

IN THE SENATE

SENATE BILL NO. 1179

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INITIAL PROGRAM FEES; AMENDING SECTION 49-402C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WHO MAY APPLY FOR APPROVAL OF SPECIAL LICENSE PLATE PROGRAMS ON AND AFTER JANUARY 1, 2012; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402D, IDAHO CODE, TO PROVIDE THAT ANY AGENCY SEEKING TO PARTICIPATE IN THE SPECIAL LICENSE PLATE PROGRAM SHALL BE REQUIRED TO COMPLETE AN APPLICATION PROCESS, TO DEFINE A TERM, TO PROVIDE FOR AN EXCEPTION, TO PROVIDE REQUIREMENTS, TO PROVIDE FOR RULES, TO PROVIDE ADDITIONAL REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT SHALL SUBMIT COMPLETED APPLICATIONS TO THE CHAIRMEN OF THE SENATE TRANSPORTATION COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND DEFENSE COMMITTEE, TO PROVIDE FOR A REPORT AND TO PROVIDE FOR APPEALS; AND AMENDING SECTION 49-403B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the

1 same number, and the registration card shall show and be the exclusive proof
2 of the expiration date of registration and licensing. Vehicles may be ini-
3 tially registered for less than a twelve (12) month period, or for more than a
4 twelve (12) month period, and the fee prorated on a monthly basis if the frac-
5 tional registration tends to fulfill the purpose of the monthly series reg-
6 istration system.

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

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

14 (4) For operation of an all-terrain vehicle, utility type vehicle or
15 motorbike, excluding a motorbike with an engine displacement of fifty (50)
16 cubic centimeters or less, on city, county or highway district roads or
17 highways open to such use, a restricted vehicle license plate fee pursuant
18 to section 49-450, Idaho Code, shall be paid. In addition, the registration
19 fee specified in section 67-7122, Idaho Code, shall be paid as provided in
20 section 67-7122, Idaho Code. The registration and restricted vehicle li-
21 cense plate exemption provided in section 49-426(2), Idaho Code, applies
22 to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles
23 used for the purposes described in subsection (2) of section 49-426, Idaho
24 Code. Nonresidents shall be allowed to purchase a restricted vehicle li-
25 cense plate and sticker for an all-terrain vehicle, utility type vehicle or
26 motorbike.

27 (5) For all motor homes the fee shall be as specified in subsection (1)
28 of this section and shall be in addition to the fees provided for in section
29 49-445, Idaho Code.

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

31 (7) A financial institution or repossession service contracted to
32 a financial institution repossessing vehicles under the terms of a secu-
33 rity agreement shall move the vehicle from the place of repossession to the
34 financial institution's place of business on a repossession plate. The
35 repossession plate shall also be used for demonstrating the vehicle to a
36 prospective purchaser for a period not to exceed ninety-six (96) hours. The
37 registration fees for repossession plates shall be as required in subsection
38 (1) of this section for a vehicle one (1) and two (2) years old. All other
39 fees required under chapter 4, title 49, Idaho Code, shall be in addition to
40 the registration fee. The repossession plate shall be issued on an annual
41 basis by the department.

42 (8) A wrecker or towing business engaged in the process of towing motor-
43 ized vehicles, which have been wrecked, abandoned, salvaged or may be dis-
44 abled, may apply for a wrecker plate to be displayed on those vehicles being
45 towed, provided the power unit is properly registered under this chapter.
46 The registration fees for wrecker plates shall be as required in subsection
47 (1) of this section for a vehicle one (1) and two (2) years old. All other
48 fees required under chapter 4, title 49, Idaho Code, shall be in addition to
49 the registration fee. The wrecker plate shall be issued on an annual basis by
50 the department.

1 (9) In addition to the annual registration fee in this section, there
 2 shall be an initial program fee of twenty-five dollars (\$25.00) and an an-
 3 nual program fee of fifteen dollars (\$15.00) for all special license plate
 4 programs for those license plates issued pursuant to sections 49-404A,
 5 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For
 6 special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code,
 7 there shall be an initial program fee of twenty-five dollars (\$25.00) but
 8 there shall be no annual renewal fee. For special plates issued pursuant
 9 to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D,
 10 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A,
 11 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D,
 12 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, 49-420G,
 13 49-420H, ~~and 49-420I and 49-420J~~, Idaho Code, and any new special plate pro-
 14 gram effective on and after January 1, 2012, pursuant to section 49-402D,
 15 Idaho Code, there shall be an initial program fee of thirty-five dollars
 16 (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The
 17 fees contained in this subsection shall be applicable to all new special
 18 plate programs. The initial program fee and the annual program fee shall be
 19 deposited in the state highway account and shall be used to fund the cost of
 20 administration of special license plate programs, unless otherwise speci-
 21 fied by law.

22 (10) Any vehicle that does not meet federal motor vehicle safety stan-
 23 dards shall not be registered and shall not be permitted to operate on public
 24 highways of the state, as defined in section 40-117, Idaho Code, unless oth-
 25 erwise specifically authorized.

26 SECTION 2. That Section 49-402C, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 49-402C. SPECIAL LICENSE PLATE PROGRAMS -- STANDARDIZED PLATE COLOR
 29 AND DESIGN. (1) It is the intent of the legislature that special license
 30 plates issued by the department be readily recognizable as plates from the
 31 state of Idaho without losing the uniqueness for which the special plate was
 32 designed and purchased. In addition, the legislature finds that the depart-
 33 ment can operate in a more efficient, cost-effective manner by conforming
 34 special plates to a basic color and design.

35 (2) No special license plates and no special license plate programs in
 36 existence on or before June 30, 1998, shall be affected by the provisions of
 37 this section. On and after July 1, 1998, any new special license plate pro-
 38 gram authorized or any redesign of an existing special license plate, shall
 39 use the same red, white and blue background as the standard issue of license
 40 plates described in section 49-443, Idaho Code, except that:

- 41 (a) The identification of county shall be omitted;
- 42 (b) The word "Idaho" shall appear on every plate;
- 43 (c) The inscription "Scenic Idaho" may be omitted without legislative
 44 consideration and approval; and
- 45 (d) No slogan shall be used that infringes upon, dilutes or compro-
 46 mises, or could be perceived to infringe upon, dilute or compromise, the
 47 trademarks of the state of Idaho, including, but not limited to, "Idaho
 48 Potatoes®," "Grown in Idaho™," "Famous Idaho Potatoes™" or "Famous
 49 Potatoes®."

1 The provisions of this section shall not apply to the plate designs issued
2 pursuant to the provisions of section 49-417, Idaho Code.

3 (3) Any redesign required for a special plate to conform with legisla-
4 tive intent and the provisions of this section may be done in a manner similar
5 to that used to produce the original design.

6 (4) The special plates shall conform in all other respects with the pro-
7 visions of section 49-443, Idaho Code, relating to visibility requirements,
8 display of registration number, time period for validity of plates, and
9 reservation of plate numbers.

10 (5) Unless otherwise specifically provided, no special license plates
11 shall be issued to motor vehicles with a registered maximum gross weight in
12 excess of twenty-six thousand (26,000) pounds, or any motor vehicle regis-
13 tered under section 49-434(5), Idaho Code, or section 49-435, Idaho Code.

14 (6) On and after January 1, 2012, only state and public agencies or
15 foundations supporting the interests of state or local government may apply
16 for approval of special license plate programs pursuant to section 49-402D,
17 Idaho Code.

18 (7) Following an introductory period of three (3) years during which
19 the provisions of this subsection shall not apply, if, during both years of
20 any following two (2) consecutive years, fewer than one thousand (1,000)
21 plates are issued in each of those two (2) consecutive years, the depart-
22 ment shall discontinue that special license plate program and no new plates
23 shall be issued nor shall any existing plate be renewed upon its expiration.
24 The provisions of this subsection shall apply to sections 49-416, 49-417,
25 49-417A, 49-417B, 49-417C, 49-418A, 49-418B, 49-418C, 49-419, 49-419A,
26 49-420, 49-420B, Idaho Code, and any other special license plate programs
27 created on and after July 1, 2002.

28 SECTION 3. That Chapter 4, Title 49, Idaho Code, be, and the same is
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
30 ignated as Section 49-402D, Idaho Code, and to read as follows:

31 49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS. (1) On and
32 after January 1, 2012, any agency of the state government including depart-
33 ments, institutions, boards or commissions or public agency or any politi-
34 cal subdivisions thereof, or foundations supporting the interests of state
35 or local government created under the laws of the state of Idaho (hereinafter
36 referred to as "agency") seeking special license plate program participa-
37 tion shall meet the provisions of this section prior to such special plate
38 program being proposed to the legislature of the state of Idaho. Any such
39 agency shall be required to complete the application process provided for in
40 this section no later than September 1, prior to the next legislative ses-
41 sion, in which such agency desires consideration by the legislature of the
42 state of Idaho.

43 (2) Any agency desiring special plate consideration shall:

44 (a) Submit a financial plan for the use of the proceeds from the special
45 license plate sales; and

46 (b) Designate an individual who shall be deemed responsible by the
47 agency for certifying compliance with the requirements of this section
48 and working with the department.

1 (c) The department is authorized and shall adopt and promulgate rules
2 to carry out the provisions of this section.

3 (3) If the agency's request for a special license plate is approved by
4 the department, the following requirements, in addition to those set out in
5 subsection (2) of this section, shall be met by September 1 prior to the next
6 legislative session.

7 (a) The agency shall deposit estimated programming and administrative
8 costs with the department to be utilized for programming costs of the
9 specialty plate. Administrative costs in the amount of one thousand
10 dollars (\$1,000) shall be nonrefundable.

11 (b) In addition to the requirements provided for in section 49-402C,
12 Idaho Code, the agency requesting a special license plate program shall
13 provide to the department an acceptable plate design.

14 (c) The agency shall transmit to the department a list of two hundred
15 fifty (250) applicants whose vehicles are currently registered in the
16 state of Idaho, who intend to purchase the specialty plate when avail-
17 able, as evidenced by completing forms provided by the department.

18 (4) The department shall submit the completed applications for spe-
19 cial license plate programs that meet the requirements of this section to
20 the chairmen of the senate transportation and the house of representatives
21 transportation and defense committee each year on behalf of the agency to be
22 included for consideration in the next legislative session.

23 (5) On an annual basis, by December 1 of each calendar year, the agency
24 that is a sponsor of a special license plate program, shall prepare an annual
25 report, which shall be made available on request, and shall be forwarded to
26 the department. Such report shall include an accounting of revenues and ex-
27 penditures associated with the funds collected for the special license plate
28 program. The department shall compile and forward such reports to the chair-
29 men of the senate transportation committee and the house of representatives
30 transportation and defense committee by January 15 of each year. Failure of
31 the agency to provide such report by the due date shall result in the suspen-
32 sion of the special license plate program sales on January 1 until such re-
33 port is provided.

34 (6) Any decision by the department that the special license plate pro-
35 gram application does not meet the provisions of this section may be appealed
36 to the director of the department. Such notice of appeal shall be made in
37 writing within twenty (20) days of the notice of denial.

38 SECTION 4. That Section 49-403B, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 49-403B. GOLD STAR -- LICENSE PLATES. (1) In this section:

41 (a) "Combat zone" means those locations involving a "period of war" as
42 defined in 38 U.S.C. section 101(11) and such other locations and times
43 as the division of veterans services may define by rule.

44 (b) "Qualifying cause of death" means a death of a person due to hostile
45 action while serving in the armed forces of the United States on active
46 duty in a combat zone as the division of veterans services may define by
47 rule.

48 (c) "Qualifying family member" means the surviving spouse, parent,
49 stepparent, child, stepchild, sibling, half-sibling, stepsibling,

1 grandparent or legal guardian of a person who died due to a qualifying
2 cause of death.

3 (2) Qualifying family members are eligible to apply for gold star li-
4 cense plates. As proof of eligibility, the applicant shall furnish to the
5 department a statement from the division of veterans services certifying el-
6 igibility.

7 (3) The division of veterans services shall establish by rule the re-
8 quirements for receipt of a certificate of eligibility including proof of
9 qualifying familial relationship to the deceased service member and the
10 death of the service member due to a qualifying cause of death.

11 (4) No special plate program fee shall be charged in addition to regu-
12 lar registration or renewal of registration of a motor vehicle owned by the
13 spouse, parent or stepparent of a service member who was killed during active
14 military service in a combat zone and receiving gold star license plates.

15 (5) A qualifying family member who is not the spouse, parent or step-
16 parent shall be charged the regular registration fee and plate fee required
17 in section 49-450, Idaho Code, and an additional fee of thirty-five dollars
18 (\$35.00) for the initial issuance of plates and twenty-five dollars (\$25.00)
19 upon each succeeding annual registration. Ten dollars (\$10.00) of the ini-
20 tial fee and ten dollars (\$10.00) of the renewal fee shall be deposited in
21 the state highway account and shall be used to fund the cost of administra-
22 tion of this gold star license plate program. Twenty-five dollars (\$25.00)
23 of each initial fee and fifteen dollars (\$15.00) of each renewal fee shall
24 be deposited in the veterans support fund, section 65-209, Idaho Code, and
25 shall be used to defray the costs of administration of the eligibility certi-
26 fication program and to provide programs to support veterans.

27 (6) Gold star license plates shall be used only on a motor vehicle owned
28 by the qualifying family member.

29 (7) Whenever title or interest in a motor vehicle registered under this
30 section is transferred or assigned, the registration shall expire, but the
31 qualifying family member may transfer the gold star license plates to an-
32 other motor vehicle upon payment of the required transfer fees. The qualify-
33 ing family member may only display the gold star license plates after receipt
34 of new registration from the department.

35 (8) A qualifying family member shall not register more than two (2)
36 motor vehicles under this section. This section shall not apply to any mo-
37 tor vehicle with a registered maximum gross weight over twenty-six thousand
38 (26,000) pounds, nor to any vehicle registered under section 49-434(5),
39 Idaho Code.

40 (9) Gold star license plates may be retained and displayed on motor ve-
41 hicles owned by the surviving spouse of a qualifying family member. In ad-
42 dition, the surviving spouse is eligible to reapply for and shall be issued
43 gold star license plates if the deceased qualifying family member died on or
44 after January 1 of the five (5) years preceding the date of reapplication for
45 the gold star license plates. Such plates shall be used only on a motor vehi-
46 cle owned by the surviving spouse of the qualifying family member.

47 (10) The gold star license plates shall be of a color and design ac-
48 ceptable to the veterans affairs commission and approved by the department,
49 utilizing a numbering system as determined by the department. Gold star

1 license plates shall not be subject to discontinuance pursuant to section
2 49-402C(~~6~~7), Idaho Code.