2. That Section 67-7008A, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1)
20 In addition to any other moneys or fees collected pursuant to the provisions
21 of section 67-7008, Idaho Code, or any other provision of chapter 70, title
22 67, Idaho Code, all vessels shall pay an additional waterway access fee each
23 calendar year as follows:

24 (a) Motorized vessels and sailboats:

25 (i) Ten dollars (\$10.00) per vessel numbered in the state of Idaho
26 prior to launch into the public waters of the state. For those ves-
27 sels numbered pursuant to section 67-7008, Idaho Code, the val-
28 idation sticker will also serve as a protection against invasive
29 species sticker; and

30 (ii) ~~Thirty dollars (\$30.00)~~ Thirty-one dollars (\$31.00) per ves-
31 sel documented through the United States coast guard or registered
32 or numbered outside the state of Idaho prior to launch into the
33 public waters of the state.

34 (b) Nonmotorized vessels: ~~Seven dollars (\$7.00)~~ eight dollars (\$8.00)
35 per vessel prior to launch into the public waters of the state.

36 (c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code,
37 with nonmotorized fleets exceeding five (5) vessels shall be afforded a
38 prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten
39 (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty
40 (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or
41 more vessels, up to a maximum of one hundred (100) vessels. The fee for
42 any additional vessels shall be one dollar (\$1.00) per vessel. The li-
43 censed outfitter group rates shall also be available for groups exempt
44 from licensing pursuant to section 36-2103, Idaho Code.

45 (2) Upon payment of the fee as provided in this section, the payor shall
46 be issued a protection against invasive species sticker, which shall be dis-
47 played prior to launch into the public waters of Idaho pursuant to this sub-
48 section.

1 (a) For motorized vessels not registered in Idaho, except as provided
2 in subsection (1) (a) (i) of this section, the protection against inva-
3 sive species sticker should be affixed next to the current year valida-
4 tion sticker on the port (left) side of the vessel.

5 (b) For nonmotorized vessels, except as provided in subsection
6 (1) (a) (i) of this section, the protection against invasive species
7 sticker should be affixed in the following manner:

8 (i) For canoes, kayaks, and other small rigid vessels, the pro-
9 tection against invasive species sticker should be affixed near
10 the bow above the waterline on the port (left) side of the vessel
11 or on top of the vessel if there is little or no waterline distinc-
12 tion; and

13 (ii) For inflatable (nonrigid) vessels, the protection against
14 invasive species sticker can be modified to allow attachment of a
15 zip tie, plastic attachment, or other similar mechanism or can be
16 laminated into a hangtag.

17 (c) Outfitters or guides who are duly licensed in accordance with chap-
18 ter 21, title 36, Idaho Code, must be accompanied by an affidavit that
19 must be signed by the outfitter or guide. The signed affidavit must ver-
20 ify the number of vessels within the covered fleet and that the appro-
21 priate number of protection against invasive species stickers has been
22 purchased. The protection against invasive species stickers and affi-
23 davit must be kept on file at the outfitter's or guide's physical ad-
24 dress and must be made available for inspection upon request of the de-
25 partment or upon request by law enforcement. Nonmotorized commercial
26 outfitters and guides are not required to place a protection against in-
27 vasive species sticker on their vessels. Identification of commercial
28 outfitted and guided boats must be in compliance with rules promulgated
29 by the outfitters and guides licensing board.

30 (3) Stickers shall be considered in full force and effect through De-
31 cember 31 of the year displayed on the validation sticker.

32 (4) Stickers issued in accordance with this section that have become
33 invalid must be removed from the vessel.

34 (5) Fees shall be collected by the department or authorized vendor.

35 (a) Vendors may retain ~~one dollar and fifty cents (\$1.50)~~ two dollars
36 and fifty cents (\$2.50) of fees collected pursuant to this section, ex-
37 cept those collected pursuant to subsection (1) (a) (i) of this section.

38 (b) The department shall retain up to twenty percent (20%) of the fees
39 for the actual costs of administering the sticker program.

40 (c) All remaining fees collected pursuant to this section shall be de-
41 posited annually in the invasive species fund established in section
42 22-1911, Idaho Code.

43 (d) For the purpose of this section, "vessel" is as defined in section
44 67-7003, Idaho Code. All vessels are subject to the provisions of this
45 section, with the exception of small rafts and other inflatable vessels
46 less than ten (10) feet in length.

47 (6) If the protection against invasive species sticker is lost, stolen
48 or destroyed, any sticker remnants shall be returned to the department along
49 with a three-dollar (\$3.00) fee for a duplicate sticker.

1 (7) A person engaged in the manufacture or sale of vessels may obtain
2 a sticker to be used only in the testing or demonstration of vessels by tem-
3 porary placement of the protection against invasive species sticker on the
4 vessel tested or demonstrated.

5 (8) All operators of vessels as defined in this chapter must ensure
6 their vessels are in compliance with the provisions of this chapter when
7 launched upon the public waters of the state of Idaho. Noncompliance with
8 the provisions of this chapter will result in possible assessment of penal-
9 ties as described in section 67-7033, Idaho Code.

10 SECTION 3. That Section 67-7014, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-7014. ADMINISTRATIVE FEES FOR VESSELS. (1) An administrative fee
13 of ~~not more than one dollar and fifty cents (\$1.50)~~ two dollars and fifty
14 cents (\$2.50) may be collected in addition to each vessel license tax col-
15 lected under the provisions of section 67-7008, Idaho Code.

16 (2) When an assessor collects the fees, the administrative fee shall be
17 paid to the county treasurer where the vessel is licensed and be placed in
18 the county current expense fund for the purpose of defraying related admin-
19 istrative costs. The amount of the administrative fee to be collected by an
20 assessor for each vessel shall be set by the respective boards of county com-
21 missioners conditioned on the annual budget request of their county assessor
22 for the administration of vessel registration fees.

23 (3) When an authorized vendor collects the fees, the administrative fee
24 shall be set and retained by the authorized vendor where the vessel is num-
25 bered. The administrative fee shall be used to defray related administra-
26 tive costs.

27 SECTION 4. That Section 67-7103, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 67-7103. SNOWMOBILES -- APPLICATION FOR NUMBER -- ATTACHMENT OF VAL-
30 IDATION STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE
31 -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) The operator
32 of each snowmobile requiring numbering by the state of Idaho shall obtain a
33 certificate of number for the snowmobile, which certificate of number shall
34 be issued by season, for seasons running from November 1 through October 31.
35 To obtain a certificate of number, the operator shall pay a fee of ~~forty-five~~
36 ~~dollars and fifty cents (\$45.50)~~ forty-six dollars and fifty cents (\$46.50).
37 Upon receipt of the fee, the department shall issue to the operator a cer-
38 tificate of number together with a validation sticker to be attached to
39 the snowmobile in a manner as may be prescribed by rules of the department.
40 The validation sticker shall be located on the snowmobile and shall be com-
41 pletely visible and shall be maintained in legible condition whenever the
42 snowmobile is in operation.

43 (2) The department may issue any certificate of number directly or
44 may authorize any persons to act as vendor for the issuance. In the event a
45 person accepts the authorization, he may be assigned a block of validation
46 stickers and certificates of number that, upon issue, in conformity with

1 this chapter and with any rules of the department, shall be valid as if issued
2 directly by the department.

3 (3) All records of the department made or kept pursuant to this section
4 shall be public records.

5 (4) Each snowmobile must be numbered before it leaves the premises at
6 the time of sale from any retail snowmobile dealer.

7 (5) No number, other than the validation stickers issued to the opera-
8 tor and affixed to the snowmobile pursuant to this chapter, shall be painted,
9 attached, or otherwise displayed on the snowmobile, except a temporary num-
10 ber may be attached to identify a snowmobile for the purpose of racing or
11 other sporting events.

12 (6) Notwithstanding the provisions of subsection (1) of this section,
13 resident and nonresident owners of snowmobiles used for rental purposes
14 shall purchase rental validation stickers for ~~seventy-five dollars and~~
15 ~~fifty cents (\$75.50)~~ seventy-six dollars and fifty cents (\$76.50), and the
16 validation stickers shall be displayed on the machine at all times.

17 SECTION 5. That Section 67-7104, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-7104. SNOWMOBILES -- NONRESIDENT SNOWMOBILE USER CERTIFICATE RE-
20 QUIRED. The operator of a nonresident, noncommercial snowmobile shall be
21 required to obtain a nonresident snowmobile user certificate in the same
22 manner and for the same seasons as described in section 67-7103, Idaho Code,
23 before operating a snowmobile in Idaho. A fee of ~~fifty-nine dollars and~~
24 ~~fifty cents (\$59.50)~~ sixty dollars and fifty cents (\$60.50) shall be imposed
25 for the issuance of a nonresident snowmobile user certificate. The valida-
26 tion stickers shall be displayed in the same manner as provided in section
27 67-7103, Idaho Code. Issuance and administration of nonresident snowmobile
28 user certificates shall be conducted in the same manner as provided in sec-
29 tion 67-7103, Idaho Code, for numbering of snowmobiles.

30 (1) For purposes of this section, "nonresident" shall be as defined in
31 section 36-202, Idaho Code.

32 (2) In the absence of a bona fide program in the area or upon the re-
33 quest of the bona fide county snowmobile advisory committee of the nearest
34 affected county in Idaho, the requirements for the nonresident snowmobile
35 user certificate may be waived by the park and recreation board on specific
36 trails where the snowmobile trail grooming is solely supported by a state
37 other than Idaho.

38 SECTION 6. That Section 67-7106, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 67-7106. SNOWMOBILES -- DISTRIBUTION OF MONEYS COLLECTED -- COUNTY
41 SNOWMOBILE FUND -- STATE SNOWMOBILE FUND -- DEPARTMENT OF LANDS ALLOCATION
42 -- STATE SNOWMOBILE SEARCH AND RESCUE FUND -- STATE SNOWMOBILE AVALANCHE
43 FUND. (1) Each vendor shall, not later than the fifteenth day of each month,
44 remit all moneys collected under the provisions of sections 67-7103 and
45 67-7104, Idaho Code, to the state treasurer for credit to the state snow-
46 mobile fund, established in the dedicated fund, to be administered by the
47 director, except that the amounts designated in this subsection from each

1 snowmobile certificate of number fee, each rental certificate of number
 2 fee, and each nonresident snowmobile user certificate issued by the vendor
 3 shall be credited by the state treasurer to each of the following funds or
 4 entities:

5 (a) Two dollars (\$2.00) to the state snowmobile search and rescue fund
 6 created in section 67-2913A, Idaho Code;

7 (b) One dollar (\$1.00) to the state snowmobile avalanche fund created
 8 in section 67-7107A, Idaho Code; and

9 (c) One dollar (\$1.00) to the Idaho department of lands to provide
 10 snowmobile opportunities and to repair damage directly related to snow-
 11 mobile use, provided that the Idaho department of lands shall annually
 12 publish a report specifically identifying the uses of moneys allocated
 13 pursuant to this subsection.

14 (2) Each county with a bona fide snowmobile program shall be entitled to
 15 receive from the department eighty-five percent (85%) of the moneys gener-
 16 ated for that county during that certificate of number period. Counties with
 17 a bona fide snowmobile program may use up to fifteen percent (15%) of their
 18 county snowmobile moneys upon recommendation by their county snowmobile ad-
 19 visory committee for snowmobile law enforcement purposes.

20 (3) Up to fifteen percent (15%) of the revenue generated from snowmo-
 21 bile certificates of number each year may be used by the department to defray
 22 administrative costs. Any moneys unused at the end of the fiscal year shall
 23 be returned to the state treasurer for deposit in the state snowmobile fund.

24 (4) Vendors shall be entitled to retain a handling fee of ~~one dollar and~~
 25 ~~fifty cents (\$1.50)~~ two dollars and fifty cents (\$2.50) per certificate of
 26 number or nonresident user certificate. Handling fees collected by the de-
 27 partment shall be deposited to the state snowmobile fund.

28 (5) For those certificates of number not designated to a bona fide
 29 county snowmobile program, the moneys generated shall be deposited to the
 30 state snowmobile fund, and such fund shall be available to the department for
 31 snowmobile-related expenses.

32 SECTION 7. That Section 67-7115, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 67-7115. WINTER RECREATIONAL PARKING PERMIT -- FEE -- FINES -- PERMITS
 35 FOR SNOWMOBILE OWNERS -- EXEMPTIONS. (1) Except as hereinafter provided, no
 36 person shall, from November 15 of any year to April 30 of the next year, park
 37 a vehicle in a winter recreational parking location unless the vehicle dis-
 38 plays an annual or temporary parking permit. The annual permit shall be per-
 39 manently affixed and the temporary permit shall be temporarily affixed on
 40 the front window of the vehicle nearest the driver's seat in such a manner
 41 that they are completely visible and shall be kept in a legible condition at
 42 all times.

43 (2) The fee for the annual permit and the temporary permit shall be set
 44 by the board, but shall not exceed ~~thirty dollars (\$30.00)~~ thirty-two dol-
 45 lars and fifty cents (\$32.50) for the annual permit or ~~ten dollars (\$10.00)~~
 46 twelve dollars and fifty cents (\$12.50) for the temporary permit.

47 (3) The owner of any vehicle, as defined in chapter 1, title 49, Idaho
 48 Code, ~~that~~ who violates the provisions of subsection (1) of this section
 49 has committed an infraction punishable as provided under section 18-113A,

1 Idaho Code, and shall be punished with a fine of not less than twenty dollars
 2 (\$20.00) or more than fifty dollars (\$50.00). The fact that a motor vehi-
 3 cle ~~which~~ that is illegally parked under the provisions of this chapter is
 4 registered or leased in the name of a person shall be considered prima facie
 5 evidence that the person was in control of the vehicle at the time of parking.

6 (4) Snowmobile operators, when snowmobiling, shall be allowed to park
 7 their transportation vehicles in a designated winter recreational parking
 8 area without displaying a parking permit.

9 (5) No parking permit shall be required under the provisions of this
 10 section for a vehicle owned and operated by the United States, any state or a
 11 political subdivision of a state, or a vehicle registered in another state,
 12 if that vehicle displays a similar cross-country skiing permit, but only to
 13 the extent that an exception or privilege is granted under the laws of that
 14 state for permit holders from this state.

15 SECTION 8. That Section 67-7116, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 67-7116. WINTER RECREATIONAL PARKING PERMIT -- PRINTING, DISTRIBU-
 18 TION AND SALE. (1) The department shall print the parking permits and shall
 19 supervise the sale of the permits throughout the state.

20 (2) The department shall distribute and sell the permits directly or
 21 may authorize vendors under agreement according to rules and regulations of
 22 the department. The department may require that the authorized vendors be
 23 bonded in accordance with rules and regulations of the department. Autho-
 24 rized vendors ~~will receive a stipulated commission~~ shall be entitled to re-
 25 tain a handling fee of two dollars and fifty cents (\$2.50) for each permit
 26 sold.

27 SECTION 9. That Section 67-7118, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 67-7118. WINTER RECREATIONAL PARKING PERMIT -- DISTRIBUTION OF
 30 FEES. The moneys collected by or for the board on the sale of each winter
 31 recreational parking permit shall be allocated as follows:

32 (1) The authorized vendor shall be entitled to receive a commission of
 33 ~~one dollar (\$1.00)~~ two dollars and fifty cents (\$2.50) on each permit sold,
 34 which sum may be retained as compensation for the sale of the permit.

35 (2) Fifteen percent (15%) shall be allotted to the department for
 36 the production of the parking permits and necessary administration ex-
 37 penses incurred by the department in carrying out the provisions of section
 38 67-7115(3), Idaho Code, which moneys shall be placed in the park and recre-
 39 ation fund.

40 (3) The balance shall be transmitted to the state treasurer for deposit
 41 to the credit of the cross-country skiing recreation account to be appropri-
 42 ated first for the reimbursement for costs incurred in the removal of snow
 43 from winter recreational parking locations. Any remaining moneys may be ap-
 44 propriated to provide grants to public or nonprofit entities for the acqui-
 45 sition, lease, development, and maintenance of sanitation facilities, trail
 46 marking, and other facilities designed to promote the health and safety of
 47 persons engaged in cross-country skiing.

1 SECTION 10. That Section 67-7122, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-7122. OFF-HIGHWAY VEHICLES -- APPLICATION FOR CERTIFICATE OF NUM-
4 BER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE -- FEES. (1) Before
5 operating any OHV in the state of Idaho, the operator of any OHV or any mo-
6 torcycle as defined in section 49-114, Idaho Code, used off public highways,
7 on highways located on state lands or federal lands that are not part of the
8 highway system of the state of Idaho, or on highways as prescribed in sec-
9 tion 49-426(3) and (4), Idaho Code, but excluding those vehicles used exclu-
10 sively on private land for agricultural use or used exclusively for snow re-
11 moval purposes as provided in section 49-426(2), Idaho Code, shall obtain a
12 certificate of number for the OHV at any vendor authorized by the department,
13 which certificate of number shall be issued by season, for seasons running
14 from January 1 through December 31. A fee of ~~twelve dollars (\$12.00)~~ twenty
15 dollars (\$20.00) shall be charged for each certificate of number, of which
16 ~~one dollar and fifty cents (\$1.50)~~ two dollars and fifty cents (\$2.50) shall
17 be retained by the vendor and the remainder of which shall be remitted to
18 the department together with information noting the identity of the operator
19 that purchased the certificate of number, the operator's designated county
20 use area and the type of machine to which the operator will affix the certifi-
21 cate of number, including a motorbike, ATV of fifty (50) inches in width or
22 less, ~~ATV over fifty (50) inches in width, UTV of fifty (50) inches in width,~~
23 UTV over fifty (50) inches in width, or specialty off-highway vehicle. The
24 foregoing shall not prohibit the department from collecting such further in-
25 formation as it may deem necessary or helpful to its administrative duties
26 under this chapter.

27 (2) At the time of sale from any dealer, each motorbike, all-terrain
28 vehicle or utility type vehicle sold to an Idaho resident, but excluding
29 those vehicles to be used exclusively on private land for agricultural use or
30 used exclusively for snow removal purposes as provided in section 49-426(2),
31 Idaho Code, must obtain a certificate of number.

32 (3) Application forms and validation stickers shall be supplied by the
33 department and the validation sticker shall be issued to the person making
34 application for a certificate of number.

35 (4) The issued validation sticker shall be placed upon the restricted
36 vehicle license plate of the OHV, or upon the right fork of a vehicle regis-
37 tered pursuant to section 49-402(3), Idaho Code, or of a motorbike if used
38 exclusively off-highway, or upon the rear fender of the OHV if used exclu-
39 sively off-highway. The placement shall be made in such a manner that it is
40 completely visible, does not cover the license plate numbers or letters, if
41 licensed, and shall be kept in a legible condition at all times.

42 (5) For operation of a motorbike that meets the requirements speci-
43 fied in section 49-114(10), Idaho Code, on the public highways, the vehicle
44 shall also be registered pursuant to the provisions of section 49-402(3),
45 Idaho Code. A motorbike that meets the requirements specified in sec-
46 tion 49-114(10), Idaho Code, and that is registered pursuant to section
47 49-402(3), Idaho Code, shall not be required to obtain a restricted license
48 plate pursuant to section 49-402(4), Idaho Code. A motorbike, all-terrain
49 vehicle, specialty off-highway vehicle or utility type vehicle operated ex-

clusively off-highway or on highways located on state lands or federal lands that are not part of the highway system of the state of Idaho and that meet the registration requirements specified in this section shall not be required to obtain a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code.

(6) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code, and/or a certificate of number for an OHV.

(7) Certificates of number and restricted license plates as required by section 49-456, Idaho Code, may be purchased separately.

(8) Notwithstanding the provisions of subsection (1) of this section, resident and nonresident owners of off-highway vehicles used for rental purposes shall purchase rental validation stickers for thirty dollars (\$30.00), and the validation stickers shall be displayed on the off-highway vehicle at all times.

SECTION 11. That Section 67-7124, Idaho Code, be, and the same is hereby amended to read as follows:

67-7124. OFF-HIGHWAY VEHICLES -- NONRESIDENT -- OFF-HIGHWAY VEHICLE USER CERTIFICATE REQUIRED. (1) Before operating within Idaho, any nonresident operator of a noncommercial off-highway vehicle shall be required to obtain a nonresident off-highway vehicle (OHV) user certificate. A fee of ~~twelve dollars (\$12.00)~~ thirty dollars (\$30.00) shall be imposed for the issuance of a nonresident OHV user certificate, of which two dollars and fifty cents (\$2.50) shall be retained by the vendor. The validation sticker shall be displayed in the same manner as provided in section 67-7122, Idaho Code. Nonresident OHV user certificates shall be valid January 1 through December 31. Issuance and administration of nonresident OHV user certificates shall be conducted in the same manner as provided in section 67-7122, Idaho Code, for numbering off-highway vehicles.

(2) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.

(3) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code.

SECTION 12. That Section 67-7126, Idaho Code, be, and the same is hereby amended to read as follows:

67-7126. OFF-HIGHWAY VEHICLES -- ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. (1) There is hereby established in the state treasurer's office an account to be known and designated as the "OHV recreation account." The fee ~~of twelve dollars (\$12.00)~~ collected for off-highway vehicle certificates of number and nonresident user certificates under the provisions of sections 67-7122 and 67-7124, Idaho Code, shall be allocated as follows:

~~(1) (a)~~ Vendors shall charge and retain ~~one dollar and fifty cents (\$1.50)~~ two dollars and fifty cents (\$2.50) for a handling fee;

~~(2) (b)~~ Up to fifteen percent (15%) of the revenue generated from OHV certificates may be used by the department to defray administrative costs and the production of certificates of number, nonresident user certificates, and validation stickers. Any moneys unused at the end

1 of the fiscal year shall be returned to the Idaho state treasurer for
2 deposit in the OHV recreation account;

3 ~~(3) (c) One dollar (\$1.00)~~ Three dollars (\$3.00) shall be deposited
4 into the off-highway vehicle law enforcement fund. ~~Moneys in said~~
5 ~~fund shall be paid and used as follows:~~ (a) Sheriffs of counties with
6 a ~~current or an actively developing~~ bona fide off-highway vehicle law
7 enforcement program recognized by the department shall receive moneys
8 from the fund based ~~upon a formula as provided in rule promulgated by the~~
9 ~~board;~~ and on the following criteria and formula:

10 (i) An off-highway vehicle law enforcement program shall be bona
11 fide if it is sponsored by a county sheriff to promote off-highway
12 vehicle safety, education, and law enforcement and is overseen by
13 an advisory committee of three (3) or more individuals, including
14 at least one (1) sheriff or deputy sheriff and two (2) representa-
15 tives of active users of off-highway vehicles who reside in the ap-
16 licable county;

17 (ii) Each county with a bona fide off-highway vehicle law enforce-
18 ment program shall be allocated a minimum of two thousand five hun-
19 dred dollars (\$2,500) per fiscal year from the fund. The remaining
20 moneys shall be distributed to counties with a bona fide off-high-
21 way vehicle law enforcement program as follows:

22 1. Fifty percent (50%) to be allocated among said counties
23 based on use area designations made by purchasers of OHV cer-
24 tificates;

25 2. Twenty-five percent (25%) to be allocated among said
26 counties based on the number of OHV education certificates
27 awarded to students completing OHV rider safety classes;

28 3. Twelve and one-half percent (12.5%) to be allocated among
29 said counties based on the total number of OHV inspections;
30 and

31 4. Twelve and one-half percent (12.5%) to be allocated among
32 said counties based on the total number of citations issued;

33 (iii) The department may withhold recognition of a bona fide off-
34 highway vehicle law enforcement program if a county fails to per-
35 form its off-highway vehicle enforcement duties within the past
36 calendar year. An annual report of accomplishments of the previ-
37 ous calendar year by each participating off-highway vehicle law
38 enforcement program shall be delivered to the department by March
39 1 of each year and shall include:

40 1. Members of the advisory committee;

41 2. Off-highway vehicle students completing OHV rider safety
42 classes, to be reported on forms approved by the department;

43 3. Off-highway vehicle inspections completed on forms ap-
44 proved by the department;

45 4. Off-highway vehicle accident reports completed on forms
46 approved by the department or the Idaho state police; and

47 5. The number of off-highway vehicle citations issued, to be
48 reported on forms approved by the department;

1 (iv) OHV certificate use area designations from January 1 through
 2 December 31 of the preceding year shall be collected and reported
 3 to the department;

4 (v) OHV certificate use area designations for counties without
 5 a bona fide off-highway vehicle law enforcement program shall be
 6 awarded through a grant process administered by the Idaho sher-
 7 iffs' association, but said awards shall be made only to counties
 8 with a bona fide off-highway vehicle law enforcement program; and

9 ~~(b)~~ (vi) Moneys from the fund shall be used only for off-highway-
 10 related law enforcement activities; and

11 ~~(4)~~ (d) One dollar (\$1.00) shall be allocated to the Idaho department of
 12 lands to provide off-highway vehicle opportunities and to repair damage
 13 directly related to off-highway vehicle use. The department of lands
 14 shall annually publish a report specifically identifying the uses of
 15 moneys allocated pursuant to this subsection; and

16 ~~(5)~~ (e) The remaining funds shall be transmitted to the state trea-
 17 surer's office for deposit to the credit of the OHV recreation account,
 18 all such moneys to be transmitted to the state treasurer on or before the
 19 tenth day of each month.

20 (2) The department shall annually publish a report specifically iden-
 21 tifying the use of revenues generated from OHV certificates of number and
 22 nonresident user certificates. Collection of fees for off-highway vehicle
 23 certificates of number and nonresident user certificates shall not impose
 24 any additional liability on the state of Idaho or any of its political subdivi-
 25 sions or upon the employees of the state and or employees of its political
 26 subdivisions, and those entities and persons shall retain the limitations of
 27 liability provided by section 36-1604, Idaho Code, regardless of the use of
 28 such fees.

29 SECTION 13. That Section 67-7128, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 67-7128. OFF-ROAD MOTOR VEHICLE ADVISORY COMMITTEE -- CREATION --
 32 SELECTION -- TERM OF OFFICE -- DUTY. (1) The park and recreation board shall
 33 appoint an off-road motor vehicle advisory committee (ORMV) of nine (9)
 34 members. The membership of the advisory committee shall consist of three
 35 (3) members each from northern Idaho, southwestern Idaho, and southeastern
 36 Idaho. ~~Two (2) members from each area shall represent the following groups:~~
 37 ~~motorbikes, ATV or UTV riders and snowmobilers. One (1) member interested~~
 38 ~~in ORMV projects shall be appointed from each area without regard to the~~
 39 ~~recreational activity in which that member participates and shall represent~~
 40 ~~interests other than motorbike, ATV or UTV riders and snowmobilers. One (1)~~
 41 member from each area shall represent motorbike riders. One (1) member from
 42 each area shall represent ATV riders. One (1) member from each area shall
 43 represent UTV or specialty off-highway vehicle riders. Each member of the
 44 advisory committee shall be chosen by the park and recreation board to serve
 45 a term of three (3) years, except that the term of the initial appointees
 46 shall commence on the date of appointment and shall be of staggered lengths.
 47 Each member of the advisory committee shall be a qualified elector of the
 48 state. Duties shall include:

1 (a) Representing the best interests of the ~~ORMV~~ OHV users and activi-
2 ties ~~which that~~ they represent in the district from which they are ap-
3 pointed;

4 (b) Advising the department as to whether proposed ~~ORMV~~ OHV projects
5 meet the needs of ~~ORMV~~ OHV users in that area;

6 (c) Advising the department as to how funds can be used to rehabilitate
7 areas on public or private lands and how the department can assist in the
8 enforcement of laws and regulations governing the use of ~~off-road vehi-~~
9 ~~cles~~ OHVs in the state of Idaho;

10 (d) ~~The three (3) motorbike, all-terrain vehicle or utility type ve-~~
11 ~~hicle representatives from the ORMV advisory committee shall advise~~
12 Advising the department on matters relating to the use of moneys in the
13 ~~motorbike~~ OHV recreation account as provided for in section 67-7127,
14 Idaho Code.

15 (2) The committee shall be compensated as provided in section
16 59-509(f), Idaho Code, and authorized by the department.

17 SECTION 14. That Section 67-7130, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-7130. MULTIPLE YEAR CERTIFICATES. ~~On or before November 1, 2021,~~
20 ~~the~~ The department shall make available ~~to Idaho residents the option to pur-~~
21 ~~chase~~ certificates of number for OHVs and snowmobiles that are valid for mul-
22 tiple, consecutive seasons. The fee shall be multiplied by the number of
23 seasons that the certificate of number is valid, except that portion of the
24 fee for vendors shall be the same regardless of the duration of the certifi-
25 cate purchased by the operator; for example, a vendor fee for a two (2) season
26 OHV certificate of number ~~would be one dollar and fifty cents (\$1.50) must be~~
27 two dollars and fifty cents (\$2.50).

28 SECTION 15. That Section 57-1901, Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 16. That Chapter 19, Title 57, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 57-1901, Idaho Code, and to read as follows:

33 57-1901. CREATION OF OFF-ROAD MOTOR VEHICLE ACCOUNT -- PURPOSE. (1)
34 There is hereby created and established in the state treasury an account to
35 be known as the off-road motor vehicle account to which shall be credited or
36 deposited all moneys accruing for the purposes of the account.

37 (2) Moneys in the off-road motor vehicle account shall be used for the
38 following purposes:

39 (a) To acquire, purchase, improve, repair, maintain, furnish, and
40 equip off-highway vehicle facilities and sites or areas used by the pub-
41 lic with off-highway vehicles on public or private land;

42 (b) For the securing of special leases, use licenses, recreation
43 easements or permits, or for the actual purchases of land under pri-
44 vate, state, or federal ownership to be used for public recreational
45 off-highway vehicle activity;

1 (c) For the securing, maintenance, construction, or development of
2 trails and other public recreational facilities for off-highway vehi-
3 cle use on private, state, and federal lands;

4 (d) To finance the formulation and implementation under the board's di-
5 rection of an off-the-road rider education program;

6 (e) To acquire applicable federal matching funds; and

7 (f) To assist with the enforcement of laws and regulations governing
8 the use of off-highway vehicles in the state of Idaho.

9 (3) The board is charged with the administration of the account for the
10 purposes specified pursuant to this section.

11 (4) The provisions of section 67-4228, Idaho Code, are applicable to
12 the provisions of this section.

13 (5) All claims against the account shall be examined, audited, and al-
14 lowed in the same manner provided by law for claims against the state, except
15 that the board is hereby empowered to enter into agreements with legal gov-
16 ernmental agencies in Idaho, and with Idaho nonprofit entities, for the dis-
17 bursement of funds to such entities on a project by project basis.

18 (6) For purposes of this section, the terms "board" and "off-highway
19 vehicle" shall have the meaning provided for in section 67-7101, Idaho Code.

20 SECTION 17. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after
22 July 1, 2025.