

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 193, As Amended, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1004, IDAHO CODE, TO PRO-  
2 VIDE THAT IN CERTAIN ACTIONS OR PROCEEDINGS THE COURT MAY REQUIRE BOND,  
3 TO PROVIDE FOR THE SATISFACTION OF CERTAIN ATTORNEY'S FEES AND COSTS, TO  
4 PROVIDE FOR THE PAYMENT OF ALL AWARDED AMOUNTS TO THE STATE HIGHWAY AC-  
5 COUNT, TO PROVIDE THAT WHERE THERE ARE CERTAIN FINAL JUDGMENTS THE COURT  
6 MAY DETERMINE THE ACTUAL DAMAGES CAUSED TO THE DEPARTMENT OR OTHER STATE  
7 ACTOR AND MAY AWARD UP TO THAT AMOUNT TO THE PARTY OR PARTIES AND TO MAKE  
8 A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.  
9

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

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

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

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

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

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

36 (2) Nonreducible vehicles or combinations of vehicles hauling nonre-  
37 ducible loads at weights in excess of those set forth in section 49-1001,  
38 Idaho Code, shall pay fees as set forth in this subsection (2). Such fees are  
39 based on the number of axles on the vehicle or combination of vehicles and the  
40 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
		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 setting  
34 aside a special permit issued pursuant to this section, in which any  
35 party seeks a stay or seeks a temporary restraining order or preliminary  
36 injunction against the department, other appropriate authority, the  
37 state of Idaho or any party requesting the permit, the court may require  
38 bond as provided in rule 65(c) of the Idaho rules of civil procedure,  
39 in an amount not to exceed ten percent (10%) of the shipper's or trans-  
40 porter's insured value of the product or material to be transported  
41 under the provisions of the permit. If any attorney's fees and/or costs  
42 are awarded to the department or other state actor, such bond may be used  
43 to satisfy that award and all awarded amounts shall be paid to the state  
44 highway account established in section 40-702, Idaho Code.

45 (b) Where there is a final judgment in an action or proceeding brought  
46 for the purpose of setting aside a special permit issued pursuant to  
47 this section against the party or parties who brought such action or  
48 proceeding, the court may determine the actual damages resulting from  
49 the action or proceeding caused to the department or other state actor  
50 and may award up to that amount to the party or parties.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after its  
3 passage and approval.