

IN THE SENATE

SENATE BILL NO. 1098, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO OFF-HIGHWAY VEHICLES; AMENDING SECTION 41-2502, IDAHO
2 CODE, TO PROVIDE EXCEPTIONS TO UNINSURED MOTORIST AND
3 UNDERINSURED MOTORIST COVERAGE FOR AUTOMOBILE INSURANCE;
4 AMENDING SECTION 49-102, IDAHO CODE, TO REVISE A DEFINITION;
5 AMENDING SECTION 49-120, IDAHO CODE, TO DEFINE A TERM; AMENDING
6 SECTION 49-122, IDAHO CODE, TO REVISE A DEFINITION; AMENDING
7 SECTION 49-123, IDAHO CODE, TO DEFINE A TERM AND TO MAKE
8 TECHNICAL CORRECTIONS; AMENDING SECTION 49-302, IDAHO CODE,
9 TO PROVIDE AN ADDITIONAL EXEMPTION FROM LICENSURE; AMENDING
10 SECTION 49-402, IDAHO CODE, TO REVISE WHERE THE OPERATION OF
11 CERTAIN VEHICLES REQUIRES A RESTRICTED VEHICLE LICENSE PLATE
12 FEE TO BE PAID, TO PERMIT NONRESIDENTS TO PURCHASE A RESTRICTED
13 VEHICLE PLATE AND STICKER FOR CERTAIN VEHICLES AND TO MAKE
14 A TECHNICAL CORRECTION; AMENDING SECTION 49-426, IDAHO CODE,
15 TO PERMIT POLITICAL SUBDIVISIONS TO MAKE CERTAIN DESIGNATIONS
16 BY RESOLUTION, TO APPLY CERTAIN ROAD CLOSURE PROVISIONS TO
17 SPECIALTY OFF-HIGHWAY VEHICLES, TO REMOVE CERTAIN VEHICLES FROM
18 HIGHWAY CLOSURE RESTRICTIONS, TO PROVIDE FOR THE APPLICATION
19 OF CERTAIN EXISTING AND ADDITIONAL IDAHO CODE CHAPTERS TO
20 THE OPERATION OF CERTAIN VEHICLES, TO REMOVE CERTAIN VEHICLES
21 FROM THE APPLICATION OF CERTAIN IDAHO CODE CHAPTERS, TO REVISE
22 THE VEHICLES THAT THE IDAHO TRANSPORTATION BOARD MAY PERMIT
23 TO CROSS DESIGNATED SECTIONS OF STATE HIGHWAYS, TO REMOVE A
24 LICENSING REQUIREMENT FOR CERTAIN VEHICLES THAT MAY BE USED
25 ON CERTAIN LANDS AND TO REVISE THE VEHICLES THAT MAY BE USED
26 ON CERTAIN LANDS; AMENDING SECTION 49-456, IDAHO CODE, TO REVISE
27 TERMINOLOGY; AMENDING SECTION 49-948, IDAHO CODE, TO PROVIDE A
28 CORRECT CODE REFERENCE; AMENDING SECTION 67-7101, IDAHO CODE,
29 TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION
30 67-7105, IDAHO CODE, TO PROVIDE ADDITIONAL VEHICLES THAT ARE
31 EXEMPT FROM CERTAIN CHAPTER PROVISIONS; AMENDING SECTION
32 67-7114, IDAHO CODE, TO PROVIDE CRIMINAL PENALTY FOR THE DRIVING
33 OR OPERATION OF A SPECIALTY OFF-HIGHWAY VEHICLE UNDER CERTAIN
34 INFLUENCES, TO REMOVE AN IDAHO CODE REFERENCE AND TO REVISE
35 TERMINOLOGY; AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE
36 FOR REGISTRATION OF A SPECIALTY OFF-HIGHWAY VEHICLE, TO REVISE
37 TERMINOLOGY, TO REVISE WITH WHOM REGISTRATION MUST BE MADE,
38 TO REVISE A REGISTRATION FEE, TO PROVIDE AN EFFECTIVE DATE
39 FOR THE REVISED REGISTRATION FEE, TO REVISE WHO MAY RETAIN
40 A PORTION OF THE REGISTRATION FEE, TO PROVIDE WHEN CERTAIN
41

1 VEHICLES MUST BE REGISTERED, TO PROVIDE FOR THE PLACEMENT
2 OF A REGISTRATION STICKER ON CERTAIN VEHICLES, TO PROVIDE
3 EXCEPTIONS TO A RESTRICTED VEHICLE LICENSE PLATE REQUIREMENT
4 AND TO PERMIT NONRESIDENTS TO PURCHASE A RESTRICTED VEHICLE
5 LICENSE PLATE AND/OR STICKER FOR CERTAIN VEHICLES; AMENDING
6 SECTION 67-7124, IDAHO CODE, TO REMOVE A TIME REQUIREMENT
7 FOR REGISTRATION OF CERTAIN VEHICLES BY NONRESIDENT OWNERS,
8 TO PROVIDE FOR NONAPPLICATION OF REGISTRATION REQUIREMENTS
9 FOR THE OWNERS OF CERTAIN VEHICLES THAT ARE CURRENTLY AND
10 PROPERLY REGISTERED IN THE STATE OF RESIDENCE, TO REQUIRE
11 THE NONRESIDENT OWNERS OF CERTAIN VEHICLES FROM STATES
12 WITHOUT A REGISTRATION REQUIREMENT TO REGISTER IN IDAHO BEFORE
13 OPERATING THE VEHICLE IN IDAHO, TO PROVIDE USE PRIVILEGES AND
14 RESPONSIBILITIES TO NONRESIDENT OWNERS OF CERTAIN VEHICLES
15 REGISTERED IN ANOTHER STATE; AMENDING SECTION 67-7126, IDAHO
16 CODE, TO REVISE A REGISTRATION FEE AMOUNT AND THE ALLOCATION
17 OF THE FEE AND TO RESTRICT LIABILITY OF CERTAIN ENTITIES AND
18 EMPLOYEES REGARDING THE COLLECTION OR USE OF SUCH FEES;
19 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

21 SECTION 1. That Section 41-2502, Idaho Code, be, and the same is hereby amended to
22 read as follows:

23 41-2502. UNINSURED MOTORIST AND UNDERINSURED MOTORIST
24 COVERAGE FOR AUTOMOBILE INSURANCE – EXCEPTIONS. (1) Except as otherwise
25 provided in subsection (2) of this section, no owner's or operator's policy of motor vehicle
26 liability insurance that is subject to the requirements of section 49-1212(1) or (2), Idaho
27 Code, shall be delivered or issued for delivery in this state with respect to any motor
28 vehicle registered or principally garaged in this state unless coverage is provided therein
29 or supplemental thereto, in limits for bodily injury or death as set forth in section 49-117,
30 Idaho Code, as amended from time to time, under provisions approved by the director of
31 the department of insurance, for the protection of persons insured thereunder who are legally
32 entitled to recover damages from owners or operators of uninsured and underinsured motor
33 vehicles because of bodily injury, sickness or disease, including death, resulting therefrom.

34 (2) A named insured shall have the right to reject either or both uninsured motorist
35 coverage or underinsured motorist coverage, which rejection must be in writing or in an
36 electronic record as authorized by the uniform electronic transactions act, chapter 50, title 28,
37 Idaho Code, and such rejection shall be effective as to all other insureds and named insureds;
38 and after which such rejected coverage need not be provided in or supplemental to a renewal or
39 replacement policy issued by the same insurer or an affiliate of that insurer.

40 (3) Prior to the issuance of any new policy or the first renewal or replacement of any
41 existing policy of motor vehicle liability insurance with an effective date on or after January
42 1, 2009, a named insured shall be provided a standard statement approved by the director of
43 the department of insurance, explaining in summary form, both uninsured and underinsured

1 motorist coverage, and the different forms of underinsured motorist coverage that might be
2 available from insurers in Idaho.

3 (4) The provisions of this section shall not apply to policies of motor vehicle liability
4 insurance for coverage on all-terrain vehicles, utility type vehicles, specialty off-highway
5 vehicles or motorbikes as those terms are defined in section 67-7101, Idaho Code.

6 SECTION 2. That Section 49-102, Idaho Code, be, and the same is hereby amended to
7 read as follows:

8 49-102. DEFINITIONS – A. (1) "Abandon" means to leave a vehicle on private
9 property without the permission of the person having rights to the possession of the property,
10 or on a highway or other property open to the public for the purposes of vehicular traffic or
11 parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or
12 longer.

13 (2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported
14 by a member of the public to have been left within the limits of any highway or upon the
15 property of another without the consent of the property owner for a period of twenty-four (24)
16 hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator
17 is unable to remove it from the place where it is located and has notified a law enforcement
18 agency and requested assistance.

19 (3) "Accident" means any event that results in an unintended injury or property damage
20 attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or
21 special mobile equipment.

22 (4) "Actual physical control" means being in the driver's position of a motor vehicle with
23 the motor running or the vehicle moving.

24 (5) "Administrator" means the federal highway administrator, the chief executive of the
25 federal highway administration, an agency within the U.S. department of transportation.

26 (6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's
27 year designation of the vehicle from the year in which the designated registration fee is paid. If
28 the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or
29 if a vehicle has a manufacturer's year designation later than the year in which the fee is paid,
30 the vehicle shall be deemed to be one (1) year old.

31 (7) "Air-conditioning equipment" means mechanical vapor compression refrigeration
32 equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

33 (8) "Alcohol or alcoholic beverage" means:

34 (a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Revenue Code;

35 (b) Wine of not less than one-half of one percent (.005%) of alcohol by volume; or

36 (c) Distilled spirits as defined in section 5002(a)(8), of the Internal Revenue Code.

37 (9) "Alley" means a public way of limited use intended only to provide access to the rear
38 or side of lots or buildings in urban districts.

39 (10) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more
40 tires, weighing under nine hundred (900) pounds, fifty (50) inches or less in width, having a
41 wheelbase of sixty-one (61) inches or less, ~~traveling on low pressure tires of ten (10) psi or~~
42 ~~less~~, has handlebar steering and a seat designed to be straddled by the operator.

43 (11) "Amateur radio operator." (See "Radio operator, amateur," section 49-119, Idaho
44 Code)

1 (12) "Ambulance" means a motor vehicle designed and used primarily for the
2 transportation of injured, sick, or deceased persons, on stretchers, cots, beds, or other devices
3 for carrying persons in a prone position.

4 (13) "Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a
5 driver's license.

6 (14) "Approved driver training course" means a training course from a school licensed
7 under the provisions of chapter 21 of this title or a driver training course approved by another
8 United States jurisdiction provided the course was taken while an individual was a resident of
9 that United States jurisdiction.

10 (15) "Approved testing agency" means a person, firm, association, partnership or
11 corporation approved by the director of the Idaho state police which is:

12 (a) In the business of testing equipment and systems;

13 (b) Recognized by the director as being qualified and equipped to do experimental
14 testing; and

15 (c) Not under the jurisdiction or control of any single manufacturer or supplier for an
16 affected industry.

17 (16) "Armed forces" means the army, navy, marine corps, coast guard and the air force of
18 the United States.

19 (17) "Authorized emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

20 (18) "Authorized officer" means any member of the Idaho state police, or any regularly
21 employed and salaried deputy sheriff, or other county employee designated to perform
22 the function of removing abandoned vehicles or junk vehicles by the board of county
23 commissioners of the county in which a vehicle is located, or any regularly employed and
24 salaried city peace officer or other city employee designated to perform the function of
25 removing abandoned vehicles or junk vehicles by the city council, or a qualified person
26 deputized or appointed by the proper authority as reserve deputy sheriff or city policeman,
27 authorized within the jurisdiction in which the abandoned vehicle or junk vehicle is located.

28 (19) "Authorized transportation department employee" means any employee appointed by
29 the board to perform duties relating to enforcement of vehicle laws as have been specifically
30 defined and approved by order of the board (see section 40-510, Idaho Code).

31 (20) "Auto transporter" means a vehicle combination constructed for the purpose of
32 transporting vehicles.

33 SECTION 3. That Section 49-120, Idaho Code, be, and the same is hereby amended to
34 read as follows:

35 49-120. DEFINITIONS – S. (1) "Saddlemount combination" means a combination of
36 vehicles in which a truck or truck tractor tows one (1), two (2) or three (3) trucks or truck
37 tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of
38 it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame
39 or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. A
40 smaller vehicle mounted completely on the frame of either the first or last vehicle may be used
41 in a saddlemount combination.

42 (2) "Safety glazing materials" means glazing materials so constructed, treated or
43 combined with other materials as to reduce substantially, in comparison with ordinary sheet
44 glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by
45 these safety glazing materials when they may be cracked or broken.

1 (3) "Safety zone" means the area or space officially set apart within a highway for the
2 exclusive use of pedestrians and which is protected or is so marked or indicated by adequate
3 signs as to be plainly visible at all times while set apart as a safety zone.

4 (4) "Salvage pool" means a licensed vehicle dealer engaged primarily in the business of
5 disposing of salvage vehicles, recovered stolen vehicles, or both.

6 (5) "School bus" means every motor vehicle that complies with the color and
7 identification requirements set forth in the most recent edition of "Minimum Standards for
8 School Buses" and is used to transport children to or from school or in connection with school
9 approved activities and includes buses operated by contract carriers.

10 (6) "Secretary" means the secretary of transportation of the United States.

11 (7) "Security agreement." (See section 28-9-102, Idaho Code)

12 (8) "Security interest." (See section 28-1-201, Idaho Code)

13 (9) "Sell," "sold," "buy," and "purchase," mean and include, as used in sections 49-2401
14 through 49-2406, Idaho Code, exchange, barter, gift, and offer or contract to sell or buy.

15 (10) "Semitrailer." (See "Trailer," section 49-121, Idaho Code)

16 (11) "Serious traffic violation" means conviction of an offense specified in 49 CFR part
17 383 and including any subsequent amendments thereto, while operating a commercial motor
18 vehicle, and shall include driving a commercial motor vehicle:

19 (a) Without obtaining a commercial driver's license; or

20 (b) Without having a commercial driver's license in the driver's possession; or

21 (c) Without the proper license class of commercial driver's license or endorsements for
22 the specific vehicle group being operated or for the passengers or type of cargo being
23 transported.

24 (12) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines
25 of a roadway, and the adjacent property lines intended for use by pedestrians.

26 (13) "Signal." (See "Railroad sign," section 49-119, Idaho Code)

27 (14) "Skills test" means an actual demonstration of ability to exercise ordinary and
28 reasonable control in the operation of a motor vehicle.

29 (15) "Slow moving vehicle" means any vehicle not normally operated upon the highways.

30 (16) "Snow tire." (See "Tires," section 49-121, Idaho Code)

31 (17) "Sold." (See "Sell," "buy," and "purchase," this section)

32 (18) "Solid rubber tire." (See "Tires," section 49-121, Idaho Code)

33 (19) "Special license plate" means a license plate that is made available to the public as a
34 personal alternative to the standard issue license plate. No special program fee shall be charged
35 for the registration or plates issued under sections 49-403, 49-403A, 49-404, 49-405, 49-410,
36 49-415, 49-415A and 49-415B, Idaho Code.

37 (20) "Special mobile equipment" means every vehicle not designed or used primarily
38 for the transportation of persons or property and only incidentally operated or moved over a
39 highway, including: ditch-digging apparatus, well-boring apparatus and road construction and
40 maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors
41 other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road
42 rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and
43 self-propelled cranes, and earth moving equipment. The term does not include travel trailers,
44 dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the
45 transportation of persons or property to which machinery has been attached.

46 (21) "Specially constructed vehicle." (See "Vehicle," section 49-123, Idaho Code)

1 (22) "Specialty off-highway vehicle." (See "Vehicle," section 49-123, Idaho Code)

2 (23) "Stand" or "standing" means the halting of a vehicle, whether occupied or not,
3 otherwise than temporarily for the purpose of and while actually engaged in receiving or
4 discharging passengers.

5 (234) "State" means a state, territory or possession of the United States, the District of
6 Columbia, the Commonwealth of Puerto Rico or a province of Canada.

7 (245) "Stop" means the act of or complete cessation from movement.

8 (256) "Stopping" means the act of any halting even momentarily of a vehicle.

9 (267) "Street." (See "Highways," section 49-109, Idaho Code)

10 (278) "Street rod" means any pre-1949 vehicle which has had a significant drive train
11 update from a more modern vehicle. Changes may include engine, transmission, rear axle, and
12 other suspension components. The body will be, or resemble the same as the manufacturer's
13 original issue after its first sale after manufacture.

14 (289) "Studded tire." (See "Tires," section 49-121, Idaho Code)

15 (2930) "Substandard width lane" means a lane that is too narrow for a bicycle and a
16 motor vehicle to travel safely side by side within the lane.

17 (301) "Supplemental lot" means a physically separate location owned and maintained by
18 a licensed dealer or manufacturer within the same or adjacent county as the principal place of
19 business which meets all the requirements for a principal place of business.

20 (312) "Suspension of driver's license" means the temporary withdrawal by formal action
21 of the department or as otherwise provided in this title of a person's driver's license or privilege
22 to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a
23 period specifically designated by the department.

24 (323) "Suspension of vehicle registration" means the temporary withdrawal by formal
25 action of the department or as otherwise provided in this title of a person's vehicle registration
26 or, in the case of fleets of vehicles, all vehicle registrations in each fleet operated by a company.
27 Upon suspension, the privileges of operating the vehicle or vehicles on Idaho highways
28 is terminated until the difficulty that caused the suspension is corrected and notification is
29 provided that the suspension has been lifted.

30 SECTION 4. That Section 49-122, Idaho Code, be, and the same is hereby amended to
31 read as follows:

32 49-122. DEFINITIONS – U. (1) "Unauthorized vehicle" means any vehicle parked or
33 otherwise left on private property without the consent of the person owning or controlling that
34 property.

35 (2) "United States" means the fifty (50) states and the District of Columbia.

36 (3) "Unladen weight." (See "Light weight," section 49-113, Idaho Code)

37 (4) "Unregistered vehicle" means a vehicle without current registration on file with the
38 department or with the appropriate agency of another state, unless exempt from registration.

39 (5) "Unusual noise." (See "Excessive," section 49-106, Idaho Code)

40 (6) "Urban district." (See "District," section 49-105, Idaho Code)

41 (7) "Utility trailer" means a trailer or semitrailer designed primarily to be drawn behind
42 a passenger car or pickup truck for domestic and utility purposes. Utility or domestic use shall
43 include a farm trailer while being used to haul agricultural products or livestock from farm to
44 storage, market or processing plant, or returning therefrom.

1 (8) "Utility type vehicle (UTV)" means any recreational motor vehicle other than an
 2 ATV, motorbike or snowmobile as defined in section 67-7101, Idaho Code, designed for and
 3 capable of travel over designated ~~unpaved~~ roads, traveling on four (4) or more ~~low pressure~~
 4 ~~tires of twenty (20) psi or less~~, maximum width less than seventy-four (74) inches, maximum
 5 weight less than two thousand (2,000) pounds, ~~or~~ and having a wheelbase of ~~ninety-four~~ one
 6 hundred ten (94110) inches or less. A utility type vehicle must have a minimum width of
 7 fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of
 8 over sixty-one (61) inches. Utility type vehicle does not include golf carts, vehicles specially
 9 designed to carry a disabled person, implements of husbandry as defined in section 49-110(2),
 10 Idaho Code, or vehicles otherwise registered under title 49, Idaho Code.

11 SECTION 5. That Section 49-123, Idaho Code, be, and the same is hereby amended to
 12 read as follows:

13 49-123. DEFINITIONS – V. (1) "Variable load suspension axle" means an axle or axles
 14 designed to support a part of the vehicle and load and which can be regulated to vary the
 15 amount of load supported by such an axle or axles and which can be deployed or lifted by the
 16 operator of the vehicle. See also section 49-117, Idaho Code.

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

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

21 (2) "Vehicle" means:

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

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

37 (c) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and
 38 9 of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of
 39 motor vehicles designed or used to transport passengers or property if the motor vehicle:

40 ~~1-(i)~~ Has a manufacturer's gross combination weight rating (GCWR) in
 41 excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a
 42 manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand
 43 (10,000) pounds; or

44 ~~2-(ii)~~ Has a manufacturer's gross vehicle weight rating (GVWR) in excess of
 45 twenty-six thousand (26,000) pounds; or

1 ~~3-(iii)~~ Is designed to transport sixteen (16) or more people, including the driver; or
 2 ~~4-(iv)~~ Is of any size and is used in the transportation of materials found to
 3 be hazardous for the purposes of the hazardous material transportation act and
 4 which require the motor vehicle to be placarded under the hazardous materials
 5 regulations (49 CFR part 172, subpart F).

6 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a vehicle
 7 or combination of vehicles of a type used or maintained for the transportation of persons
 8 for hire, compensation or profit, or the transportation of property for the owner of
 9 the vehicle, or for hire, compensation, or profit, and shall include fixed load specially
 10 constructed vehicles exceeding the limits imposed by chapter 10, title 49, Idaho Code, and
 11 including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders,
 12 and similar vehicles which are normally operated in an overweight or oversize condition
 13 or both, but shall not include those vehicles registered pursuant to sections 49-402 and
 14 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used
 15 in a ridesharing arrangement that has a seating capacity for not more than fifteen (15)
 16 persons, including the driver, shall not be a "commercial vehicle" under the provisions of
 17 this title relating to equipment requirements, rules of the road, or registration.

18 (d) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher,
 19 which are operated over public highways, and used exclusively to transport unprocessed
 20 agricultural, dairy or livestock products raised, owned and grown by the owner of the
 21 vehicle to market or place of storage; and shall include the transportation by the farmer
 22 or rancher of any equipment, supplies or products purchased by that farmer or rancher for
 23 his own use, and used in the farming or ranching operation or used by a farmer partly in
 24 transporting agricultural products or livestock from the farm of another farmer that were
 25 originally grown or raised on the farm, or when used partly in transporting agricultural
 26 supplies, equipment, materials or livestock to the farm of another farmer for use or
 27 consumption on the farm but not transported for hire, and shall not include vehicles of
 28 husbandry or vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

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

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

38 (g) Motor vehicle. Every vehicle which is self-propelled, and for the purpose of titling
 39 and registration meets federal motor vehicle safety standards as defined in section 49-107,
 40 Idaho Code. Motor vehicle does not include vehicles moved solely by human power,
 41 electric personal assistive mobility devices and motorized wheelchairs or other such
 42 vehicles that are specifically exempt from titling or registration requirements under title
 43 49, Idaho Code.

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

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

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

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

21 (l) Rebuilt salvage vehicle. Every vehicle that has been rebuilt or repaired using like
22 make and model parts and visually appears as a vehicle that was originally constructed
23 under a distinctive manufacturer. This includes a salvage vehicle which is damaged to the
24 extent that a "rebuilt salvage" brand is required to be added to the title.

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

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

34 ~~(oo)~~ Salvage vehicle. Any vehicle for which a salvage certificate, salvage bill of sale
35 or other documentation showing evidence that the vehicle has been declared salvage or
36 which has been damaged to the extent that the owner, or an insurer, or other person acting
37 on behalf of the owner, determines that the cost of parts and labor minus the salvage
38 value makes it uneconomical to repair or rebuild. When an insurance company has paid
39 money or has made other monetary settlement as compensation for a total loss of any
40 vehicle, such vehicle shall be considered to be a salvage vehicle.

41 ~~(pp)~~ Specially constructed vehicle. Every vehicle of a type required to be registered
42 not originally constructed under a distinctive name, make, model or type by a generally
43 recognized manufacturer of vehicles and not materially altered from its original
44 construction and cannot be visually identified as a vehicle produced by a particular
45 manufacturer. This includes:

1 ~~1~~(i) A vehicle that has been structurally modified so that it does not have the
2 same appearance as a similar vehicle from the same manufacturer; or

3 ~~2~~(ii) A vehicle that has been constructed entirely from homemade parts and
4 materials not obtained from other vehicles; or

5 ~~3~~(iii) A vehicle that has been constructed by using major component parts from
6 one (1) or more manufactured vehicles and cannot be identified as a specific make
7 or model; or

8 ~~4~~(iv) A vehicle constructed by the use of a custom kit that cannot be visually
9 identified as a specific make or model. All specially constructed vehicles of
10 a type required to be registered shall be certified by the owner to meet all
11 applicable federal motor vehicle safety standards in effect at the time construction
12 is completed, and all requirements of chapter 9, title 49, Idaho Code.

13 (q) Specialty off-highway vehicle. A specialty off-highway vehicle as defined in section
14 67-7101, Idaho Code.

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

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

23 (4) "Vehicle salesman" means any person who, for a salary, commission or compensation
24 of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer
25 to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles.
26 (See also "full-time salesman," section 49-107, Idaho Code, and "part-time salesman," section
27 49-117, Idaho Code)

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

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

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

33 SECTION 6. That Section 49-302, Idaho Code, be, and the same is hereby amended to
34 read as follows:

35 49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons
36 are exempt from licensing if driving privileges are not suspended, canceled, revoked,
37 disqualified, denied or refused:

38 (1) Any person while driving or operating any farm tractor or implement of husbandry
39 when incidentally operated on a highway.

40 (2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a
41 commercial motor vehicle which is:

42 (a) Controlled and operated by a farmer, including operation by employees or family
43 members; and

44 (b) Used to transport either agricultural products, farm machinery, farm supplies, or both,
45 to or from a farm; and

1 (c) Not used in the operations of a common or contract motor carrier; and

2 (d) Used within one hundred fifty (150) miles of the person's farm.

3 (3) Any person is exempt from obtaining a class A, B or C driver's license for the
4 operation of commercial motor vehicles which are necessary to the preservation of life or
5 property or the execution of emergency governmental functions, are equipped with audible and
6 visual signals, and are not subject to normal traffic regulations.

7 (4) Any person is exempt from obtaining a class A, B or C license to operate a
8 commercial vehicle which is exclusively used to transport personal possessions or family
9 members for nonbusiness or recreational purposes.

10 (5) A nonresident who is at least fifteen (15) years of age and who has in his immediate
11 possession a valid driver's license issued to him in his home state or country may operate a
12 motor vehicle in Idaho only as a class D operator with driving privileges restricted to daylight
13 hours only except as provided in section 49-307(9), Idaho Code, and with full privileges at
14 sixteen (16) years of age, and only if Idaho residency is not established.

15 (6) A nonresident who is at least fifteen (15) years of age and who has in his possession
16 a valid driver's license with a motorcycle endorsement or who has a valid motorcycle driver's
17 license issued to him in his home state or country may operate a motorcycle in Idaho with
18 driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years
19 of age.

20 (7) A nonresident who has in his immediate possession a valid commercial driver's
21 license issued to him in his home state or country may operate a motor vehicle in Idaho.

22 (8) A nonresident on active duty in the armed forces of the United States who has a valid
23 driver's license issued by his home jurisdiction, and such nonresident's spouse or dependent son
24 or daughter who has a valid driver's license issued by such person's home jurisdiction.

25 (9) Any active duty military personnel, active duty U.S. coast guard personnel, and
26 members of the reserves and national guard on active duty including personnel on full-time
27 national guard duty, personnel on part-time training and national guard military technicians
28 who as civilians are required to wear military uniforms and are subject to the code of military
29 justice, are exempt from obtaining a commercial driver's license to operate military vehicles.
30 This exemption does not apply to U.S. reserve technicians.

31 (10) Any person with a valid driver's license issued in their name is exempt from the
32 requirement to obtain a motorcycle endorsement on the license when operating a motorcycle
33 on highways or sections of highways designated for unregistered motorcycle use under section
34 49-426(3), Idaho Code.

35 (11) Any person under the age of sixteen (16) years when operating an ATV, UTV,
36 specialty off-highway vehicle or motorbike on roads on federal or state land where the road
37 is not part of the highway system of the state of Idaho or any political subdivision thereof when
38 the person is supervised by a licensed adult operator and the road is open for such use.

39 SECTION 7. That Section 49-402, Idaho Code, be, and the same is hereby amended to
40 read as follows:

41 49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup
42 truck, each neighborhood electric vehicle and each other motor vehicle having a maximum
43 gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal
44 motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

45 Vehicles one (1) and two (2) years old \$48.00

1	Vehicles three (3) and four (4) years old	\$36.00
2	Vehicles five (5) and six (6) years old	\$36.00
3	Vehicles seven (7) and eight (8) years old	\$24.00
4	Vehicles over eight (8) years old	\$24.00

5 There shall be twelve (12) registration periods, starting in January for holders of
6 validation registration stickers numbered 1, and proceeding consecutively through December for
7 holders of validation registration stickers numbered 12, each of which shall start on the first
8 day of a calendar month and end on the last day of the twelfth month from the first day of the
9 beginning month. Registration periods shall expire midnight on the last day of the registration
10 period in the year designated by the validation registration sticker. The numeral digit on the
11 validation registration stickers shall, as does the registration card, fix the registration period
12 under the staggered plate system of Idaho for the purpose of reregistration and notice of
13 expiration.

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

20 (2) For all school buses operated either by a nonprofit, nonpublic school or operated
21 pursuant to a service contract with a school district for transporting children to or from school
22 or in connection with school approved activities, the annual fee shall be twenty-four dollars
23 (\$24.00).

24 (3) For all motorcycles and motor-driven cycles which comply with the federal motor
25 vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars
26 (\$9.00).

27 (4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a
28 motorbike with an engine displacement of fifty (50) cubic centimeters or less, on ~~public lands~~
29 city, county or highway district roads or highways open to such use, a restricted vehicle license
30 plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration
31 fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122,
32 Idaho Code. The registration and restricted vehicle license plate exemption provided in section
33 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and
34 motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code.
35 Nonresidents shall be allowed to purchase a restricted vehicle license plate and sticker for an
36 all-terrain vehicle, utility type vehicle or motorbike.

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

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

40 (7) A financial institution or repossession service contracted to a financial institution
41 repossessing vehicles under the terms of a security agreement shall move the vehicle from
42 the place of repossession to the financial institution's place of business on a repossession
43 plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective
44 purchaser for a period not to exceed ninety-six (96) hours. The registration fees for
45 repossession plates shall be as required in subsection (1) of this section for a vehicle one (1)
46 and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in

1 addition to the registration fee. The repossession plate shall be issued on an annual basis by
2 the department.

3 (8) In addition to the annual registration fee in this section, there shall be an initial
4 program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars
5 (\$15.00) for all special license plate programs for those license plates issued pursuant to
6 sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code.
7 For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be
8 an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee.
9 For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B,
10 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E,
11 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420,
12 49-420A, 49-420B, 49-420C, 49-420D, 49-420E and 49-420G, Idaho Code, there shall be an
13 initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five
14 dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special
15 plate programs. The initial program fee and the annual program fee shall be deposited in the
16 state highway account and shall be used to fund the cost of administration of special license
17 plate programs, unless otherwise specified by law.

18 (~~8~~9) Any vehicle that does not meet federal motor vehicle safety standards shall not be
19 registered and shall not be permitted to operate on public highways of the state, as defined in
20 section 40-117, Idaho Code, unless otherwise specifically authorized.

21 SECTION 8. That Section 49-426, Idaho Code, be, and the same is hereby amended to
22 read as follows:

23 49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter
24 with respect to operating fees shall not apply to:

25 (1) Motor vehicles owned or leased by the United States, the state, a city, a county,
26 any department thereof, any political subdivision or municipal corporation of the state, any
27 taxing district of the state, any state registered nonprofit subscription fire protection unit, or any
28 organization, whether incorporated or unincorporated, organized for the operation, maintenance,
29 or management of an irrigation project or irrigation works or system or for the purpose of
30 furnishing water to its members or shareholders, but in other respects shall be applicable.

31 (2) Farm tractors, implements of husbandry, those manufactured homes which qualify for
32 an exemption under the provisions of section 49-422, Idaho Code, road rollers, wheel mounted
33 tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies,
34 portable toilet trailers, street sweepers, and similar devices as determined by the department
35 which are temporarily operated or moved upon the highways need not be registered under the
36 provisions of this chapter, nor shall implements of husbandry be considered towed units under
37 registration of vehicle combinations as defined in section 49-108(2), Idaho Code. In addition,
38 self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn
39 mowers, and scooters operated by persons who by reason of physical disability are otherwise
40 unable to move about as pedestrians shall be exempt from registration requirements under
41 the provisions of this chapter. Motorcycles, motorbikes, utility type vehicles and all-terrain
42 vehicles need not be licensed under the provisions of this chapter or registered pursuant to the
43 provisions of section 67-7122, Idaho Code, if they are being used exclusively in connection
44 with agricultural, horticultural, dairy and livestock growing and feeding operations or used
45 exclusively for snow removal purposes. Travel upon the public highways shall be limited to

1 travel between farm or ranch locations. Motorcycles, motorbikes, utility type vehicles and
 2 all-terrain vehicles used for this purpose shall meet the emblem requirements of section 49-619,
 3 Idaho Code.

4 (3) Any political subdivision of the state of Idaho may, but only after sufficient public
 5 notice is given and a public hearing held, adopt local ordinances or resolutions designating
 6 highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles,
 7 utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this
 8 chapter and registered pursuant to section 67-7122, Idaho Code, ~~and those vehicles exempt~~
 9 ~~from licensing and registration pursuant to subsection (2) of this section.~~ The operation of
 10 licensed and registered all-terrain vehicles, utility type vehicles and motorbikes and those
 11 vehicles exempt from licensing and registration pursuant to subsection (2) of this section shall
 12 not be permitted on controlled access highways. The requirements of title 18 and chapters
 13 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of any licensed
 14 ~~and registered~~ all-terrain vehicle, utility type vehicle or motorbike ~~or those vehicles exempt~~
 15 ~~from licensing and registration pursuant to subsection (2) of this section~~ upon highways
 16 ~~that are not closed to such vehicles.~~ Costs related to the posting of signs on highways or
 17 sections of highways that are closed to such vehicles, indicating the ordinance, are eligible
 18 for reimbursement through the motorbike recreation account created in section 67-7126, Idaho
 19 Code.

20 (4) The Idaho transportation board may designate sections of state highways over which
 21 all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes licensed
 22 ~~pursuant to this chapter and registered pursuant to section 67-7122, Idaho Code, and those~~
 23 ~~vehicles exempt from licensing and registration pursuant to subsection (2) of this section~~ may
 24 cross. The requirements of title 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code,
 25 shall apply to the operation of licensed and registered all-terrain vehicles, utility type vehicles,
 26 specialty off-highway vehicles and motorbikes ~~and those vehicles exempt from licensing and~~
 27 ~~registration pursuant to subsection (2) of this section~~ when using designated crossings on state
 28 highways.

29 (5) ~~Subject to the licensing requirement provided for in section 49-402(4), Idaho Code,~~
 30 All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may
 31 be used on unpaved highways located on state public lands or federal public lands which are
 32 not part of the highway system of the state of Idaho, provided the registration requirements of
 33 section 67-7122, Idaho Code, are met.

34 SECTION 9. That Section 49-456, Idaho Code, be, and the same is hereby amended to
 35 read as follows:

36 49-456. VIOLATIONS OF REGISTRATION PROVISIONS. It shall be unlawful for
 37 any person:

38 (1) To operate or for the owner to permit the operation upon a highway of any motor
 39 vehicle, trailer or semitrailer which is not registered and which does not have attached and
 40 displayed the license plates assigned to it for the current registration year, subject to the
 41 exemptions allowed in sections 49-426, 49-431 and 49-432, Idaho Code.

42 (2) To operate or for the owner to permit the operation on state and federal public
 43 lands or upon highways, or sections of highways, as permitted under section 49-426(3) and
 44 (4), Idaho Code, any all-terrain vehicle, utility type vehicle or motorbike that does not have a
 45 valid and properly displayed restricted license plate issued pursuant to this chapter and attached

1 registration sticker issued pursuant to section 67-7122, Idaho Code, subject to the exemptions
2 allowed in section 49-426(2), Idaho Code.

3 (3) To display or cause or permit to be displayed, or to have in possession any
4 registration card or license plate knowing the same to be fictitious or to have been canceled,
5 revoked, suspended or altered.

6 (4) To lend or knowingly permit the use by one not entitled to any registration card or
7 license plate issued to the person so lending or permitting that use.

8 (5) To fail or refuse to surrender to the department, upon demand, any registration card
9 or license plate which has been suspended, canceled or revoked.

10 (6) To use a false or fictitious name or address in any application for the registration of
11 any vehicle or for any renewal or duplicate, or knowingly to make a false statement or conceal
12 a material fact or otherwise commit a fraud in any application.

13 SECTION 10. That Section 49-948, Idaho Code, be, and the same is hereby amended to
14 read as follows:

15 49-948. RESTRICTIONS AS TO TIRE EQUIPMENT. (1) Every solid rubber tire on a
16 vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge
17 of the flange of the entire periphery.

18 (2) No person shall operate or move on any highway any motor vehicle, trailer, or
19 semitrailer having any metal tire in contact with the highway.

20 (3) No tire on a vehicle moved on a highway shall have on its periphery any block,
21 stud, flange, cleat, spike, or any other protuberance of any material other than rubber which
22 projects beyond the tread of the traction surface of the tire, except as allowed herein. It shall
23 be permissible to use farm machinery with tires having protuberances which will not injure the
24 highway, and it shall be permissible to use tire chains. Tires with built-in lugs of tungsten
25 carbide or other suitable material, hereinafter called studs, may be used upon any vehicle when
26 required for safety because of snow, ice, or other conditions tending to cause a vehicle to
27 skid, that will not unduly damage the highway. Motor vehicles, trailers and semitrailers with
28 tires having built-in studs are prohibited on public highways between the dates of May 1 and
29 September 30, annually, except as provided in paragraphs (a), (b) and (c) of this subsection:

30 (a) Fire pumper/tanker trucks and ladder trucks belonging to fire departments and
31 firefighting agencies are exempt from the prohibited dates.

32 (b) A vehicle may be equipped year-round with tires that have retractable studs if the
33 studs retract pneumatically or mechanically to at or below the wear bar of the tire when
34 not in use and the retractable studs protrude beyond the wear bar of the tire only between
35 October 1 and April 30. Retractable studs may be made of metal or other material and
36 are not subject to the stud weight requirements of subsection (4) of this section.

37 (c) Special exemptions from the prohibited dates may be granted by the Idaho
38 transportation board if it is found by the board that enhancements to public safety
39 outweigh the increased pavement wear.

40 (4) Commercial tire retailers shall not sell studded tires with studs exceeding the
41 following weight and protrusion limitations after July 1, 2005. Commercial tire retailers
42 and tire shops shall not manually install studs exceeding the following weight and protrusion
43 limitations after July 1, 2005.

44 (a) Studs shall not protrude more than six-hundredths (.06) of an inch from the surface of
45 the tire tread when originally installed.

1 (b) Stud size shall be as recommended by the manufacturer of the tire for the type and
2 size of the tire.

3 (c) Studs shall individually weigh no more than one and one-half (1.5) grams if the stud
4 is size 14 or less.

5 (d) Studs shall individually weigh no more than two and three-tenths (2.3) grams if the
6 stud size is 15 or 16.

7 (e) Studs shall individually weigh no more than three (3) grams if the stud size is 17 or
8 larger.

9 (5) If the Idaho transportation department determines, at any time, that Lookout Pass or
10 Fourth of July Pass on interstate 90 or Lolo Pass on state highway 12 is of an unsafe condition
11 so as to require chains, as defined in section 49-104, Idaho Code, in addition to pneumatic tires,
12 the Idaho transportation department may establish requirements for the use of chains on all
13 commercial vehicles as defined in section 49-123(2)(c)~~1-(i)~~ and ~~2-(ii)~~, Idaho Code, traveling on
14 interstate 90 or state highway 12. If the Idaho transportation department establishes that chains
15 are so required, the Idaho transportation department shall:

16 (a) Provide multiple advance notices of the chain requirement;

17 (b) Provide adequate opportunities for pull out;

18 (c) Provide notification at a point at which the commercial vehicle can safely pull out of
19 the normal flow of traffic, prior to the point at which chains are required; and

20 (d) In no case post requirements for chains on bare pavement.

21 (6) Provided that the conditions in subsection (5) of this section are met, the chain
22 requirement shall be met by chaining a minimum of one (1) tire on each side of:

23 (a) One (1) drive axle, regardless of the number of drive axles; and

24 (b) One (1) axle at or near the rear of each towed vehicle. Such axle shall not include a
25 variable load suspension axle or an axle of a converter dolly.

26 (7) Chains as required in subsection (6)(a) and (b) of this section mean "chains" as
27 defined in section 49-104, Idaho Code. Any other traction device differing from chains in
28 construction, material or design but capable of providing traction equal to or exceeding that of
29 chains under similar conditions may be used.

30 (8) The Idaho transportation department shall place and maintain signs and other traffic
31 control devices on the interstate and state highway passes as designated in subsection (5) of this
32 section that indicate the chain requirements under subsection (6) of this section.

33 (9) Exempt from the chaining requirements provided for in subsections (5) and (6) of this
34 section are:

35 (a) Motor vehicles operated by the Idaho transportation department when used in the
36 maintenance of the interstate or state highway system; and

37 (b) The following:

38 (i) Motor vehicles employed solely in transporting school children and teachers
39 to or from school or to or from approved school activities, when the motor vehicle
40 is either:

41 1. Wholly owned and operated by such school; or

42 2. Leased or contracted by such school and the motor vehicle is not used
43 in furtherance of any other commercial enterprise;

44 (ii) Motor vehicles controlled and operated by any farmer when used in the
45 transportation of the farmer's farm equipment or in the transportation of supplies
46 to the farmer's farm;

- 1 (iii) The transportation of agricultural products including fresh fruits and
 2 vegetables, livestock, livestock feed or manure at any time of the year;
 3 (iv) Motor propelled vehicles for the sole purpose of carrying United States mail
 4 or property belonging to the United States;
 5 (v) Motor carriers transporting products of the forest at any time of the year,
 6 including chip trucks;
 7 (vi) Motor carriers transporting products of the mine including sand, gravel and
 8 aggregates thereof, excepting petroleum products; and
 9 (vii) Vehicles properly equipped, designed and customarily used for the
 10 transportation of disabled or abandoned vehicles by means of a crane, hoist, tow
 11 bar, dolly or roll bed, commonly known as a "wrecker truck" or "tow truck."

12 SECTION 11. That Section 67-7101, Idaho Code, be, and the same is hereby amended to
 13 read as follows:

14 67-7101. DEFINITIONS. In this chapter:

15 (1) "All-terrain vehicle (ATV)" means any recreation vehicle with three (3) or more tires,
 16 under nine hundred (900) pounds and fifty (50) inches or less in width, having a wheelbase
 17 of sixty-one (61) inches or less, ~~traveling on low pressure tires of ten (10) psi or less,~~ has
 18 handlebar steering and a seat designed to be straddled by the operator.

19 (2) "Board" means the park and recreation board created under authority of section
 20 67-4221, Idaho Code.

21 (3) "Bona fide snowmobile program" means services or facilities as approved by the
 22 department that will benefit snowmobilers such as snowmobile trail grooming, plowing and
 23 maintaining snowmobile parking areas and facilities, and trail signing.

24 (4) "Dealer" means any person who engages in the retail sales of or rental of
 25 snowmobiles, motorbikes, utility type vehicles or all-terrain vehicles.

26 (5) "Department" means the Idaho department of parks and recreation.

27 (6) "Designated parking area" means an area located, constructed, maintained, and signed
 28 with the approval of the land manager or owner.

29 (7) "Director" means the director of the department of parks and recreation.

30 (8) "Highway." (See section 40-109, Idaho Code, but excepting public roadway as
 31 defined in this section)

32 (9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven
 33 cycle, excluding tractor, designed for or capable of traveling off developed roadways and
 34 highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual
 35 purpose motorcycles.

36 (10) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway
 37 vehicle or utility type vehicle as defined in this section.

38 (11) "Operator" means any person who is in physical control of a motorbike, all-terrain
 39 vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile.

40 (1+2) "Owner" means every person holding record title to a motorbike, all-terrain vehicle,
 41 utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or
 42 possession thereof, other than a lienholder or other person having a security interest only.

43 (123) "Person" means an individual, partnership, association, corporation, or any other
 44 body or group of persons, whether incorporated or not, and regardless of the degree of formal
 45 organization.

1 (134) "Public roadway" means all portions of any highway which are controlled by an
2 authority other than the Idaho transportation department.

3 (145) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds
4 unladen gross weight, designed primarily for travel on snow or ice or over natural terrain,
5 which may be steered by tracks, skis, or runners.

6 (16) "Specialty off-highway vehicle" means any vehicle manufactured, designed or
7 constructed exclusively for off-highway operation that does not fit the definition of an
8 all-terrain vehicle, utility type vehicle or motorbike as defined in this section. The vehicle
9 classification provided for in this subsection shall become effective on January 1, 2010.

10 (157) "Utility type vehicle (UTV)" means any recreational motor vehicle other than an
11 ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel
12 over designated ~~unpaved~~ roads, traveling on four (4) or more ~~low pressure~~ tires of ~~twenty (20)~~
13 ~~psi or less~~, maximum width less than seventy-four (74) inches, maximum weight less than two
14 thousand (2,000) pounds, ~~or~~ and having a wheelbase of ~~ninety-four~~ one hundred ten (94110)
15 inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a
16 minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61)
17 inches. Utility type vehicle does not include golf carts, vehicles specially designed to carry
18 a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or
19 vehicles otherwise registered under title 49, Idaho Code.

20 (168) "Vendor" means any entity authorized by the department to sell recreational
21 registrations.

22 (179) "Winter recreational parking locations" means designated parking areas established
23 and maintained with funds acquired from the cross-country skiing account.

24 SECTION 12. That Section 67-7105, Idaho Code, be, and the same is hereby amended to
25 read as follows:

26 67-7105. GOVERNMENT OWNERSHIP. Certificate of number and registration
27 portions of this chapter shall not apply to snowmobiles, all-terrain vehicles, utility type
28 vehicles, specialty off-highway vehicles and motorbikes owned and operated by the federal
29 government, a state government or a subdivision of it.

30 SECTION 13. That Section 67-7114, Idaho Code, be, and the same is hereby amended to
31 read as follows:

32 67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR
33 ANY OTHER INTOXICATING SUBSTANCE. Any person driving or operating a snowmobile,
34 motorbike, utility type vehicle, specialty off-highway vehicle or all-terrain vehicle under
35 the influence of alcohol, drugs or any other intoxicating substance on a public roadway or
36 highway, ~~as authorized in this chapter or in section 49-426(3) and (4), Idaho Code,~~ or ~~off road~~
37 off-highway shall be guilty of a misdemeanor.

38 SECTION 14. That Section 67-7122, Idaho Code, be, and the same is hereby amended to
39 read as follows:

40 67-7122. REQUIREMENTS – REGISTRATION – PROCEDURE. (1) On or before
41 January 1 of each year, the owner of any all-terrain vehicle, motorbike, specialty off-highway

1 vehicle or utility type vehicle as defined in section 67-7101, Idaho Code, or any motorcycle
 2 as defined in section 49-114, Idaho Code, used off public highways, on ~~unpaved~~ highways
 3 located on state ~~public~~ lands or federal ~~public~~ lands which are not part of the highway system
 4 of the state of Idaho or on highways as prescribed in section 49-426(3) and (4), Idaho Code,
 5 but excluding those vehicles used exclusively on private land for agricultural use or used
 6 exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, shall
 7 register that vehicle ~~with the county assessor or other county motor vehicle office as may~~
 8 ~~be designated by the county assessor~~ at any vendor authorized by the department. Effective
 9 January 1, 2010, a ~~A~~ fee of ~~ten~~ twelve dollars (\$~~10~~2.00) shall be charged for each registration,
 10 which fee includes a one dollar and fifty cent (\$1.50) fee to be retained by the ~~county assessor~~
 11 vendor and the remainder of which shall be remitted to the department together with a duplicate
 12 copy of the application form, noting the number of the registration sticker issued.

13 (2) At the time of sale from any dealer, ~~e~~Each motorbike, all-terrain vehicle or utility
 14 type vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on
 15 private land for agricultural use or used exclusively for snow removal purposes as provided in
 16 section 49-426(2), Idaho Code, must be registered.

17 (a) Application blanks and registration stickers shall be supplied by the department and
 18 the registration sticker shall be issued to the person making application for registration.

19 (b) All registration stickers which are issued shall be in force through December 31 of
 20 the issued year. All registration stickers shall be renewed by the owner of the all-terrain
 21 vehicle, motorbike, specialty off-highway vehicle or utility type vehicle in the same
 22 manner provided for in the initial securing of the same or with any vendor authorized
 23 by the department. A vendor issuing a renewal registration sticker shall retain a one
 24 dollar and fifty cent (\$1.50) vendor fee and remit the remainder of the ~~ten~~ twelve dollar
 25 (\$~~10~~2.00) renewal registration sticker fee to the department together with a duplicate copy
 26 of the application form, noting the number of the registration sticker issued.

27 (c) The issued registration sticker shall be placed upon the restricted vehicle license plate
 28 of the all-terrain vehicle, motorbike or utility type vehicle, or upon the license plate right
 29 fork of a vehicle registered pursuant to section 49-402(3), Idaho Code, or of a motorbike
 30 if used exclusively off-highway, or upon the rear fender of an all-terrain vehicle,
 31 specialty off-highway vehicle or utility type vehicle if used exclusively off-highway. The
 32 placement shall be made in such a manner that it is completely visible, does not cover the
 33 license plate numbers or letters, if licensed, and shall be kept in a legible condition at all
 34 times.

35 (3) For operation of a motorbike that meets the requirements specified in section
 36 49-114(10), Idaho Code, on the public highways, the vehicle shall also be registered pursuant
 37 to the provisions of section 49-402(3), Idaho Code. A motorbike that meets the requirements
 38 specified in section 49-114(10), Idaho Code, and that is registered pursuant to section
 39 49-402(3), Idaho Code, shall not be required to obtain a restricted license plate pursuant to
 40 section 49-402(4), Idaho Code. A motorbike, all-terrain vehicle, specialty off-highway vehicle
 41 or utility type vehicle operated exclusively off-highway or on highways located on state lands
 42 or federal lands which are not part of the highway system of the state of Idaho and that meet
 43 the registration requirements specified in this section shall not be required to obtain a restricted
 44 vehicle license plate pursuant to section 49-402(4), Idaho Code.

1 (4) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant
 2 to section 49-402(4), Idaho Code, and/or a sticker for an all-terrain vehicle, motorbike or utility
 3 type vehicle.

4 SECTION 15. That Section 67-7124, Idaho Code, be, and the same is hereby amended to
 5 read as follows:

6 67-7124. NONRESIDENT – EXEMPTION. (1) The provisions of section 67-7122,
 7 Idaho Code, regarding registration shall not apply to any nonresident owner; provided ~~that if~~
 8 ~~a nonresident owner operates the vehicle for over thirty (30) days within this state he shall be~~
 9 ~~subject to the registration provisions of law~~ the all-terrain vehicle, utility type vehicle, specialty
 10 off-highway vehicle or motorbike is currently and properly registered in the state of residence.
 11 Owners of an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike
 12 from states that do not have a registration requirement shall be registered in Idaho under the
 13 provisions of section 67-7122, Idaho Code, prior to operation in this state.

14 (2) Nonresidents with an all-terrain vehicle, utility type vehicle, specialty off-highway
 15 vehicle or motorbike registered in another state shall have the same use privileges and
 16 responsibilities as a resident of this state with a properly registered vehicle.

17 SECTION 16. That Section 67-7126, Idaho Code, be, and the same is hereby amended to
 18 read as follows:

19 67-7126. ESTABLISHMENT OF ACCOUNT – DISTRIBUTION OF FEES. There
 20 is established in the state treasurer's office an account to be known and designated as the
 21 "motorbike recreation account." The ~~ten~~ twelve dollar (~~\$10~~2.00) fee collected for off-highway
 22 vehicle registration stickers shall be allocated as follows:

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

24 (2) Up to fifteen percent (15%) shall be allotted to the department for administration
 25 and for the production of registration stickers, which moneys shall be placed in the motorbike
 26 recreation account. The department shall annually publish a report specifically identifying the
 27 uses of account moneys;

28 (3) One dollar (\$1.00) shall be deposited into the off-highway vehicle law enforcement
 29 fund. Moneys in said fund shall be paid and used as follows:

30 (a) Sheriffs of counties with a current or an actively developing off-highway vehicle law
 31 enforcement program recognized by the department shall receive moneys from the fund
 32 based upon a formula as provided in rule promulgated by the board; and

33 (b) Moneys from the fund shall be used only for off-highway related law enforcement
 34 activities; and

35 (4) One dollar (\$1.00) shall be allocated to the Idaho department of lands to provide
 36 off-highway vehicle opportunities and to repair damage directly related to off-highway vehicle
 37 use. The department of lands shall annually publish a report specifically identifying the uses of
 38 moneys allocated pursuant to this subsection; and

39 (5) The remaining funds shall be transmitted to the state treasurer's office for deposit to
 40 the credit of the motorbike recreation account, all such moneys to be transmitted to the state
 41 treasurer on or before the ~~10th~~ tenth day of each month.

42 Collection of fees for off-highway vehicle registration shall not impose any additional liability
 43 on the state of Idaho or any of its political subdivisions or upon the employees of the state and

1 of its political subdivisions, and those entities and persons shall retain the limitations of liability
2 provided by section 36-1604, Idaho Code, regardless of the use of such fees.

3 SECTION 17. An emergency existing therefor, which emergency is hereby declared to
4 exist, Sections 1 through 15 of this act shall be in full force and effect on and after passage and
5 approval. Section 16 of this act shall be in full force and effect on and after January 1, 2010.