

IN THE SENATE

SENATE BILL NO. 1044

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER’S CORRECTIONS IN STATUTES; AMENDING SECTION  
2 2-502, IDAHO CODE, TO DELETE REFERENCE TO AN ARCHAIC CODE  
3 SECTION; AMENDING SECTION 7-720, IDAHO CODE, TO DELETE REFERENCE  
4 TO ARCHAIC CODE SECTIONS AND TO MAKE A TECHNICAL CORRECTION;  
5 AMENDING SECTION 11-102, IDAHO CODE, TO DELETE REFERENCE TO AN  
6 ARCHAIC CODE SECTION AND TO MAKE TECHNICAL CORRECTIONS;  
7 AMENDING SECTION 15-3-201, IDAHO CODE, TO MAKE CODIFIER’S  
8 CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
9 SECTION 18-915, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS;  
10 AMENDING SECTION 18-8005, IDAHO CODE, TO DELETE ARCHAIC  
11 LANGUAGE; REPEALING SECTION 32-413, IDAHO CODE, RELATING TO  
12 MEDICAL CERTIFICATES; AMENDING SECTION 33-2739, IDAHO CODE, TO  
13 DELETE OBSOLETE LANGUAGE REGARDING LEVIES AND TO MAKE A  
14 TECHNICAL CORRECTION; AMENDING SECTION 33-2815, IDAHO CODE, TO  
15 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-3701, IDAHO  
16 CODE, TO ADD REFERENCE TO LEWIS-CLARK STATE COLLEGE AND BOISE  
17 STATE UNIVERSITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
18 SECTION 33-5205, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION;  
19 REPEALING SECTION 33-5212, IDAHO CODE, RELATING TO REVIEW OF  
20 CHARTER SCHOOLS; AMENDING SECTION 39-2903, IDAHO CODE, TO MAKE A  
21 TECHNICAL CORRECTION; AMENDING THE HEADING FOR CHAPTER 2, TITLE  
22 47, IDAHO CODE; AMENDING SECTIONS 47-306 AND 47-307, IDAHO CODE,  
23 TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 49-114, IDAHO  
24 CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL  
25 CORRECTIONS; AMENDING SECTION 49-123, IDAHO CODE, TO MAKE  
26 TECHNICAL CORRECTIONS; AMENDING SECTION 49-402, IDAHO CODE, TO  
27 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-909, IDAHO  
28 CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2702,  
29 IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
30 63-201, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING  
31 SECTION 63-510, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION;  
32 AND AMENDING SECTION 63-1703, IDAHO CODE, TO MAKE A TECHNICAL  
33 CORRECTION.  
34

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

36 SECTION 1. That Section 2-502, Idaho Code, be, and the same is hereby amended to  
37 read as follows:

1           2-502. GRAND JURY – HOW CONSTITUTED – QUORUM. Sixteen (16) persons  
 2 shall constitute a grand jury, twelve (12) of whom shall constitute a quorum, and when of the  
 3 jurors summoned, no more nor less than sixteen (16) attend they shall constitute the grand jury.  
 4 If more than sixteen (16) attend the clerk shall call over the list summoned, and the sixteen (16)  
 5 first answering shall constitute the grand jury. If less than sixteen (16) attend, the panel may be  
 6 filled to sixteen (16) ~~as provided in section 2-410.~~

7           SECTION 2. That Section 7-720, Idaho Code, be, and the same is hereby amended to  
 8 read as follows:

9           7-720. APPLICATION TO MUNICIPALITIES. Nothing in this code must be construed  
 10 to abrogate or repeal any statute provided for the taking of property in any municipality for  
 11 street purposes. Any municipality at its option may exercise the right of eminent domain under  
 12 the provisions of this chapter for any of the uses and purposes mentioned in ~~sections 50-1124~~  
 13 ~~and 50-1125, in like manner and to the same extent as for any of the purposes mentioned in~~  
 14 section 7-701, Idaho Code.

15           SECTION 3. That Section 11-102, Idaho Code, be, and the same is hereby amended to  
 16 read as follows:

17           11-102. FORM OF WRIT. The writ of execution must be issued in the name of the  
 18 people, sealed with the seal of the court, and subscribed by the clerk, and be directed to the  
 19 sheriff, and it must intelligently refer to the judgment, stating the court, the county where the  
 20 judgment roll is filed, and if it be for money, the amount thereof, and the amount actually due  
 21 thereon, and if made payable in a specified kind of money, or currency, ~~as provided in section~~  
 22 ~~10-1104,~~ the execution must also state the kind of money or currency in which the judgment is  
 23 payable, and must require the sheriff substantially as follows:

24           ~~(1-)~~ If it be against the property of the judgment debtor, it must require the sheriff to  
 25 satisfy the judgment, with interest, out of the personal property of such debtor, and if sufficient  
 26 personal property ~~can not~~ cannot be found, then out of his real property; or if the judgment  
 27 be a lien upon real property, then out of the real property belonging to him on the day when  
 28 the judgment was docketed, or at any time thereafter; or if the execution be issued to a county  
 29 other than the one in which the judgment was recovered, on the day when the transcript of  
 30 the docket was filed in the office of the recorder of such county, stating such day, or any time  
 31 thereafter.

32           ~~(2-)~~ If it be against real or personal property in the hands of the personal representatives,  
 33 heirs, devisees, legatees, tenants, or trustees, it must require the sheriff to satisfy the judgment,  
 34 with interest, out of such property.

35           ~~(3-)~~ If it be against the person of the judgment debtor, it must require the sheriff to arrest  
 36 such debtor and commit him to the jail of the county until he pay the judgment, with interest,  
 37 or be discharged according to law.

38           ~~(4-)~~ If it be issued on a judgment made payable in a specified kind of money or currency,  
 39 ~~as provided in section 10-1104,~~ it must also require the sheriff to satisfy the same in the kind  
 40 of money or currency in which the judgment is made payable, and the sheriff must refuse  
 41 payment in any other kind of money or currency; and in case of levy and sale of property of  
 42 the judgment debtor, he must refuse payment from any purchaser at such sale in any other kind  
 43 of money or currency than that specified in the execution. The sheriff collecting money or

1 currency in the manner required by this chapter, must pay to the plaintiff or party entitled to  
 2 recover the same, the same kind of money or currency received by him, and in case of neglect  
 3 or refusal so to do, he shall be liable on his official bond to the judgment creditor in three (3)  
 4 times the amount of the money so collected.

5 ~~(5-)~~ If it be for the delivery of the possession of real or personal property, it must require  
 6 the sheriff to deliver the possession of the same, describing it, to the party entitled thereto, and  
 7 may at the same time require the sheriff to satisfy any costs, damages, rents or profits recovered  
 8 by the same judgment, out of the personal property of the person against whom it was rendered,  
 9 and the value of the property for which the judgment was rendered, to be specified therein, if  
 10 a delivery thereof ~~can not~~ cannot be had; and if sufficient personal property ~~can not~~ cannot be  
 11 found, then out of the real property, as provided in ~~the first subdivision~~ subsection (1) of this  
 12 section.

13 SECTION 4. That Section 15-3-201, Idaho Code, be, and the same is hereby amended to  
 14 read as follows:

15 15-3-201. VENUE FOR FIRST AND SUBSEQUENT ESTATE PROCEEDINGS –  
 16 LOCATION OF PROPERTY. (a) Venue for the first informal or formal testacy or appointment  
 17 proceedings after a decedent's death is:

18 (1) ~~in~~ In the county where the decedent had his domicile at the time of his death; or

19 (2) ~~if~~ If the decedent was not domiciled in this state, in any county where property of the  
 20 decedent was located at the time of his death.

21 (b) Venue for all subsequent proceedings within the exclusive jurisdiction of the court  
 22 is in the place where the initial proceedings occurred, unless the initial proceeding has been  
 23 transferred as provided in section 15-1-303 of this code or subsection (c) of this section.

24 (c) If the first proceeding was informal, on application of an interested person and after  
 25 notice to the proponent in the first proceeding, the court, upon finding that venue is elsewhere,  
 26 may transfer the proceeding and the file to the other court.

27 (d) For the purpose of aiding determinations concerning location of assets which may  
 28 be relevant in cases involving ~~non-domiciliaries~~ nondomiciliaries, a debt, other than one  
 29 evidenced by investment or commercial paper or other instrument in favor of a ~~non-domiciliary~~  
 30 nondomiciliary, is located where the debtor resides or, if the debtor is a person other than an  
 31 individual, at the place where it has its principal office. Commercial paper, investment paper  
 32 and other instruments are located where the instrument is. An interest in property held in trust  
 33 is located where the trustee may be sued.

34 SECTION 5. That Section 18-915, Idaho Code, be, and the same is hereby amended to  
 35 read as follows:

36 18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL –  
 37 PUNISHMENT. (1) Any person who commits a crime provided for in this chapter against or  
 38 upon a justice, judge, magistrate, prosecuting attorney, public defender, peace officer, bailiff,  
 39 marshal, sheriff, police officer, correctional officer, employee of the department of correction,  
 40 employee of a private prison contractor while employed at a private correctional facility in  
 41 the state of Idaho, employees of the department of water resources authorized to enforce the  
 42 provisions of chapter 38, title 42, Idaho Code, jailer, parole officer, misdemeanor probation  
 43 officer, officer of the Idaho state police, fireman, social caseworkers or social work specialists

1 of the department of health and welfare, employee of a state secure confinement facility for  
 2 juveniles, employee of a juvenile detention facility, a teacher at a detention facility or a juvenile  
 3 probation officer, emergency medical technician certified by the department of health and  
 4 welfare, emergency medical technician-ambulance certified by the department of health and  
 5 welfare, advanced emergency medical technician and EMT-paramedic certified by the state  
 6 board of medicine, a member, employee or agent of the state tax commission, United States  
 7 marshal, or federally commissioned law enforcement officer or their deputies or agents and  
 8 the perpetrator knows or has reason to know of the victim's status, the punishment shall be  
 9 as follows:

10 (a) For committing battery with intent to commit a serious felony the punishment shall  
 11 be imprisonment in the state prison not to exceed twenty-five (25) years.

12 (b) For committing any other crime in this chapter the punishment shall be doubled that  
 13 provided in the respective section, except as provided in subsections (2) and (3) of this  
 14 section.

15 (2) For committing a violation of the provisions of section 18-901 or 18-903, Idaho  
 16 Code, against the person of a former or present justice, judge or magistrate, jailer or  
 17 correctional officer or other staff of the department of correction, or a county jail, or of  
 18 a private correctional facility, or of an employee of a state secure confinement facility for  
 19 juveniles, an employee of a juvenile detention facility, a teacher at a detention facility,  
 20 misdemeanor probation officer or a juvenile probation officer: ~~misdemeanor probation officer~~

21 (a) Because of the exercise of official duties or because of the victim's former or present  
 22 official status; or

23 (b) While the victim is engaged in the performance of his duties and the person  
 24 committing the offense knows or reasonably should know that such victim is a justice,  
 25 judge or magistrate, jailer or correctional officer or other staff of the department of  
 26 correction, or of a private correctional facility, an employee of a state secure confinement  
 27 facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention  
 28 facility, misdemeanor probation officer or a juvenile probation officer;

29 the offense shall be a felony punishable by imprisonment in a correctional facility for a period  
 30 of not more than five (5) years, and said sentence shall be served consecutively to any sentence  
 31 being currently served.

32 (3) For committing a violation of the provisions of section 18-903, Idaho Code, except  
 33 unlawful touching as described in section 18-903(b), Idaho Code, against the person of a former  
 34 or present peace officer, sheriff or police officer:

35 (a) Because of the exercise of official duty or because of the victim's former or present  
 36 official status; or

37 (b) While the victim is engaged in the performance of his duties and the person  
 38 committing the offense knows or reasonably should know that such victim is a peace  
 39 officer, sheriff or police officer;

40 the offense shall be a felony punishable by imprisonment in a correctional facility for a period  
 41 of not more than five (5) years, and said sentence shall be served consecutively to any sentence  
 42 being currently served.

43 SECTION 6. That Section 18-8005, Idaho Code, be, and the same is hereby amended to  
 44 read as follows:

1 18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a  
2 violation of the provisions of section 18-8004(1)(a) ~~or (5)~~, Idaho Code, for the first time is  
3 guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

4 (a) May be sentenced to jail for a term not to exceed six (6) months;

5 (b) May be fined an amount not to exceed one thousand dollars (\$1,000);

6 (c) Shall be advised by the court in writing at the time of sentencing of the penalties  
7 that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho  
8 Code, which advice shall be signed by the defendant, and a copy retained by the court  
9 and another copy retained by the prosecuting attorney; and

10 (d) Shall have his driving privileges suspended by the court for a period of thirty (30)  
11 days which shall not be reduced and during which thirty (30) day period absolutely  
12 no driving privileges of any kind may be granted. After the thirty (30) day period of  
13 absolute suspension of driving privileges has passed, the defendant shall have driving  
14 privileges suspended by the court for an additional period of at least sixty (60) days, not  
15 to exceed one hundred fifty (150) days during which the defendant may request restricted  
16 driving privileges which the court may allow, if the defendant shows by a preponderance  
17 of the evidence that driving privileges are necessary for his employment or for family  
18 health needs.

19 (2) Any person who pleads guilty to or is found guilty of a violation of the provisions of  
20 section 18-8004(1)(b), Idaho Code, for the first time is guilty of a misdemeanor and subject to:

21 (a) The provisions of section 18-8005(1)(a), (b) and (c), Idaho Code; and

22 (b) The provisions of section 49-335, Idaho Code.

23 (3) Any person who pleads guilty to or is found guilty of a violation of the provisions of  
24 section 18-8004(1)(c), Idaho Code, for the first time, is guilty of a misdemeanor and is subject  
25 to:

26 (a) The provisions of section 18-8005(1)(a), (b) and (c), Idaho Code; and

27 (b) The provisions of section 49-335, Idaho Code.

28 (4) Any person who pleads guilty to or is found guilty of a violation of the provisions  
29 of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty  
30 of or has pled guilty to a violation of the provisions of section 18-8004(1)(a), (b) or (c),  
31 Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years,  
32 notwithstanding the form of the judgment(s) or withheld judgment(s), and except as provided in  
33 section 18-8004C, Idaho Code, is guilty of a misdemeanor; and, except as provided in section  
34 18-8004C, Idaho Code:

35 (a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10)  
36 days the first forty-eight (48) hours of which must be consecutive, and five (5) days of  
37 which must be served in jail, as required by 23 U.S.C. section 164, and may be sentenced  
38 to not more than one (1) year, provided however, that in the discretion of the sentencing  
39 judge, the judge may authorize the defendant to be assigned to a work detail program  
40 within the custody of the county sheriff during the period of incarceration;

41 (b) May be fined an amount not to exceed two thousand dollars (\$2,000);

42 (c) Shall be advised by the court in writing at the time of sentencing, of the penalties  
43 that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho  
44 Code, which advice shall be signed by the defendant, and a copy retained by the court  
45 and another copy retained by the prosecuting attorney;

46 (d) Shall surrender his driver's license or permit to the court;

1 (e) Shall have his driving privileges suspended by the court for an additional mandatory  
2 minimum period of one (1) year after release from confinement, during which one (1)  
3 year period absolutely no driving privileges of any kind may be granted; and

4 (f) Shall, while operating a motor vehicle, be required to drive only a motor vehicle  
5 equipped with a functioning ignition interlock system, as provided in section 18-8008,  
6 Idaho Code, following the one (1) year mandatory license suspension period.

7 (g) If the person has pled guilty or was found guilty for the second time within ten (10)  
8 years of a violation of the provisions of section 18-8004(1)(b) or (c), Idaho Code, then the  
9 provisions of section 49-335, Idaho Code, shall apply.

10 (5) Except as provided in section 18-8004C, Idaho Code, any person who pleads  
11 guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or  
12 (c), Idaho Code, who previously has been found guilty of or has pled guilty to two (2) or  
13 more violations of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any  
14 substantially conforming foreign criminal violation, or any combination thereof, within ten (10)  
15 years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a  
16 felony; and

17 (a) Shall be sentenced to the custody of the state board of correction for not to  
18 exceed ten (10) years; provided that notwithstanding the provisions of section 19-2601,  
19 Idaho Code, should the court impose any sentence other than incarceration in the state  
20 penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum  
21 period of not less than thirty (30) days, the first forty-eight (48) hours of which must be  
22 consecutive, and ten (10) days of which must be served in jail, as required by 23 U.S.C.  
23 section 164; and further provided that notwithstanding the provisions of section 18-111,  
24 Idaho Code, a conviction under this section shall be deemed a felony;

25 (b) May be fined an amount not to exceed five thousand dollars (\$5,000);

26 (c) Shall surrender his driver's license or permit to the court; and

27 (d) Shall have his driving privileges suspended by the court for a mandatory minimum  
28 period of one (1) year after release from imprisonment, and may have his driving  
29 privileges suspended by the court for not to exceed five (5) years after release from  
30 imprisonment, during which time he shall have absolutely no driving privileges of any  
31 kind; and

32 (e) Shall, while operating a motor vehicle, be required to drive only a motor vehicle  
33 equipped with a functioning ignition interlock system, as provided in section 18-8008,  
34 Idaho Code, following the mandatory one (1) year license suspension period.

35 (6) For the purpose of computation of the enhancement period in subsections (4), (5) and  
36 (7) of this section, the time that elapses between the date of commission of the offense and the  
37 date the defendant pleads guilty or is found guilty for the pending offense shall be excluded. If  
38 the determination of guilt against the defendant is reversed upon appeal, the time that elapsed  
39 between the date of the commission of the offense and the date the defendant pleads guilty or is  
40 found guilty following the appeal shall also be excluded.

41 (7) Notwithstanding the provisions of subsections (4) and (5) of this section, any person  
42 who has pled guilty or has been found guilty of a felony violation of the provisions of section  
43 18-8004, Idaho Code, a felony violation of the provisions of section 18-8004C, Idaho Code,  
44 a violation of the provisions of section 18-8006, Idaho Code, a violation of the provisions  
45 of section 18-4006 3.(b), Idaho Code, or any substantially conforming foreign criminal felony  
46 violation, and within fifteen (15) years pleads guilty or is found guilty of a further violation

1 of the provisions of section 18-8004, Idaho Code, shall be guilty of a felony and shall be  
2 sentenced pursuant to subsection (5) of this section.

3 (8) For the purpose of subsections (4), (5) and (7) of this section and the provisions  
4 of section 18-8004C, Idaho Code, a substantially conforming foreign criminal violation exists  
5 when a person has pled guilty to or has been found guilty of a violation of any federal law or  
6 law of another state, or any valid county, city, or town ordinance of another state substantially  
7 conforming to the provisions of section 18-8004, Idaho Code. The determination of whether a  
8 foreign criminal violation is substantially conforming is a question of law to be determined by  
9 the court.

10 (9) Any person who pleads guilty to or is found guilty of a violation of the provisions  
11 of section 18-8004, 18-8004C or 18-8006, Idaho Code, shall undergo, at his own expense,  
12 (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho  
13 Code,) and prior to the sentencing date, an alcohol evaluation by an alcohol evaluation  
14 facility approved by the Idaho department of health and welfare; provided however, if the  
15 defendant has no prior or pending charges with respect to the provisions of section 18-8004,  
16 18-8004C or 18-8006, Idaho Code, and the court has the records and information required  
17 under subsections (10)(a), (b) and (c) of this section or possesses information from other  
18 reliable sources relating to the defendant's use or nonuse of alcohol or drugs which does not  
19 give the court any reason to believe that the defendant regularly abuses alcohol or drugs and  
20 is in need of treatment, the court may, in its discretion, waive the evaluation with respect to  
21 sentencing for a violation of section 18-8004 or 18-8004C(1), Idaho Code, and proceed to  
22 sentence the defendant. The court may also, in its discretion, waive the requirement of an  
23 alcohol evaluation with respect to a defendant's violation of the provisions of section 18-8004,  
24 18-8004C or 18-8006, Idaho Code, and proceed to sentence the defendant if the court has a  
25 presentence investigation report, substance abuse assessment, criminogenic risk assessment,  
26 or other assessment which evaluates the defendant's degree of alcohol abuse and need for  
27 alcohol treatment conducted within twelve (12) months preceding the date of the defendant's  
28 sentencing. In the event an alcohol evaluation indicates the need for alcohol treatment, the  
29 evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment  
30 program, together with the estimated cost thereof, and recommendations for other suitable  
31 alternative treatment programs, together with the estimated costs thereof. The person shall  
32 request that a copy of the completed evaluation be forwarded to the court. The court shall  
33 take the evaluation into consideration in determining an appropriate sentence. If a copy of the  
34 completed evaluation has not been provided to the court, the court may proceed to sentence  
35 the defendant; however, in such event, it shall be presumed that alcohol treatment is required  
36 unless the defendant makes a showing by a preponderance of evidence that treatment is not  
37 required. If the defendant has not made a good faith effort to provide the completed copy of  
38 the evaluation to the court, the court may consider the failure of the defendant to provide the  
39 report as an aggravating circumstance in determining an appropriate sentence. If treatment is  
40 ordered, in no event shall the person or facility doing the evaluation be the person or facility  
41 that provides the treatment unless this requirement is waived by the sentencing court, with the  
42 exception of federally recognized Indian tribes or federal military installations, where diagnosis  
43 and treatment are appropriate and available. Nothing herein contained shall preclude the use of  
44 funds authorized pursuant to the provisions of chapter 3, title 39, Idaho Code, for court-ordered  
45 alcohol treatment for indigent defendants.

46 (10) At the time of sentencing, the court shall be provided with the following information:

- 1 (a) The results, if administered, of any evidentiary test for alcohol and/or drugs;  
 2 (b) A computer or teletype or other acceptable copy of the person's driving record;  
 3 (c) Information as to whether the defendant has pled guilty to or been found guilty of  
 4 violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, or a  
 5 similar offense within the past five (5) years, notwithstanding the form of the judgment(s)  
 6 or withheld judgment(s); and  
 7 (d) The alcohol evaluation required in subsection (9) of this section, if any.

8 (11) A minor may be prosecuted for a violation of the provisions of section 18-8004  
 9 or 18-8004C, Idaho Code, under chapter 5, title 20, Idaho Code. In addition to any other  
 10 penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of  
 11 section 18-8004(1)(a), (b) or (c) or 18-8004C, Idaho Code, he shall have his driving privileges  
 12 suspended or denied for an additional one (1) year following the end of any period of  
 13 suspension or revocation existing at the time of the violation, or until he reaches the age of  
 14 twenty-one (21) years, whichever period is greater. During the period of additional suspension  
 15 or denial, absolutely no driving privileges shall be allowed.

16 (12) In the event that the alcohol evaluation required in subsection (9) of this section  
 17 recommends alcohol treatment, the court shall order the person to complete a treatment  
 18 program in addition to any other sentence which may be imposed, unless the court determines  
 19 that alcohol treatment would be inappropriate or undesirable, in which event, the court shall  
 20 enter findings articulating the reasons for such determination on the record. The court shall  
 21 order the defendant to complete the preferred treatment program set forth in the evaluation, or a  
 22 comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate  
 23 financial resources for such treatment. In that event, the court may order the defendant to  
 24 complete a less costly alternative set forth in the evaluation, or a comparable program. Such  
 25 treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event  
 26 that funding is provided for or on behalf of the defendant by an entity of state government,  
 27 restitution shall be ordered to such governmental entity in accordance with the restitution  
 28 procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing  
 29 contained herein shall be construed as requiring a court to order that a governmental entity shall  
 30 provide alcohol treatment at government expense unless otherwise required by law.

31 (13) Any person who is disqualified, or whose driving privileges have been suspended,  
 32 revoked or canceled under the provisions of this chapter, shall not be granted restricted driving  
 33 privileges to operate a commercial motor vehicle.

34 SECTION 7. That Section [32-413](#), Idaho Code, be, and the same is hereby repealed.

35 SECTION 8. That Section 33-2739, Idaho Code, be, and the same is hereby amended to  
 36 read as follows:

37 33-2739. SCHOOL-COMMUNITY LIBRARY DISTRICTS – BOARD OF  
 38 TRUSTEES – POWERS AND DUTIES – FISCAL YEAR. (1) The board of trustees of  
 39 the school-community library district shall perform the duties required of, and have the power  
 40 and authority granted to library district trustees pursuant to this chapter, including the authority  
 41 to levy upon the taxable property in the school-community library district an annual tax not  
 42 to exceed six hundredths ~~per cent~~ percent (.06%) of market value for assessment purposes for  
 43 establishing and maintaining public library services. The school-community library district  
 44 board shall have exclusive control of the school-community library district fund and shall cause

1 to be made a full and complete audit of the books and accounts of the district as provided for in  
2 section 33-2726, Idaho Code.

3 ~~(2) To bring the fiscal year of school community library districts into conformity with  
4 the fiscal year of library districts, fiscal year 1994 for school community library districts  
5 shall be defined as beginning on July 1, 1993 and ending on September 30, 1994. To fund  
6 school community library district operations from July 1, 1993 through September 30, 1994:~~

7 ~~(a) The four (4) existing school community library districts are authorized to budget for  
8 the fifteen (15) month period;~~

9 ~~(b) The county commissioners of the relevant counties are authorized to set the levy for  
10 the fifteen (15) month period for the four (4) existing school community library districts;~~

11 ~~(c) The state tax commission is authorized to approve the levy for the fifteen (15) month  
12 period for the four (4) existing school community library districts;~~

13 ~~(d) The relevant counties are authorized to collect ad valorem taxes for the fifteen (15)  
14 month period for the relevant existing school community library districts within each  
15 county's boundaries;~~

16 ~~(e) For the fifteen (15) month period only, the maximum allowable levy for  
17 school community library districts shall be seven and one half hundredths percent  
18 (.075%) of market value for assessment purposes.~~

19 ~~This subsection (2) shall be void and of no further force and effect on and after September 30,  
20 1994.~~

21 ~~(3)~~ On and after fiscal year 1995, school-community library districts shall have a fiscal  
22 year of October 1 through September 30.

23 SECTION 9. That Section 33-2815, Idaho Code, be, and the same is hereby amended to  
24 read as follows:

25 33-2815. PRACTICAL PROSPECTING AND PRACTICAL MINING – COURSES  
26 IN. The board of regents of the University of Idaho, and of the Idaho ~~bureau of mines  
27 and geology~~ geological survey may prescribe a special course of instructions in practical  
28 prospecting, including a short course in practical mining including identification and  
29 classification of minerals at the University of Idaho, or in a mobile unit of the school of mines,  
30 which shall be open to special students desirous of studying such subjects, but who may be  
31 ineligible for admission to enter the University of Idaho on account of having deficient entrance  
32 credits.

33 SECTION 10. That Section 33-3701, Idaho Code, be, and the same is hereby amended to  
34 read as follows:

35 33-3701. CONTRACTS FOR HOUSING FACILITIES AT STATE  
36 INSTITUTIONS. The state board of education and board of regents of the University of  
37 Idaho, acting as the board of regents of the University of Idaho, or as the board of trustees of  
38 the Lewis-Clark ~~Normal School~~ State College, or as the board of trustees of the Boise State  
39 University, or as the board of trustees of the Idaho State University are hereby authorized  
40 to enter into contracts with persons, firms and corporations, for the purpose of providing  
41 dormitory and housing facilities for the students of said institutions; for ~~said~~ the purposes ~~said~~  
42 the board may contract for the leasing and purchase of lands and buildings and for the purchase  
43 and installation of fixtures, furniture, furnishings and equipment in such buildings; ~~said~~ the

1 board may contract to pay as rent or otherwise a sum sufficient to pay, on the amortization plan,  
2 the principal and interest thereon, of the purchase-price of lands and buildings, such contracts to  
3 run not over twenty (20) years; the rate of interest on the principal on any purchase shall not  
4 exceed seven ~~per cent~~ percent (7%) per annum payable ~~semi-annually~~ semiannually or annually.

5 SECTION 11. That Section 33-5205, Idaho Code, be, and the same is hereby amended to  
6 read as follows:

7 33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group  
8 of persons may petition to establish a new public charter school, or to convert an existing  
9 traditional public school to a public charter school.

10 (a) A petition to establish a new public charter school, including a public virtual charter  
11 school, shall be signed by not fewer than thirty (30) qualified electors of the attendance  
12 area designated in the petition. Proof of elector qualifications shall be provided with the  
13 petition.

14 (b) A petition to establish a new public virtual school must be submitted directly to the  
15 public charter school commission. A petition to establish a new public charter school,  
16 other than a new public virtual school, shall first be submitted to the local board of  
17 trustees in which the public charter school will be located. A petition shall be considered  
18 to be received by an authorized chartering entity as of the next scheduled meeting of the  
19 authorized chartering entity after submission of the petition.

20 (c) The board of trustees may either: (i) consider the petition and approve the charter;  
21 or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public  
22 charter school commission, but such referral shall not be made until the local board has  
23 documented its due diligence in considering the petition. Such documentation shall be  
24 submitted with the petition to the public charter school commission. If the petitioners  
25 and the local board of trustees have not reached mutual agreement on the provisions  
26 of the charter, after a reasonable and good faith effort, within sixty (60) days from the  
27 date the charter petition is received, the petitioners may withdraw their petition from  
28 the local board of trustees and may submit their charter petition to the public charter  
29 school commission, provided it is signed by thirty (30) qualified electors as required by  
30 subsection (1)(a) of this section. Documentation of the reasonable and good faith effort  
31 between the petitioners and the local board of trustees must be submitted with the petition  
32 to the public charter school commission.

33 (d) The public charter school commission may either: (i) consider the petition and  
34 approve the charter; or (ii) consider the petition and deny the charter.

35 (e) A petition to convert an existing traditional public school shall be submitted to the  
36 board of trustees of the district in which the school is located for review and approval.  
37 The petition shall be signed by not fewer than sixty percent (60%) of the teachers  
38 currently employed by the school district at the school to be converted, and by one  
39 (1) or more parents or guardians of not fewer than sixty percent (60%) of the students  
40 currently attending the school to be converted. Each petition submitted to convert an  
41 existing school or to establish a new charter school shall contain a copy of the articles  
42 of incorporation and the bylaws of the nonprofit corporation, which shall be deemed  
43 incorporated into the petition.

44 (2) Not later than sixty (60) days after receiving a petition signed by thirty (30) qualified  
45 electors as required by subsection (1)(a) of this section, the authorized chartering entity shall

1 hold a public hearing for the purpose of discussing the provisions of the charter, at which  
2 time the authorized chartering entity shall consider the merits of the petition and the level of  
3 employee and parental support for the petition. In the case of a petition submitted to the  
4 public charter school commission, such public hearing must be not later than sixty (60) days  
5 after receipt of the petition, which may be extended to ninety (90) days if both parties agree  
6 to an extension, and the public hearing shall also include any oral or written comments that  
7 an authorized representative of the school district in which the proposed public charter school  
8 would be physically located may provide regarding the merits of the petition and any potential  
9 impacts on the school district. Following review of the petition and the public hearing, the  
10 authorized chartering entity shall either approve or deny the charter within sixty (60) days  
11 after the date of the public hearing, provided however, that the date may be extended by an  
12 additional sixty (60) days if the petition fails to contain all of the information required in this  
13 section, or if both parties agree to the extension. This public hearing shall be an opportunity  
14 for public participation and oral presentation by the public. This hearing is not a contested case  
15 hearing as described in chapter 52, title 67, Idaho Code.

16 (3) An authorized chartering entity may approve a charter under the provisions of this  
17 chapter only if it determines that the petition contains the requisite signatures, the information  
18 required by subsections (4) and (5) of this section, and additional statements describing all of  
19 the following:

20 (a) The proposed educational program of the public charter school, designed among other  
21 things, to identify what it means to be an "educated person" in the twenty-first century,  
22 and how learning best occurs. The goals identified in the program shall include how all  
23 educational thoroughness standards as defined in section 33-1612, Idaho Code, shall be  
24 fulfilled.

25 (b) The measurable student educational standards identified for use by the public charter  
26 school. "Student educational standards" for the purpose of this chapter means the extent  
27 to which all students of the public charter school demonstrate they have attained the skills  
28 and knowledge specified as goals in the school's educational program.

29 (c) The method by which student progress in meeting those student educational standards  
30 is to be measured.

31 (d) A provision by which students of the public charter school will be tested with the  
32 same standardized tests as other Idaho public school students.

33 (e) A provision which ensures that the public charter school shall be state accredited as  
34 provided by rule of the state board of education.

35 (f) The governance structure of the public charter school including, but not limited to, the  
36 person or entity who shall be legally accountable for the operation of the public charter  
37 school, and the process to be followed by the public charter school to ensure parental  
38 involvement.

39 (g) The qualifications to be met by individuals employed by the public charter school.  
40 Instructional staff shall be certified teachers as provided by rule of the state board of  
41 education.

42 (h) The procedures that the public charter school will follow to ensure the health and  
43 safety of students and staff.

44 (i) A plan for the requirements of section 33-205, Idaho Code, for the denial of school  
45 attendance to any student who is an habitual truant, as defined in section 33-206, Idaho  
46 Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors

1 of the public charter school, is such as to be continuously disruptive of school discipline,  
2 or of the instructional effectiveness of the school, or whose presence in a public charter  
3 school is detrimental to the health and safety of other pupils, or who has been expelled  
4 from another school district in this state or any other state.

5 (j) Admission procedures, including provision for overenrollment. Such admission  
6 procedures shall provide that the initial admission procedures for a new public charter  
7 school, including provision for overenrollment, will be determined by lottery or other  
8 random method, except as otherwise provided herein. If initial capacity is insufficient  
9 to enroll all pupils who submit a timely application, then the admission procedures  
10 may provide that preference shall be given in the following order: first, to children of  
11 founders, provided that this admission preference shall be limited to not more than ten  
12 percent (10%) of the capacity of the public charter school; second, to siblings of pupils  
13 already selected by the lottery or other random method; and third, an equitable selection  
14 process such as by lottery or other random method. If capacity is insufficient to enroll all  
15 pupils for subsequent school terms, who submit a timely application, then the admission  
16 procedures may provide that preference shall be given in the following order: first, to  
17 pupils returning to the public charter school in the second or any subsequent year of its  
18 operation; second, to children of founders, provided that this admission preference shall  
19 be limited to not more than ten percent (10%) of the capacity of the public charter school;  
20 third, to siblings of pupils already enrolled in the public charter school; and fourth, an  
21 equitable selection process such as by lottery or other random method. There shall be no  
22 carryover from year to year of the list maintained to fill vacancies. A new lottery shall be  
23 conducted each year to fill vacancies which become available.

24 (k) The manner in which an annual audit of the financial and programmatic operations of  
25 the public charter school is to be conducted.

26 (l) The disciplinary procedures that the public charter school will utilize, including  
27 the procedure by which students may be suspended, expelled and reenrolled, and the  
28 procedures required by section 33-210, Idaho Code.

29 (m) A provision which ensures that all staff members of the public charter school will be  
30 covered by the public employee retirement system, federal social security, unemployment  
31 insurance, worker's compensation insurance, and health insurance.

32 (n) The public school attendance alternative for students residing within the school  
33 district who choose not to attend the public charter school.

34 (o) A description of the transfer rights of any employee choosing to work in a public  
35 charter school that is approved by the board of trustees of a school district, and the rights  
36 of such employees to return to any noncharter school in the same school district after  
37 employment at such charter school.

38 (p) A provision which ensures that the staff of the public charter school shall be  
39 considered a separate unit for purposes of collective bargaining.

40 (q) The manner by which special education services will be provided to students with  
41 disabilities who are eligible pursuant to the federal individuals with disabilities education  
42 act, including disciplinary procedures for these students.

43 (r) A plan for working with parents who have students who are dually enrolled pursuant  
44 to section 33-203, Idaho Code.

45 (s) The process by which the citizens in the area of attendance shall be made aware of  
46 the enrollment opportunities of the public charter school.

1 (t) A proposal for transportation services as required by section 33-5208(4), Idaho Code.

2 (u) A plan for termination of the charter by the board of directors, to include:

3 (i) Identification of who is responsible for dissolution of the charter school;

4 (ii) A description of how payment to creditors will be handled;

5 (iii) A procedure for transferring all records of students with notice to parents of  
6 how to request a transfer of student records to a specific school; and

7 (iv) A plan for the disposal of the public charter school's assets.

8 (4) The petitioner shall provide information regarding the proposed operation and  
9 potential effects of the public charter school including, but not limited to, the facilities to be  
10 utilized by the public charter school, the manner in which administrative services of the public  
11 charter school are to be provided and the potential civil liability effects upon the public charter  
12 school and upon the authorized chartering entity.

13 (5) At least one (1) person among a group of petitioners of a prospective public charter  
14 school shall attend a public charter school workshop offered by the state department of  
15 education. The state department of education shall provide notice of dates and locations when  
16 workshops will be held, and shall provide proof of attendance to workshop attendees. Such  
17 proof shall be submitted by the petitioners to an authorized chartering entity along with the  
18 charter petition.

19 ~~(5)~~ (6) The public charter school commission may approve a charter for a public virtual  
20 school under the provisions of this chapter only if it determines that the petition contains the  
21 requirements of subsections (3) and (4) of this section and the additional statements describing  
22 the following:

23 (a) The learning management system by which courses will be delivered;

24 (b) The role of the online teacher, including the consistent availability of the teacher to  
25 provide guidance around course material, methods of individualized learning in the online  
26 course and the means by which student work will be assessed;

27 (c) A plan for the provision of professional development specific to the public virtual  
28 school environment;

29 (d) The means by which public virtual school students will receive appropriate  
30 teacher-to-student interaction, including timely, frequent feedback about student progress;

31 (e) The means by which the public virtual school will verify student attendance and  
32 award course credit. Attendance at public virtual schools shall focus primarily on  
33 coursework and activities that are correlated to the Idaho state thoroughness standards;

34 (f) A plan for the provision of technical support relevant to the delivery of online  
35 courses;

36 (g) The means by which the public virtual school will provide opportunity for  
37 student-to-student interaction; and

38 (h) A plan for ensuring equal access to all students, including the provision of  
39 necessary hardware, software and internet connectivity required for participation in online  
40 coursework.

41 SECTION 12. That Section [33-5212](#), Idaho Code, be, and the same is hereby repealed.

42 SECTION 13. That Section 39-2903, Idaho Code, be, and the same is hereby amended to  
43 read as follows:

44 39-2903. DEFINITIONS. As used in this chapter:

1 (1) "Full commissioning" means that a third-party commissioning authority has validated  
 2 and documented that the building and its systems are designed, installed, tested and capable  
 3 of being operated and maintained to perform in accordance with the design intent, including  
 4 energy performance. The full commissioning process extends through all phases of the project,  
 5 from conceptualization to occupancy and operation, with evaluation checks at each phase to  
 6 ensure validation of the building's performance.

7 (2) "Idaho state building authority" means the Idaho state building authority as  
 8 established in chapter 64, title 67, Idaho Code.

9 (3) "Major facility project" means:

10 (a) A building project constructed by a state agency or for occupancy or use by a  
 11 state agency that is larger than five thousand (5,000) gross square feet of occupied or  
 12 conditioned space as defined in the appropriate building code adopted by the Idaho  
 13 building code board pursuant to chapter 41, title 39, Idaho Code; or

14 (b) A building renovation project constructed by a state agency or for occupancy or  
 15 use by a state agency on an existing building that is larger than five thousand (5,000)  
 16 gross square feet of occupied or conditioned space as defined in the appropriate building  
 17 code adopted by the Idaho building code board pursuant to chapter 41, title 39, Idaho  
 18 Code, and with a project cost greater than fifty percent (50%) of the assessed value of the  
 19 existing building.

20 (4) "Operational cost savings" means that the savings of the operational costs of a major  
 21 facility project constructed pursuant to section 39-2904(1), Idaho Code, over a period of ten  
 22 (10) years, will equal or be more than the additional cost of construction of the building as  
 23 required in section ~~39-3904~~ 39-2904, Idaho Code.

24 (5) "Permanent building fund advisory council" means the permanent building fund  
 25 advisory council created in section 67-5710, Idaho Code.

26 (6) "State agency" means every state officer, department, division, bureau, commission  
 27 and board, including those in the legislative or judicial branch and public postsecondary  
 28 educational institutions. With the exception of community college districts, for purposes of this  
 29 chapter, "state agency" does not include a political subdivision as defined in section 67-2320(5),  
 30 Idaho Code, or a public charter school as defined in section 33-5202A, Idaho Code.

31 SECTION 14. That the Heading for Chapter 2, Title 47, Idaho Code, be, and the same is  
 32 hereby amended to read as follows:

33 CHAPTER 2

34 ~~BUREAU OF MINES AND GEOLOGY~~ IDAHO GEOLOGICAL SURVEY

35 SECTION 15. That Section 47-306, Idaho Code, be, and the same is hereby amended to  
 36 read as follows:

37 47-306. RECORDS OF LOGS – CLASSIFICATION OF ROCKS, FOSSILS, AND  
 38 MINERALS – REPORTS TO AUTHORIZED PERSONS. The ~~bureau of mines and geology~~  
 39 Idaho geological survey shall preserve orderly records of logs filed with it and shall determine  
 40 and record and classify rocks shown by samples, identify fossils and minerals, and, on request,  
 41 shall supply to the properly authorized person, connected with the drilling operations from  
 42 which logs and samples are received a report of such determinations and identifications.

1 SECTION 16. That Section 47-307, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3 47-307. USE OF INFORMATION. The ~~bureau of mines and geology~~ Idaho geological  
4 survey is hereby authorized to utilize in its study of regional rock structures, mineral deposits,  
5 and underground water resources, the information so derived.

6 SECTION 17. That Section 49-114, Idaho Code, be, and the same is hereby amended to  
7 read as follows:

8 49-114. DEFINITIONS – M. (1) "Major component part" means a rear clip, cowl,  
9 frame or inner structure forward of the cowl, body, cab, front end assembly, front clip or such  
10 other part which is critical to the safety of the vehicle.

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

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

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

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

21 (6) "Maximum gross weight" means the scale weight of a vehicle, equipped for  
22 operation, to which shall be added the maximum load to be carried as declared by the owner in  
23 making application for registration. When a vehicle against which a registration fee is assessed  
24 is a combination of vehicles, the term "maximum gross weight" means the combined maximum  
25 gross weights of all vehicles in the combination.

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

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

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

29 (a) Both motorized and pedal propulsion that is not capable of propelling the vehicle at a  
30 speed in excess of thirty (30) miles per hour on level ground, whether two (2) or three (3)  
31 wheels are in contact with the ground during operation. If an internal combustion engine  
32 is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall  
33 have a power drive system that functions directly or automatically without clutching or  
34 shifting by the operator after the drive system is engaged; or

35 (b) Two (2) wheels or three (3) wheels with no pedals, which is powered solely by  
36 electrical energy, has an automatic transmission, a motor which produces less than two  
37 (2) gross brake horsepower, is capable of propelling the device at a maximum speed of  
38 not more than thirty (30) miles per hour on level ground and as originally manufactured,  
39 meets federal motor vehicle safety standards for motor-driven cycles. A moped is not  
40 required to be titled and no motorcycle endorsement is required for its operator.

41 (10) "Motorbike" means a vehicle as defined in section 67-7101, Idaho Code. Such  
42 vehicle shall be titled and may be approved for motorcycle registration pursuant to ~~under~~  
43 section 49-402, Idaho Code, upon certification by the owner of the installation and use of

1 conversion components that make the motorbike compliant with federal motor vehicle safety  
2 standards.

3 (11) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the  
4 rider and designed to travel on not more than three (3) wheels in contact with the ground  
5 that meets the federal motor vehicle safety standards as originally designed, and includes a  
6 converted motorbike, but does not include a motor-driven cycle, a motorbike, a tractor or a  
7 moped.

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

11 (13) "Motor-driven cycle" means a cycle with a motor that produces five (5) brake  
12 horsepower or less as originally manufactured that meets federal motor vehicle safety standards  
13 as originally designed, and does not include mopeds. Such vehicle shall be titled and a  
14 motorcycle endorsement is required for its operation.

15 (134) "Motor home" means a vehicular unit designed to provide temporary living  
16 quarters, built into an integral part or permanently attached to a self-propelled motor vehicle  
17 chassis. The vehicle must contain permanently installed independent life support systems  
18 which meet the ~~American National Standards Institute (ANSI) A119.7~~ National Fire Protection  
19 Association (NFPA) 1192 Standard for on Recreational Vehicles, and provide at least four (4)  
20 of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating and/or  
21 air conditioning, a potable water supply system, including a faucet and sink, separate 110-125  
22 volt electrical power supply and/or LP-gas supply.

23 (145) "Motorized wheelchair" means a motor vehicle with a speed not in excess of eight  
24 (8) miles per hour, designed for and used by a handicapped person.

25 (156) "Motor number." (See "Identifying number," section 49-110, Idaho Code)

26 (167) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

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

31 (189) "Motor vehicle record" means any record that pertains to a motor vehicle  
32 registration, motor vehicle title or identification documents or other similar credentials issued  
33 by the department or other state or local agency.

34 SECTION 18. That Section 49-123, Idaho Code, be, and the same is hereby amended to  
35 read as follows:

36 49-123. DEFINITIONS – V. (1) "Variable load suspension axle" means an axle or axles  
37 designed to support a part of the vehicle and load and which can be regulated to vary the  
38 amount of load supported by such an axle or axles and which can be deployed or lifted by the  
39 operator of the vehicle. See also section 49-117, Idaho Code.

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

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

44 (2) "Vehicle" means:

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

4 (b) Authorized emergency vehicle. Vehicles operated by any fire department or law  
5 enforcement agency of the state of Idaho or any political subdivision of the state,  
6 ambulances, vehicles belonging to personnel of voluntary fire departments while in  
7 performance of official duties only, vehicles belonging to, or operated by, EMS personnel  
8 certified or otherwise recognized by the EMS bureau of the Idaho department of health  
9 and welfare while in the performance of emergency medical services, sheriff's search and  
10 rescue vehicles which are under the immediate supervision of the county sheriff, wreckers  
11 which are engaged in motor vehicle recovery operations and are blocking part or all of  
12 one (1) or more lanes of traffic, other emergency vehicles designated by the director of  
13 the Idaho state police or vehicles authorized by the Idaho transportation board and used in  
14 the enforcement of laws specified in section 40-510, Idaho Code, pertaining to vehicles  
15 of ten thousand (10,000) pounds or greater.

16 (c) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and  
17 9 of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of  
18 motor vehicles designed or used to transport passengers or property if the motor vehicle:

- 19 1. Has a manufacturer's gross combination weight rating (GCWR) in excess  
20 of twenty-six thousand (26,000) pounds inclusive of a towed unit with a  
21 manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand  
22 (10,000) pounds; or
- 23 2. Has a manufacturer's gross vehicle weight rating (GVWR) in excess of  
24 twenty-six thousand (26,000) pounds; or
- 25 3. Is designed to transport sixteen (16) or more people, including the driver; or
- 26 4. Is of any size and is used in the transportation of materials found to be  
27 hazardous for the purposes of the hazardous material transportation act and  
28 which require the motor vehicle to be placarded under the hazardous materials  
29 regulations (49 CFR part 172, subpart F).

30 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a vehicle  
31 or combination of vehicles of a type used or maintained for the transportation of persons  
32 for hire, compensation or profit, or the transportation of property for the owner of  
33 the vehicle, or for hire, compensation, or profit, and shall include fixed load specially  
34 constructed vehicles exceeding the limits imposed by chapter 10, title 49, Idaho Code, and  
35 including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders,  
36 and similar vehicles which are normally operated in an overweight or oversize condition  
37 or both, but shall not include those vehicles registered pursuant to sections 49-402 and  
38 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used  
39 in a ridesharing arrangement that has a seating capacity for not more than fifteen (15)  
40 persons, including the driver, shall not be a "commercial vehicle" under the provisions of  
41 this title relating to equipment requirements, rules of the road, or registration.

42 (d) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher,  
43 which are operated over public highways, and used exclusively to transport unprocessed  
44 agricultural, dairy or livestock products raised, owned and grown by the owner of the  
45 vehicle to market or place of storage; and shall include the transportation by the farmer  
46 or rancher of any equipment, supplies or products purchased by that farmer or rancher for

1 his own use, and used in the farming or ranching operation or used by a farmer partly in  
2 transporting agricultural products or livestock from the farm of another farmer that were  
3 originally grown or raised on the farm, or when used partly in transporting agricultural  
4 supplies, equipment, materials or livestock to the farm of another farmer for use or  
5 consumption on the farm but not transported for hire, and shall not include vehicles of  
6 husbandry or vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

7 (e) Foreign vehicle. Every vehicle of a type required to be registered under the  
8 provisions of this title brought into this state from another state, territory or country other  
9 than in the ordinary course of business by or through a manufacturer or dealer and not  
10 registered in this state.

11 (f) Glider kit vehicle. Every large truck manufactured from a kit manufactured by  
12 a manufacturer of large trucks which consists of a frame, cab complete with wiring,  
13 instruments, fenders and hood and front axles and wheels. The "glider kit" is made into  
14 a complete assembly by the addition of the engine, transmission, rear axles, wheels and  
15 tires.

16 (g) Motor vehicle. Every vehicle which is self-propelled, and for the purpose of titling  
17 and registration meets federal motor vehicle safety standards as defined in section 49-107,  
18 Idaho Code. Motor vehicle does not include vehicles moved solely by human power,  
19 electric personal assistive mobility devices and motorized wheelchairs or other such  
20 vehicles that are specifically exempt from titling or registration requirements under title  
21 49, Idaho Code.

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

25 (i) Neighborhood electric vehicle (NEV). A self-propelled, electrically-powered,  
26 four-wheeled motor vehicle which is emission free and conforms to the definition and  
27 requirements for low-speed vehicles as adopted in the federal motor vehicle safety  
28 standards for low-speed vehicles under federal regulations at 49 CFR part 571. An  
29 NEV shall be titled, registered and insured according to law as provided respectively in  
30 chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated by a licensed driver.  
31 Operation of an NEV on a highway shall be allowed as provided in section 49-663, Idaho  
32 Code.

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

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

45 (l) Rebuilt salvage vehicle. Every vehicle that has been rebuilt or repaired using like  
46 make and model parts and visually appears as a vehicle that was originally constructed

1 under a distinctive manufacturer. This includes a salvage vehicle which is damaged to the  
2 extent that a "rebuilt salvage" brand is required to be added to the title.

3 (m) Reconstructed vehicles. Vehicles which have been reconstructed by the use of a  
4 kit designed to be used to construct an exact replica of a vehicle which was previously  
5 constructed under a distinctive name, make, model or type by a generally recognized  
6 manufacturer of vehicles. A glider kit vehicle is not a reconstructed vehicle.

7 (~~nn~~) Replica vehicle. A vehicle made to replicate any passenger car or truck previously  
8 manufactured, using metal, fiberglass or other composite materials. Replica vehicles must  
9 look like the original vehicle being replicated but may use a more modern drive train.  
10 At a minimum, replica vehicles shall meet the same federal motor vehicle safety and  
11 emission standards in effect for the year and type of vehicle being replicated.

12 (~~no~~) Salvage vehicle. Any vehicle for which a salvage certificate, salvage bill of sale  
13 or other documentation showing evidence that the vehicle has been declared salvage or  
14 which has been damaged to the extent that the owner, or an insurer, or other person acting  
15 on behalf of the owner, determines that the cost of parts and labor minus the salvage  
16 value makes it uneconomical to repair or rebuild. When an insurance company has paid  
17 money or has made other monetary settlement as compensation for a total loss of any  
18 vehicle, such vehicle shall be considered to be a salvage vehicle.

19 (~~op~~) Specially constructed vehicle. Every vehicle of a type required to be registered  
20 not originally constructed under a distinctive name, make, model or type by a generally  
21 recognized manufacturer of vehicles and not materially altered from its original  
22 construction and cannot be visually identified as a vehicle produced by a particular  
23 manufacturer. This includes:

- 24 1. A vehicle that has been structurally modified so that it does not have the same  
25 appearance as a similar vehicle from the same manufacturer; or
- 26 2. A vehicle that has been constructed entirely from homemade parts and  
27 materials not obtained from other vehicles; or
- 28 3. A vehicle that has been constructed by using major component parts from one  
29 (1) or more manufactured vehicles and cannot be identified as a specific make or  
30 model; or
- 31 4. A vehicle constructed by the use of a custom kit that cannot be visually  
32 identified as a specific make or model. All specially constructed vehicles of  
33 a type required to be registered shall be certified by the owner to meet all  
34 applicable federal motor vehicle safety standards in effect at the time construction  
35 is completed, and all requirements of chapter 9, title 49, Idaho Code.

36 (~~pq~~) Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair. A  
37 total loss shall occur when an insurance company or any other person pays or makes  
38 other monetary settlement to the owner when it is deemed to be uneconomical to repair  
39 the damaged vehicle. The compensation for total loss as defined herein shall not include  
40 payments by an insurer or other person for medical care, bodily injury, vehicle rental or  
41 for anything other than the amount paid for the actual damage to the vehicle.

42 (3) "Vehicle identification number." (See "Identifying number," section 49-110, Idaho  
43 Code)

44 (4) "Vehicle salesman" means any person who, for a salary, commission or compensation  
45 of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer  
46 to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles.

1 (See also "full-time salesman," section 49-107, Idaho Code, and "part-time salesman," section  
2 49-117, Idaho Code)

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

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

5 (7) "Violation" means a conviction of a misdemeanor charge involving a moving  
6 traffic violation, or an admission or judicial determination of the commission of an infraction  
7 involving a moving traffic infraction, except bicycle infractions.

8 SECTION 19. That Section 49-402, Idaho Code, be, and the same is hereby amended to  
9 read as follows:

10 49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup  
11 truck, each neighborhood electric vehicle and each other motor vehicle having a maximum  
12 gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal  
13 motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

14	Vehicles one (1) and two (2) years old .....	\$48.00
15	Vehicles three (3) and four (4) years old .....	\$36.00
16	Vehicles five (5) and six (6) years old .....	\$36.00
17	Vehicles seven (7) and eight (8) years old .....	\$24.00
18	Vehicles over eight (8) years old .....	\$24.00

19 There shall be twelve (12) registration periods, starting in January for holders of  
20 validation registration stickers numbered 1, and proceeding consecutively through December for  
21 holders of validation registration stickers numbered 12, each of which shall start on the first  
22 day of a calendar month and end on the last day of the twelfth month from the first day of the  
23 beginning month. Registration periods shall expire midnight on the last day of the registration  
24 period in the year designated by the validation registration sticker. The numeral digit on the  
25 validation registration stickers shall, as does the registration card, fix the registration period  
26 under the staggered plate system of Idaho for the purpose of reregistration and notice of  
27 expiration.

28 A vehicle that has once been registered for any of the above designated periods shall,  
29 upon reregistration, be registered for the period bearing the same number, and the registration  
30 card shall show and be the exclusive proof of the expiration date of registration and licensing.  
31 Vehicles may be initially registered for less than a twelve (12) month period, or for more than a  
32 twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration  
33 tends to fulfill the purpose of the monthly series registration system.

34 (2) For all school buses operated either by a nonprofit, nonpublic school or operated  
35 pursuant to a service contract with a school district for transporting children to or from school  
36 or in connection with school approved activities, the annual fee shall be twenty-four dollars  
37 (\$24.00).

38 (3) For all motorcycles and motor-driven cycles which comply with the federal motor  
39 vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars  
40 (\$9.00).

41 (4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding  
42 a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on public  
43 lands, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be  
44 paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as  
45 provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate

1 exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility  
 2 type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of  
 3 section 49-426, Idaho Code.

4 (5) For all motor homes the fee shall be as specified in subsection (1) of this section and  
 5 shall be in addition to the fees provided for in section 49-445, Idaho Code.

6 (6) Registration fees shall not be subject to refund.

7 (7) A financial institution or repossession service contracted to a financial institution  
 8 repossessing vehicles under the terms of a security agreement shall move the vehicle from  
 9 the place of repossession to the financial institution's place of business on a repossession  
 10 plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective  
 11 purchaser for a period not to exceed ninety-six (96) hours. The registration fees for  
 12 repossession plates shall be as required in subsection (1) of this section for a vehicle one (1)  
 13 and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in  
 14 addition to the registration fee. The repossession plate shall be issued on an annual basis by  
 15 the department.

16 (8) In addition to the annual registration fee in this section, there shall be an initial  
 17 program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars  
 18 (\$15.00) for all special license plate programs for those license plates issued pursuant to  
 19 sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code.  
 20 For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be  
 21 an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee.  
 22 For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B,  
 23 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E,  
 24 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420,  
 25 49-420A, 49-420B, 49-420C, 49-420D, 49-420E and 49-420G, Idaho Code, there shall be an  
 26 initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five  
 27 dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special  
 28 plate programs. The initial program fee and the annual program fee shall be deposited in the  
 29 state highway account and shall be used to fund the cost of administration of special license  
 30 plate programs, unless otherwise specified by law.

31 (~~8~~9) Any vehicle that does not meet federal motor vehicle safety standards shall not be  
 32 registered and shall not be permitted to operate on public highways of the state, as defined in  
 33 section 40-117, Idaho Code, unless otherwise specifically authorized.

34 SECTION 20. That Section 50-909, Idaho Code, be, and the same is hereby amended to  
 35 read as follows:

36 50-909. RETENTION OF CITY RECORDS USING PHOTOGRAPHIC AND  
 37 DIGITAL MEDIA. (1) A city officer may reproduce and retain documents in a photographic,  
 38 digital or other nonpaper medium. The medium in which a document is retained shall  
 39 accurately reproduce the document in paper form during the period for which the document  
 40 must be retained and shall preclude unauthorized alteration of the document.

41 (2) If the medium chosen for retention is photographic, all film used must meet the  
 42 quality standards of the American national standards institute (ANSI).

43 (3) If the medium chosen for retention is digital, the medium must provide for  
 44 reproduction on paper at a resolution of at least two hundred (200) dots per inch.

1 (4) A document retained by the city in any form or medium permitted under this section  
 2 shall be deemed an original public record for all purposes. A reproduction or copy of such a  
 3 document, certified by the city clerk, shall be deemed to be a transcript or certified copy of the  
 4 original and shall be admissible before any court or administrative hearing.

5 (5) Once a paper document is retained in a nonpaper medium as authorized by this  
 6 section, the original paper document may be disposed of or returned to the sender, except in  
 7 the case of "permanent" records," as defined in section 50-907, Idaho Code. Paper originals of  
 8 permanent records shall be retained by the city in perpetuity, or may be transferred to the Idaho  
 9 state historical society's permanent records repository upon resolution of the city council.

10 (6) Whenever any record is reproduced by photographic or digital process as herein  
 11 provided, it shall be made in duplicate, and the custodian thereof shall place one (1) copy in  
 12 a fire-resistant vault, or off-site storage facility, and he shall retain the other copy in his office  
 13 with suitable equipment for displaying such record at not less than original size and for making  
 14 copies of the record.

15 SECTION 21. That Section 54-2702, Idaho Code, be, and the same is hereby amended to  
 16 read as follows:

17 54-2702. RECORDS OF PURCHASES OF SCRAP REQUIRED – CONTENTS. (1)  
 18 Every scrap dealer shall keep a legible record describing scrap purchased by him from  
 19 individuals together with the date and place of such purchase. In addition, the scrap dealer  
 20 shall obtain from such individual from whom such purchase is made, the individual's name and  
 21 address and shall make a legible record of the same. The records shall include the number  
 22 of the driver's license of the individual from whom such scrap is purchased together with the  
 23 license plate number of the vehicle in which he is transporting his scrap, as well as information  
 24 from any receipts that are applicable. Provided however, for any purchase from an individual  
 25 that is ten dollars (\$10.00) or less, the scrap dealer shall not be required to include in his  
 26 records the number of the driver's license of the individual or the individual's license plate  
 27 number of the vehicle in which such individual is transporting his scrap.

28 (2) Such record and entries therein shall at all times be open to inspection and shall be  
 29 produced upon request of the state police, by the sheriff of the county or any of his deputies, by  
 30 any member of the police force in a city or town and any constable in the county in which the  
 31 scrap dealer does business.

32 (23) Every person who purchases or transports scrap obtained from another in an amount  
 33 over one hundred (100) pounds shall be required to possess a receipt from the person from  
 34 whom the scrap is obtained or possess a bill of lading for the scrap. A copy of this receipt  
 35 or bill of lading shall be held by the transporter or purchaser, who shall make it available for  
 36 inspection by the state police, the county sheriff or his deputies, or any member of a city police  
 37 department that has proper jurisdiction.

38 SECTION 22. That Section 63-201, Idaho Code, be, and the same is hereby amended to  
 39 read as follows:

40 63-201. DEFINITIONS. As used for property tax purposes in ~~title 63~~, chapters 1  
 41 through 23, title 63, Idaho Code, the terms defined in this section shall have the following  
 42 meanings, unless the context clearly indicates another meaning:

43 (1) "Appraisal" means an estimate of property value for property tax purposes.

1 (a) For the purpose of estimated property value to place the value on any assessment roll,  
2 the value estimation must be made by the assessor or a certified property tax appraiser.

3 (b) For the purpose of estimating property value to present for an appeal filed pursuant to  
4 sections 63-501A, 63-407 and 63-409, Idaho Code, the value estimation may be made by  
5 the assessor, a certified property tax appraiser, a licensed appraiser, or a certified appraiser  
6 or any party as specified by law.

7 (2) "Bargeline" means those water transportation tugs, boats, barges, lighters and other  
8 equipment and property used in conjunction with waterways for bulk transportation of freight  
9 or ship assist.

10 (3) "Cogenerators" means facilities which produce electric energy, and steam or forms of  
11 useful energy which are used for industrial, commercial, heating or cooling purposes.

12 (4) "Collection costs" are amounts authorized by law to be added after the date of  
13 delinquency and collected in the same manner as property tax.

14 (5) "Credit card" means a card or device, whether known as a credit card or by any  
15 other name, issued under an arrangement pursuant to which a card issuer gives to a cardholder  
16 the privilege of obtaining credit from the card issuer or other person in purchasing or leasing  
17 property or services, obtaining loans, or otherwise.

18 (6) "Debit card" means any instrument or device, whether known as a debit card or by  
19 any other name, issued with or without a fee by an issuer for the use of the cardholder in  
20 depositing, obtaining or transferring funds.

21 (7) "Delinquency" means any property tax, special assessment, fee, collection cost, or  
22 charge collected in the same manner as property tax, that has not been paid in the manner and  
23 within the time limits provided by law.

24 (8) "Electronic funds transfer" means any transfer of funds that is initiated by electronic  
25 means, such as an electronic terminal, telephone, computer, ATM or magnetic tape.

26 (9) "Fixtures" means those articles that, although once movable chattels, have become  
27 accessory to and a part of improvements to real property by having been physically  
28 incorporated therein or annexed or affixed thereto in such a manner that removing them would  
29 cause material injury or damage to the real property, the use or purpose of such articles is  
30 integral to the use of the real property to which it is affixed, and a person would reasonably be  
31 considered to intend to make the articles permanent additions to the real property. "Fixtures"  
32 includes systems for the heating, air conditioning, ventilation, sanitation, lighting and plumbing  
33 of such building. "Fixtures" does not include machinery, equipment or other articles that are  
34 affixed to real property to enable the proper utilization of such articles.

35 (~~7~~10) "Floating home" means a floating structure that is designed and built to be used, or  
36 is modified to be used, as a stationary waterborne residential dwelling, has no mode of power  
37 of its own, is dependent for utilities upon a continuous utility linkage to a source originating on  
38 shore, and has a permanent continuous connection to a sewage system on shore.

39 (~~8~~11) "Improvements" means all buildings, structures, manufactured homes, as defined in  
40 section 39-4105(8), Idaho Code, mobile homes as defined in section 39-4105(9), Idaho Code,  
41 and modular buildings, as defined in section 39-4301(7), Idaho Code, erected upon or affixed  
42 to land, fences, water ditches constructed for mining, manufacturing or irrigation purposes,  
43 fixtures, and floating homes, whether or not such improvements are owned separately from the  
44 ownership of the land upon or to which the same may be erected, affixed or attached. The term  
45 "improvements" also includes all fruit, nut-bearing and ornamental trees or vines not of natural  
46 growth, growing upon the land, except nursery stock.

1 (1092) "Late charge" means a charge of two percent (2%) of the delinquency.

2 (1403) "Lawful money of the United States" means currency and coin of the United  
3 States at par value and checks and drafts which are payable in dollars of the United States  
4 at par value, payable upon demand or presentment.

5 (124) "Legal tender" means lawful money as defined in subsection (143) of this section.

6 ~~13~~(1415) "Market value" means the amount of United States dollars or equivalent for  
7 which, in all probability, a property would exchange hands between a willing seller, under  
8 no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to  
9 consummate the sale, substantiated by a reasonable down or full cash payment.

10 (1526) "Operating property" means real and personal property operated in connection  
11 with any public utility, railroad or private railcar fleet, wholly or partly within this state, and  
12 which property is necessary to the maintenance and operation of the public utility, railroad or  
13 private railcar fleet, and the roads or lines thereof, and includes all rights-of-way accompanied  
14 by title; roadbeds; tracks; pipelines; bargelines; equipment and docks; terminals; rolling stock;  
15 equipment; power stations; power sites; lands; reservoirs, generating plants, transmission lines,  
16 distribution lines and substations; and all title and interest in such property, as owner, lessee  
17 or otherwise. The term includes electrical generation plants under construction, whether or not  
18 owned by or operated in connection with any public utility. For the purpose of the appraisal,  
19 assessment and taxation of operating property, pursuant to chapter 4, title 63, Idaho Code, the  
20 value of intangible personal property shall be excluded from the taxable value of operating  
21 property in accordance with the provisions of section 63-602L, Idaho Code, and the value of  
22 personal property, other than intangible personal property, shall be excluded from the taxable  
23 value of operating property in accordance with the provisions of section 63-602KK, Idaho  
24 Code.

25 (1637) "Party in interest" means a person who holds a properly recorded mortgage, deed  
26 of trust or security interest.

27 (1748) "Person" means any entity, individual, corporation, partnership, firm, association,  
28 limited liability company, limited liability partnership or other such entities as recognized by  
29 the state of Idaho.

30 (1859) "Personal property" means everything that is the subject of ownership and that is  
31 not included within the term "real property."

32 (19620) "Private railcar fleet" means railroad cars or locomotives owned by, leased  
33 to, occupied by or franchised to any person other than a railroad company operating a line  
34 of railroad in Idaho or any company classified as a railroad by the interstate commerce  
35 commission and entitled to possess such railroad cars and locomotives except those possessed  
36 solely for the purpose of repair, rehabilitation or remanufacturing of such locomotives or  
37 railroad cars.

38 (2071) "Public utility" means electrical companies, pipeline companies, natural gas  
39 distribution companies, or power producers included within federal law, bargelines, and water  
40 companies which are under the jurisdiction of the Idaho public utilities commission. The term  
41 also includes telephone corporations, as that term is defined in section 62-603, Idaho Code,  
42 except as hereinafter provided, whether or not such telephone corporation has been issued a  
43 certificate of convenience and necessity by the Idaho public utilities commission.

44 This term does not include cogenerators, mobile telephone service or companies, nor does  
45 it include pager service or companies, except when such services are an integral part of services  
46 provided by a certificated utility company nor does the term "public utility" include companies

1 or persons engaged in the business of providing solely on a resale basis, any telephone or  
2 telecommunication service which is purchased from a telephone corporation or company.

3 (~~2182~~) "Railroad" means every kind of railway, whether its line of rails or tracks be  
4 at, above or below the surface of the earth, and without regard to the kind of power used  
5 in moving its rolling stock, and shall be considered to include every kind of street railway,  
6 suburban railway or interurban railway excepting facilities established solely for maintenance  
7 and rebuilding of railroad cars or locomotives.

8 (~~2293~~) "Real property" means land and all rights and privileges thereto belonging or any  
9 way appertaining, all quarries and fossils in and under the land, and all other property which  
10 the law defines, or the courts may interpret, declare and hold to be real property under the  
11 letter, spirit, intent and meaning of the law, improvements and all standing timber thereon,  
12 including standing timber owned separately from the ownership of the land upon which the  
13 same may stand, except as modified in chapter 17, title 63, Idaho Code, ~~and~~. Timber, forest,  
14 forest land, and forest products shall be defined as provided in chapter 17, title 63, Idaho Code.

15 (~~2304~~) "Record owner" means the person or persons in whose name or names the  
16 property stands upon the records of the county recorder's office. Where the record owners are  
17 husband and wife at the time of notice of pending issue of tax deed, notice to one (1) shall be  
18 deemed and imputed as notice to the other spouse.

19 (~~2415~~) "Special assessment" means a charge imposed upon property for a specific  
20 purpose, collected and enforced in the same manner as property taxes.

21 (~~2526~~) "System value" means the market value for assessment purposes of the operating  
22 property when considered as a unit.

23 (~~2637~~) "Tax code area" means a geographical area made up of one (1) or more taxing  
24 districts with one (1) total levy within the geographic area, except as otherwise provided by  
25 law.

26 (~~2748~~) "Taxing district" means any entity or unit with the statutory authority to levy a  
27 property tax.

28 (~~2859~~) "Taxable value" means market value for assessment purposes, less applicable  
29 exemptions or other statutory provisions.

30 (~~29630~~) "Transient personal property" is personal property, specifically such construction,  
31 logging or mining machinery and equipment which is kept, moved, transported, shipped, hauled  
32 into or remaining for periods of not less than thirty (30) days, in more than one (1) county in  
33 the state during the same year.

34 (~~3071~~) "Warrant of distraint" means a warrant ordering the seizure of personal property  
35 to enforce payment of property tax, special assessment, expense, fee, collection cost or charge  
36 collected in the same manner as personal property tax.

37 SECTION 23. That Section 63-510, Idaho Code, be, and the same is hereby amended to  
38 read as follows:

39 63-510. NOTIFICATION OF VALUATION DUE TO STATE TAX COMMISSION. (1)  
40 Prior to the first Monday of August the auditor of each county in the state shall notify the  
41 state tax commission of the net taxable value of all property situated within each taxing unit or  
42 district in the county from the property roll for the current year and shall provide an estimate  
43 of the net taxable value for each taxing unit or district from the current year's estimated  
44 subsequent and missed property rolls. Such notification shall also include an estimate of the

1 net taxable value within any area annexed during the immediate prior year to any taxing unit or  
2 district.

3 (2) Prior to the first Monday of March the auditor of each county in the state shall notify  
4 the state tax commission of the net taxable value of all property situated within each taxing unit  
5 or district in the county from the subsequent and missed property rolls. Such notification shall  
6 also include an estimate of the net taxable value within any area annexed during the immediate  
7 prior year, and listed on the subsequent or missed property roll, to any taxing unit or district.

8 (3) The notification required in subsections (1) and (2) of this section shall be on forms  
9 prescribed and provided by the state tax commission and shall list separately the value exempt  
10 from property taxation in accordance with section 63-602G, Idaho Code, and the value in  
11 excess of the equalized assessment valuation as shown on the base assessment roll in any  
12 revenue allocation area, pursuant to chapters 20 and 29, title 50, Idaho Code.

13 (4) For the purposes of this section, "taxing district," as defined in section 63-201(~~2748~~),  
14 Idaho Code, shall include each incorporated city in each county, regardless of whether said city  
15 certifies a property tax budget.

16 SECTION 24. That Section 63-1703, Idaho Code, be, and the same is hereby amended to  
17 read as follows:

18 63-1703. CERTAIN FOREST LANDS TO BE DESIGNATED FOR TAXATION BY  
19 OWNER – LIMITATIONS. For the purposes of appraisal, assessment and taxation under the  
20 provisions of this chapter, all forest lands in parcels of five (5) or more acres but less than  
21 five thousand (5,000), whether contiguous or not, as long as such parcels are held in common  
22 ownership, must be designated by the forest landowner to be subject to the provisions of either  
23 subsection (a) or (b) of this section. A forest landowner cannot have parcels designated under  
24 the provisions of both subsections (a) and (b) of this section at one (1) time. If the forest  
25 landowner fails to make a designation, his forest lands shall be subject to appraisal, assessment  
26 and taxation under the provisions of section 63-1702, Idaho Code. Once a designation is  
27 made by the forest landowner, such designation must remain in effect until the designation  
28 period expires, unless the forest lands are transferred to another owner using a different taxing  
29 category; in such case, the taxing category of the transferred forest lands shall be the same as  
30 that maintained by the new owner.

31 A forest landowner may change the designation of all forest lands in common ownership  
32 at the end of any designation period, subject to the recapture of any deferred taxes due as  
33 a result of such change. After January 1 and by December 31 of the tenth year of each  
34 designation period the forest landowner must notify the county assessor of any change in forest  
35 land designation. Failure to notify the county assessor will result in the continuation of the  
36 landowner's present designation until the end of the next designation period.

37 Any substantial change in the use of forest lands not conforming with the definition  
38 of forest land in section 63-1701, Idaho Code, during such ten (10) year period under the  
39 designations made in subsection (a) or (b) of this section shall be reported by the landowner  
40 to the county assessor within thirty (30) days of the change in use. Upon notification of the  
41 change in use, the assessor shall appraise, assess and tax those acres as provided by applicable  
42 laws and rules. Failure to notify the assessor of the change in use when forest lands have  
43 been designated as subject to the provisions of subsection (a) or (b) of this section shall cause  
44 forfeiture of such designation, and cause that property to be appraised, assessed and taxed as  
45 provided in section 63-1702, Idaho Code.

1 Forest lands designated for assessment pursuant to the provisions of section 63-1706,  
2 Idaho Code, shall be subject to the recapture of deferred taxes upon removal of such  
3 designation, a substantial change in use, or ownership transfer, except that there shall be  
4 no recapture initiated upon ownership transfer of forest lands designated as subject to the  
5 provisions of section 63-1706, Idaho Code, to a landowner with forest lands already designated  
6 as subject to the provisions of section 63-1706, Idaho Code, prior to the transfer, or who so  
7 designates his lands to be subject to the provisions of section 63-1706, Idaho Code. In the  
8 event payment is offered or made, it shall be accepted by the county treasurer and applied in  
9 the manner of payment of other property tax.

10 The dollar amount of deferred taxes subject to recapture shall be determined by the  
11 county assessor by applying current tax levies against the current values that would have been  
12 in effect if the lands were subject to appraisal and assessment during the current year under  
13 the provisions of section 63-1705, Idaho Code, if there has been a change in ownership or a  
14 removal of designation, or section 63-1702, Idaho Code, if there has been a change in use with  
15 no change in ownership, which amount shall be multiplied by the number of years that the  
16 lands have been subject to the designation under section 63-1706, Idaho Code. The amount of  
17 the deferred tax shall accrue through designation periods, up to a maximum of ten (10) years,  
18 and shall apply to the most recent ten (10) years in which the parcel has been designated under  
19 the provisions of section 63-1706, Idaho Code. A credit shall be allowed for taxes actually  
20 paid under the provisions of section 63-1706, Idaho Code, for an identical ten (10) year period,  
21 up to the total amount of the deferred taxes. All deferred amounts shall be a lien against the  
22 land. Deferred tax amounts shall be calculated by the county assessor on forms prescribed by  
23 the state tax commission. Deferred tax amounts shall be supplied by the county assessor to  
24 the county treasurer by May 15 of the year following conveyance or within thirty (30) days of  
25 removal of designation, or of learning of a change in use. All deferred tax amounts shall be  
26 due and payable to the county treasurer on demand and shall become delinquent if not paid by  
27 the demand due date specified by the county treasurer on the forms prescribed by the state tax  
28 commission. If the deferred tax is not paid as provided above, the payment becomes delinquent  
29 and subject to late charges, and interest in the amounts provided in sections 63-201 (1092)  
30 and 63-1001, Idaho Code, and subject to collection in the manner as set forth in chapter 10,  
31 title 63, Idaho Code. Estimated deferred tax amounts may be held by the county treasurer  
32 in a tax anticipation account from the date of conveyance until June 1 of the year following  
33 conveyance.

34 The county treasurer shall cause the deferred taxes and any penalty and interest paid  
35 pursuant to the provisions of this section to be apportioned to the various taxing authorities  
36 within which the property subject to the tax is located in the same manner as property taxes.

37 (a) A forest landowner may choose to have his forest land assessed, appraised and taxed  
38 under the provisions of section 63-1705, Idaho Code, by filing such choice with the county  
39 assessor on a form prescribed by the state tax commission. Designation filed pursuant to  
40 section 63-1705, Idaho Code, shall become effective the first day of January following the  
41 year of designation.

42 (b) A forest landowner may choose to have his forest land assessed, appraised and taxed  
43 under the provisions of section 63-1706, Idaho Code, by filing such choice with the county  
44 assessor on a form prescribed by the state tax commission. Designation filed pursuant to  
45 section 63-1706, Idaho Code, shall become effective the first day of January following the  
46 year of designation.

1           (c) All forest products or timber harvested from investment lands not designated as  
2 subject to the provisions of section 63-1702, 63-1705 or 63-1706, Idaho Code, and delivered  
3 to a point of utilization as logs or semiprocessed forest products, except those forest products  
4 harvested for the domestic use of the landowner under the provisions of section 63-1708, Idaho  
5 Code, shall be subject to the yield tax at the time of harvest in the same manner provided for in  
6 section 63-1706, Idaho Code.