

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 155, As Amended

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO HIGHWAYS AND BRIDGES; TO PROVIDE LEGISLATIVE INTENT;  
 2 AND AMENDING CHAPTER 8, TITLE 40, IDAHO CODE, BY THE ADDITION  
 3 OF A NEW SECTION 40-827A, IDAHO CODE, TO AUTHORIZE VOTERS IN A  
 4 COUNTY TO AUTHORIZE THE COUNTY TO IMPOSE AND COLLECT CERTAIN  
 5 MOTOR VEHICLE REGISTRATION FEES FOR A SPECIFIC PURPOSE, TO  
 6 PROVIDE FOR SUBMITTING THE QUESTION TO THE VOTERS, TO PROVIDE  
 7 FOR CONDITIONS, TO PROVIDE FOR COLLECTION AND ADMINISTRATION OF  
 8 FEES, TO PROVIDE FOR USE OF MONEYS RECEIVED AND TO PROVIDE FOR  
 9 CERTAIN AGREEMENTS.  
 10

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

12 SECTION 1. LEGISLATIVE INTENT. (1) It is the intent of the Legislature that, within  
 13 a county, governmental entities with jurisdiction over and responsibility for the development,  
 14 construction and maintenance of road and bridge projects on the state highway system, county  
 15 highway systems and highway district systems be afforded options to finance such projects.

16 (2) This act is intended to provide an option for financing projects on the highway  
 17 systems referenced in subsection (1) of this section, in addition to the provisions in section  
 18 40-827, Idaho Code.

19 SECTION 2. That Chapter 8, Title 40, Idaho Code, be, and the same is hereby amended  
 20 by the addition thereto of a NEW SECTION, to be known and designated as Section 40-827A,  
 21 Idaho Code, and to read as follows:

22 40-827A. AUTHORIZATION FOR VOTERS TO APPROVE VEHICLE  
 23 REGISTRATION FEES FOR SPECIFIC TRANSPORTATION PROJECTS. (1)  
 24 Notwithstanding the provisions of section 49-207, Idaho Code, the voters of any county may  
 25 authorize the board of county commissioners to adopt an ordinance by majority vote of the  
 26 board of county commissioners to implement and collect a motor vehicle registration fee. The  
 27 authorization to adopt, implement and collect a vehicle registration fee may be made by the  
 28 registered voters of the county only at a general election and two-thirds (2/3) of the votes cast  
 29 on the question shall be necessary to authorize the fee. Provided however, that the provisions  
 30 of this section shall apply only where the following conditions are met:

31 (a) All revenue generated from registration fees authorized in this section shall be  
 32 expended solely upon transportation projects on roads and bridges in the state highway  
 33 system, county highway systems and/or highway district systems. Such expenditures  
 34 may include the payment of the interest and principal of obligations incurred for such  
 35 purposes; and no part of such revenue shall, by transfer of fund or otherwise, be diverted  
 36 to any other purpose.

37 (b) The ordinance provided for in this section shall identify the specific transportation  
 38 project to be financed with such registration fees, the estimated total cost of such project

1 including, but not limited to, planning, right-of-way acquisition, preliminary engineering  
2 and construction.

3 (c) Any registration fee imposed pursuant to this section shall be valid only until  
4 sufficient revenue has been collected to pay for the estimated cost of the specific  
5 transportation project identified in the ordinance provided for in this section. The  
6 authorization to implement and collect registration fees provided for in this section shall  
7 be null, void and of no legal effect at such time as sufficient revenue to provide for the  
8 cost of the specific transportation project has been raised. The relevant board of county  
9 commissioners shall certify when sufficient revenue has been collected to pay for the  
10 identified transportation project.

11 (d) In the event moneys generated from registration fees for a specific transportation  
12 project as provided for in this section remain unexpended upon the completion of  
13 such transportation project, such unexpended moneys shall be used by the appropriate  
14 governmental entity for maintenance and repairs of said transportation project.

15 (2) In any election, the ordinance submitted to the county voters shall: (a) state the exact  
16 rate of the fee; and (b) state the duration of the fee.

17 No rate shall be increased and no duration shall be extended without the approval of the  
18 voters, by a simple majority of the votes cast.

19 An election to approve or disapprove the adoption of a vehicle registration fee increase  
20 may be called for by the adoption of an ordinance by majority vote of the board of county  
21 commissioners or shall be called upon a request in writing from the governing board of  
22 each local governmental entity in the county with jurisdiction and responsibility for state  
23 transportation projects or ten percent (10%) or more of the number of qualified voters voting in  
24 the last general election in each county commissioner subdistrict.

25 (3) Any county adopting an ordinance for a vehicle registration fee increase shall  
26 contract with the department for the collection, distribution and administration of the fee in a  
27 like manner, and under the definitions and rules for the collection and administration of other  
28 registration fees as set forth in chapter 4, title 49, Idaho Code. Each month, following receipt  
29 by the department of revenue and taxation from the implementation of a vehicle registration  
30 fee increase, the department shall remit the same to the county implementing such fee, less a  
31 deduction for such amount for the department's actual costs for collection and administration of  
32 the fee, but not to exceed one and one-half percent (1 1/2%). The increased vehicle registration  
33 fee shall not become part of the state highway account or the state highway distribution  
34 account.

35 (4) Local governmental entities within a county with jurisdiction over and responsibility  
36 for transportation projects on the county highway system and highway district systems, in such  
37 county shall use the moneys generated by the increased vehicle registration fee in a manner  
38 consistent with the provisions of subsection (1) of this section. In using such moneys, local  
39 governmental entities may also enter into agreements with the Idaho transportation department  
40 for transportation projects on the state highway system, provided that such projects shall be  
41 performed in a manner consistent with the provisions of subsection (1) of this section.

42 (5) Specialty plates provided for in chapter 4, title 49, Idaho Code, shall be subject to the  
43 provisions of this section.

44 (6) Such funds generated from the optional vehicle registration fee provided for in this  
45 section shall be distributed as provided by written agreement approved by each of the local

- 1 governmental entities with jurisdiction over and responsibility for the identified transportation
- 2 project authorized pursuant to this section.