

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 193

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1004, IDAHO CODE, TO PRO-
3 VIDE THAT IN CERTAIN ACTIONS OR PROCEEDINGS THE COURT SHALL REQUIRE A
4 SECURITY, TO PROVIDE THAT IN CERTAIN FINAL JUDGMENTS OR FINAL DECISIONS
5 THE COURT SHALL DETERMINE AN AMOUNT OF MONEYS TO BE AWARDED AND TO MAKE A
6 TECHNICAL CORRECTION.

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

8 SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL PILOT
11 PROJECT ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the
12 board or other proper authorities in charge of, or having jurisdiction over
13 a highway, the board or authorities may in their discretion issue a special
14 permit to the owner or operator of any vehicle allowing vehicles or loads
15 having a greater weight or size than permitted by law to be moved or carried
16 over and on the highways and bridges.

17 (a) Special permits shall be in writing and may limit the time of use
18 and operation over the particular highways and bridges which may be tra-
19 versed and may contain any special conditions and require any undertak-
20 ing or other security as the board or other proper authority shall deem
21 to be necessary to protect the highways and bridges from injury, or pro-
22 vide indemnity for any injury to highways and bridges or to persons or
23 property resulting from such operation.

24 (b) The owner or operator of an overweight or oversize vehicle shall ob-
25 tain a permit, or shall establish intent to obtain a permit by contact-
26 ing a permit office and receiving a permit number before moving the ve-
27 hicle on the highways.

28 (c) All special permits or evidence of intent to obtain a permit, shall
29 be carried in the vehicles to which they refer and shall upon demand be
30 delivered for inspection to any peace officer, authorized agent of the
31 board or any officer or employee charged with the care or protection of
32 the highways.

33 (2) Nonreducible vehicles or combinations of vehicles hauling nonre-
34 ducible loads at weights in excess of those set forth in section 49-1001,
35 Idaho Code, shall pay fees as set forth in this subsection (2). Such fees are
36 based on the number of axles on the vehicle or combination of vehicles and the
37 total gross weight.

	Column 1	Column 2
2		
3	Number of axles	Gross weight of vehicle and load in pounds
4	2	40,001
5	3	54,001
6	4	68,001
7	5	80,001
8	6	97,001
9	7	114,001
		Gross weight of vehicle and load in pounds
		-
		-
		-
		131,001
		148,001
		165,001

10 (a) To determine the maximum allowable permit fee for vehicles with
11 more than seven (7) axles, the table can be extended by adding seventeen
12 thousand (17,000) pounds to the last listed weight in both columns 1 and
13 2 for each added axle.

14 (b) Permit fees for column 1 shall start at four cents (4¢) per mile
15 and increase four cents (4¢) per mile for each additional two thousand
16 (2,000) pound increment up to the weight indicated in column 2. Per-
17 mit fees for column 2 shall start at one dollar and two cents (\$1.02)
18 per mile and increase seven cents (7¢) per mile for each additional two
19 thousand (2,000) pound increment.

20 (c) Vehicles operating at weights less than the starting weights per
21 axle configuration listed in column 1 shall be charged four cents (4¢)
22 per mile.

23 (d) For vehicles operating with axles wider than eight (8) feet six (6)
24 inches or axles with more than four (4) tires per axle, the fee may be
25 reduced by the board or other proper authority having jurisdiction over
26 a highway.

27 (3) It shall be unlawful for any person to violate, or to cause or permit
28 to be violated, the limitations or conditions of special permits and any vio-
29 lation shall be deemed for all purposes to be a violation of the provisions of
30 this chapter.

31 (4) An annual special pilot project route permit authorizing travel on
32 pilot project routes shall be issued by the board or may, in its discretion,
33 be issued by a local public highway agency for operation of vehicles with a
34 legal maximum gross weight of at least one hundred five thousand five hun-
35 dred one (105,501) pounds but not exceeding one hundred twenty-nine thousand
36 (129,000) pounds. Such pilot project routes on nonstate and noninterstate
37 highways shall be determined by the local highway agency for those roads un-
38 der its jurisdiction. No local public highway agency shall approve a pilot
39 project route which provides a thoroughfare for interstate carriers to pass
40 through the state. State pilot project routes designated by the legislature
41 and identified on a map entitled "Designated Pilot Project Routes" are:

42 (a) US-20 Montana border to its junction with SH-33; SH-33 to its junc-
43 tion with US-20; US-20 to its junction with US-93; US-93 to its junc-
44 tion with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction
45 with US-30; US-30 to its junction with SH-74; SH-74 to its junction with
46 US-93; US-93 to the Nevada border.

47 (b) US-91 from its junction with SH-34 to the Utah border.

48 (c) US-30 from its junction with I-15 to the Wyoming border.

49 (d) US-95 south from milepost 66 (Fruitland) to its junction with
50 SH-55.

- 1 (e) SH-19 from its junction with US-95 (Wilder) to its junction with
2 I-84B (Caldwell).
- 3 (f) SH-78 from its junction with SH-55 (Marsing) to its junction with
4 SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with
5 I-84B (Hammett).
- 6 (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction
7 with SH-78 (Grandview).
- 8 (h) SH-55 from intersection with Farmway Road to junction with US-95.
- 9 (i) SH-25 from its junction with SH-24 to its junction with SH-27
10 (Paul).
- 11 (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).
- 12 (k) SH-24 from intersection with US-93 to its intersection with SH-25.
- 13 (l) US-20 from its intersection with New Sweden Road to its junction
14 with SH-22/33.
- 15 (m) SH-34 from milepost 78 to the junction with US-91.
- 16 (n) US-26 from its junction with US-91 north to its intersection with
17 Gallatin/West 23rd Street in Idaho Falls.
- 18 (o) US-91 from the intersection with Canyon Road to the junction with
19 US-26.
- 20 (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its
21 junction with SH-33.
- 22 (q) SH-45 from its junction with SH-78 to its junction with I-84 busi-
23 ness loop; I-84 business loop to its junction with exit 35 (Nampa Boule-
24 vard/Northside Boulevard).
- 25 (r) SH-87 from Montana border to junction with US-20.
- 26 (s) SH-33 from its junction with SH-31 (Victor) to its junction with
27 SH-33 spur; SH-33 spur to its junction with US-20.
- 28 (t) SH-28 from junction with SH-22 to junction with SH-33.
- 29 (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
- 30 (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B
31 (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oak-
32 ley).
- 33 (w) SH-81 from its junction with SH-77 (Malta) to its junction with
34 US-30 (Burley).
- 35 (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at
36 Kimberly.
- 37 (y) US-93 spur from junction with US-30 to junction with US-93 at Twin
38 Falls.
- 39 (z) US-93 from junction with US-93 spur to junction with US-30 at Twin
40 Falls.
- 41 (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84
42 business loop at Bliss.
- 43 (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with
44 I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its
45 junction with I-84 exit 141 westbound ramps to its junction with US-30
46 (Bliss).
- 47 (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction
48 with I-84 exit 155 eastbound ramps.
- 49 (dd) SH-46 from its junction with US-20 to its junction with I-84 exit
50 157 eastbound ramps (Wendell-).

1 (ee) US-20 from junction with US-93 at Carey to junction with I-84 busi-
2 ness loop at interchange 95; I-84 business loop from interchange 95 to
3 junction with SH-51; SH-51 to junction with SH-67.

4 (ff) SH-51 from junction with SH-67 to junction with SH-78.

5 (gg) SH-44 from its junction with SH-55 (Eagle) to its junction with
6 I-84 exit 25 eastbound ramps.

7 (hh) US-20/26 from its junction with US-95 (Parma) to its junction with
8 I-84 exit 26 westbound ramps.

9 (ii) US-20 from junction with US-33 at Sugar City south to junction with
10 US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue
11 south to junction with US-26/Yellowstone; US-26 from intersection with
12 US-20 business loop/Holmes Avenue south to Gallatin.

13 Additions or deletions to the approved state pilot project routes specified
14 in this subsection (4) shall be made only with the approval of the state leg-
15 islature.

16 (5) An annual administrative permit fee for operating on pilot project
17 routes at the weights specified in subsection (4) of this section shall be
18 set by the board for travel on state pilot project routes and by the local
19 public highway agency for travel on routes under its jurisdiction, but not to
20 exceed a maximum of fifty dollars (\$50.00) per vehicle. The annual adminis-
21 trative permit fee shall cover administrative costs. Local public highway
22 agencies are authorized to issue special pilot project permits and such
23 permits shall be in writing. Administrative permit fees for permits issued
24 by a local public highway agency shall be retained by the local public high-
25 way agency to cover administrative costs, and administrative permit fees
26 for permits issued by the department shall be retained by the department to
27 cover administrative costs. In addition to the annual administrative permit
28 fee and the appropriate registration fee for weights up to one hundred five
29 thousand five hundred (105,500) pounds, the appropriate vehicle registra-
30 tion fees for weights over one hundred five thousand five hundred (105,500)
31 pounds shall be calculated and collected in accordance with the fee sched-
32 ules set forth in section 49-432 or 49-434, Idaho Code.

33 (6) (a) In any action or proceeding brought for the purpose of set-
34 ting aside a special permit issued pursuant to this section, in which
35 any party seeks a stay or seeks a temporary restraining order or prelim-
36 inary injunction against the department, other appropriate authority,
37 the state of Idaho or the party requesting the permit, the court shall
38 require security as provided in rule 65(c) of the Idaho rules of civil
39 procedure, in an amount equal to not less than five percent (5%) of the
40 appraised value of the product to be transported under the provisions of
41 the permit, for the benefit of the state highway account as established
42 in section 40-702, Idaho Code.

43 (b) In a final judgment or final decision in an action or proceeding
44 brought for the purpose of setting aside a special permit issued pur-
45 suant to this section, and where such final judgment or final decision
46 is against the party or parties who brought such action or proceeding,
47 the court shall determine the amount of moneys lost, if any, by the de-
48 fendant party's or parties' business or businesses as a result of such
49 action or proceeding and shall award such amount to the defendant party
50 or parties.