

Dear Senators HAMMOND, Brackett, Werk, and  
Representatives PALMER, Ellsworth, Ringo:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Idaho Transportation Department:

IDAPA 39.02.12 - Rules Pertaining To The Rules Governing Issuing Certificates of Title and Bonded  
Certificates of Title (Docket No. 39-0212-1201);

IDAPA 39.02.60 - Rules Pertaining To The Rules Governing License Plate Provisions (Docket  
No. 39-0260-1201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/05/2012. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/05/2012.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

**FROM:** Principal Legislative Research Analyst - Eric Milstead

**DATE:** September 18, 2012

**SUBJECT:** Idaho Transportation Department

IDAPA 39.02.12 - Rules Pertaining To The Rules Governing Issuing Certificates of Title and Bonded Certificates of Title (Docket No. 39-0212-1201)

IDAPA 39.02.60 - Rules Pertaining To The Rules Governing License Plate Provisions (Docket No. 39-0260-1201)

1. The Idaho Department of Transportation has submitted temporary and proposed rulemaking at IDAPA 39.02.12 -- Rules Governing Issuing Certificates of Title and Bonded Certificates of Title. The temporary and proposed rule includes the following revisions: It updates and provides new language governing "housekeeping" topics such as, office hours, incorporation of documents, public records act compliance, etc. (See sections 001 through 006); It revises language and adds provisions governing certificates of registration, certificates of title relating to salvage vehicles and certificates relating to reconstructed and specially constructed vehicles (See Section 100); Finally, it revises and adds to provisions relating to "bonded title" and "bonded title brands" as well as revising language relating to the expiration of the bonding requirement. (See, Sections 200; 202 and 203).

The effective date of the temporary rule is August 1, 2012.

The temporary and proposed rule appears to be authorized pursuant to Sections 49-201 and 49-523, Idaho Code.

2. The Idaho Department of Transportation has submitted temporary and proposed rulemaking at IDAPA 39.02.60 -- Rules Governing License Plate Provisions. The temporary and proposed rule implements the provisions of Senate Bill 1243 which was passed and approved during the 2012 Legislative Session. That legislation established new requirements relating to the application for and approval of Special License Plate Programs. The legislation included the provision that an applicant requesting the creation of a new special license plate program shall deposit estimated programming and administrative costs with the department to be utilized for programming costs of the specialty plate and that administrative costs in the amount of \$1,000 is nonrefundable.

The effective date of the temporary rule was July 1, 2012.

The temporary and proposed rule appears to be authorized by 49-201, Idaho Code.

Mike Nugent Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

cc: Idaho Transportation Department  
Linda L. Emry, Rules Coordinator, and Christine Fisher & Barry Takeuchi

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.02.12 - RULES GOVERNING ISSUING CERTIFICATES OF TITLE AND BONDED CERTIFICATES OF TITLE

DOCKET NO. 39-0212-1201

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is August 1, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 49-201, Idaho Code and based on the requirements established in Section 49-523, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

This proposal will align a bonded title's brand expiration date with the bond's expiration date, thereby eliminating customer issues that may occur due to the bond expiring prior to the brand's expiration date. Subsequently, with the bonded title brand expiring at the same time as the bond, there is the concern that the owner may apply for the bonded title just before the bond expires. This proposal requires that the owner obtain a bond rider if more than 90 days has passed since the bond was obtained, thereby providing a significant amount of time for the bonded title to be of public record for the protection of any prior owner or lien-holder who still has an interest and is trying to locate the vehicle.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule-making confers a benefit by eliminating customer issues that may occur due to the bond expiring prior to the branded title expiration date.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

There is no fee or charge associated with this rule-making.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact on the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because there is no clearly identified group or organization to which this particular process would apply. The circumstances associated with requiring a bonded title are considered somewhat uncommon.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: No materials are being incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Barry Takeuchi, Outreach / Titles Program Specialist, 334-8662.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2012.

DATED this 1st day of August, 2012.

Linda L. Emry  
Office of Governmental Affairs  
Idaho Transportation Department

[linda.emry@itd.idaho.gov](mailto:linda.emry@itd.idaho.gov)  
Phone - 208-334-8810 / FAX - 208-332-4107  
3311 W State St, PO Box 7129, Boise ID 83707-1129

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**THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT  
OF DOCKET NO. 39-0212-1201**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Section 49-~~523~~201, Idaho Code. ~~(12-26-90)~~(8-1-12)T

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be cited as IDAPA 39.02.12 "Rules Governing Issuing Certificates of Title and Bonded Certificates of Title." (8-1-12)T

**02. Scope.** This rule ~~outlines the procedures and limitations~~ contains guidelines and requirements for issuing certain certificates of title and bonded certificates of title, pursuant to Section 49-523, Idaho Code. ~~(12-26-90)~~(8-1-12)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (8-1-12)T

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (8-1-12)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (8-1-12)T

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street And Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. (8-1-12)T

**02. Office Hours.** Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (8-1-12)T

**03. Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8663 or by fax at 208-334-8658. (8-1-12)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (8-1-12)T

~~007~~. -- 099. (RESERVED)

**100. GENERAL.**

The Department shall issue a Certificate of Title on any ~~motor~~ vehicle if the applicant can show proper documentation of ownership, ~~and~~ there are no undisclosed security interests in the vehicle, and other requirements for titling have been satisfied. Such proper documentation shall be limited to: ~~(12-26-90)~~(8-1-12)T

**01. Certificate of Title.** A valid Idaho Certificate of Title or a valid Certificate of Ownership issued by another state, province or country according to the applicable laws of another state, province or country which has been duly assigned or transferred to the applicant; or (12-26-90)

**02. MCO/MSO.** A properly executed Manufacturer's Certificate of Origin (MCO) or Manufacturer's Statement of Origin (MSO) in the case of a new ~~motor~~ vehicle being titled for the first time. ~~(12-26-90)~~(8-1-12)T

**03. Certificate of Registration.** A Certificate of Registration from a non-titling state, province or country, together with a bill of sale from the registrant if other than the applicant. (8-1-12)T

**04. Transfer by Operation of Law.** In the case of a transfer by operation of law, a certified copy of a valid court order, decree, or instrument upon which the claim of possession and ownership is founded, passing title to the applicant as a matter of law (for example: a property settlement, divorce decree, bankruptcy, execution sale, or probate), together with an affidavit by the person or agent of the person to whom possession of the vehicle so passed, setting forth facts entitling him to possession and ownership. (8-1-12)T

**05. Salvage Vehicles.** For a salvage vehicle, a salvage certificate of title or other salvage ownership document issued by another state, province, or country according to the applicable laws of that state, province, or country, duly assigned or transferred to the applicant. (8-1-12)T

**036. Homemade Vehicles.** In the case of homemade vehicles (vehicles not made by a manufacturer as defined by Section 49-114, Idaho Code) a bill of sale for the major component parts which shall include the following information: (12-26-90)

- a. Name of builder; (12-26-90)
- b. Vehicle Identification Number (VIN) or engine number for a motorcycle, if applicable; (12-26-90)
- c. Description of major component part, (by make, body type, year of manufacture, if applicable); (12-26-90)
- d. Purchase price; (12-26-90)
- e. Signature of seller. (12-26-90)

**047. Reconstructed and Specially Constructed Vehicles.** For a reconstructed vehicle as defined by Section 49-123(~~m~~), Idaho Code, or a specially constructed vehicle as defined by Section 49-123(~~k~~), Idaho Code, ~~or~~ "kits," the original ownership document shall be submitted for the vehicle from which the body or cab being used has been taken unless the vehicle is from a state that requires the ownership document to remain with the frame in which case a copy of the ownership document verified to be a true and correct copy of the original, together with a bill of sale from the owner to whom the ownership document was issued if different than the applicant, shall be required. A bill of sale shall also be submitted for any of the following major components used in the vehicle's construction: ~~(12-26-90)~~(8-1-12)T

- a. Frame or rails; (12-26-90)
- b. Engine or short block; (12-26-90)
- c. Transmission and/or transfer case; (12-26-90)
- ~~d. Cab and/or body;~~ ~~(12-26-90)~~

~~ed.~~ Front and rear clips; (12-26-90)

~~fe.~~ Truck bed or box; or (12-26-90)

~~g.~~ *A Certificate of Registration from a non-titling state, province or country; or* (12-26-90)

~~h.~~ *A certified copy of a valid court order or decree passing title to the applicant as a matter of law (for example: a property settlement, divorce decree, bankruptcy or probate.)* (12-26-90)

101. -- 199. (RESERVED)

200. BONDED TITLE.

Application may be made for a “bonded title” when the applicant has actual possession of the vehicle but is unable to provide proper documentation of ownership. (12-26-90)

**01. Proper Documentation Cannot Be Obtained.** The applicant must satisfy the Department that proper documentation to obtain a regular title cannot be obtained. However, the applicant must provide sufficient documentation to satisfy the Department that it is more probable than not that the applicant is the owner of the vehicle. ~~(12-26-90)~~(8-1-12)T

**02. Vehicle Physical Inspection.** The applicant must produce the vehicle for a physical inspection by a representative designated by the Department. (12-26-90)

**03. Affidavit of Explanation.** The applicant must provide an affidavit explaining the reasons for the absence of a valid Certificate of Title or Certificate of Ownership and how the vehicle came into the possession of the applicant. A listing of any liens (loans) or encumbrances against the vehicle, the name of the state, province or country where the vehicle was last titled, or last registered; if from a non-titling state, province, or country; and the name under which the vehicle was last titled, or last registered if from a non-titling state, province or country, ~~a registration~~ is also required. ~~(12-26-90)~~(8-1-12)T

**04. Bond Amount.** The applicant must provide the Department with a bond in the amount of one (1) and one-half (1/2) times the value of the vehicle or a cash deposit of like amount, ~~with the Department as provided in Section 49-523(b), Idaho Code.~~ A cash bond shall be in the form of a cashiers check, money order or certified check made payable to the Idaho Transportation Department. The form of the bond shall conform to Exhibit 1 of this rule the form ITD 3909, Vehicle Ownership Bond, which can be obtained by calling 208-334-8663 during regular business hours. ~~(12-26-90)~~(8-1-12)T

**05. Vehicle Appraisal.** The applicant shall provide an appraisal of the vehicle either by a licensed Idaho automobile dealer on the dealer’s letterhead with dealer’s number or by a Motor Vehicle Investigator. The appraisal shall reflect the current retail value of the vehicle. This appraisal shall be considered by the Department to determine the value of the vehicle. ~~(12-26-90)~~(8-1-12)T

**06. Application for Title.** The applicant shall apply for title within ninety (90) days of the bond’s issuance. Should the application for title occur more than ninety (90) days from the issue date of the bond or any subsequent rider, the applicant shall obtain a rider to provide bond coverage for three (3) years. (8-1-12)T

**07. Bonded Title Brand.** Upon satisfying the department’s requirements for a bonded title, the applicant shall be issued a title bearing the brand “Bonded Title” and the brand’s expiration date, which shall be three (3) years from the date of issuance of the bond or receipt of the cash deposit. (8-1-12)T

(BREAK IN CONTINUITY OF SECTIONS)

202. CLAIMS AGAINST THE BOND.

Should any expense, loss or damage occur, for any reason covered by the bond, persons or entities suffering such loss shall make claim directly against the principal (applicant) and the surety. If the applicant has made a cash deposit, any claim shall be made through the Department's Motor Vehicle ~~Bureau Chief~~ Administrator. ~~(+2-26-90)~~(8-1-12)T

**203. EXPIRATION OF BONDING REQUIREMENT.**

Upon expiration of a three (3) year period from the date of issuance of the bonded ~~title~~ or receipt of a cash deposit, the bond or cash deposit shall be returned without interest unless the Department has been notified in writing of a pending claim or action to recover on the bond or deposit. If there has been no claim, the applicant shall surrender the bonded title and apply for a ~~clear~~ Certificate of Title free of the bonded title brand. A ~~clear~~ Certificate of Title free of the bonded title brand will be issued upon certification of the application and payment of ~~the proper~~ any applicable fees per Idaho Code Title 49, Chapters 2 and 5, and any applicable sales or use tax, per Title 63, Chapter 36, Idaho Code. ~~(+2-26-90)~~(8-1-12)T



## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.02.60 - RULES GOVERNING LICENSE PLATE PROVISIONS

#### DOCKET NO. 39-0260-1201

### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Section 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

This rulemaking provides procedural requirements for the implementation of program changes established in statute, through Senate Bill 1243, enacted in 2012. It adopts specific provisions for prequalification and application procedures for special license plate programs, as outlined in statute. It also provides for duplicate use of a letter/number combination on a larger (passenger vehicle) plate and a smaller (motorcycle) plate and eliminates the 45-day limitation on a proof of registration receipt, in keeping with the improved plate production and delivery process.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Senate Bill 1243, 2012, established certain limitations and requirements relating to the application for and approval of Special License Plate Programs to ensure greater accountability for funds collected through those programs. The rule is being updated to reflect the implementation of these new requirements effective July 1, 2012.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The rulemaking does not impose a fee, but reflects a non-refundable fee that is imposed by new Idaho Code, Section 49-402D(2)(a).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because changes to the rule are reflective of requirements established in statute. As such, the rule changes do not lend themselves to negotiation.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This rulemaking does not incorporate by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Christine Fisher, Registration Program / Internal Communications Specialist, 334-8679.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2012.

DATED this 3rd day of August, 2012.

Linda L. Emry  
Office of Governmental Affairs  
Idaho Transportation Department

[linda.emry@itd.idaho.gov](mailto:linda.emry@itd.idaho.gov)  
Phone - 208-334-8810 / FAX - 208-332-4107  
3311 W State St, PO Box 7129, Boise ID 83707-1129

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**THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT  
OF DOCKET NO. 39-0260-1201**

**012. TEMPORARY PROOF OF REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.**

**01. Temporary Proof of Registration.** Upon receipt of payment for required registration and program fees, a ~~forty five (45) day temporary~~ proof of registration receipt document may be issued, indicating "license plates on order." This option will be used whenever license plates are required to be manufactured after the registration transaction has been completed. The ~~temporary proof of registration receipt document~~ shall provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. ~~At the discretion of the department, more than one (1) forty five (45) day temporary registration may be issued, if needed, in order to manufacture license plates.~~ (4-2-08)(7-1-12)T

**02. Placement of Temporary Proof of Registration Document.** The ~~forty five (45) day temporary~~ proof of registration receipt document shall be displayed in the rear window of the vehicle for which it is issued. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the ~~temporary proof of registration document~~ must be conspicuously displayed where the license plate number and expiration date of the ~~permit newly issued plate~~ may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (4-2-08)(7-1-12)T

**03. Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable.** Upon receipt of payment for required registration and program fees, the county may issue a manual temporary registration for thirty (30) days, through use of a temporary form provided by the department, in the event the automated system is unavailable. When the system resumes normal operation, the county office shall enter such registration information, and produce the registration form and validation decals and mail to the registered applicant. The manual temporary registration form shall be displayed in the rear window of the vehicle for which it is issued. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the temporary registration must be conspicuously displayed where the number and expiration date of the permit may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**155. PROVISIONS FOR SPECIAL LICENSE PLATE PROGRAM PREQUALIFICATION AND APPLICATION PROCEDURES.**

**01. Special License Plate Prequalification.** Anyone considering legislation to establish a special license plate program will make application to the department on a special plate program application form designed and provided by the department. If all the prequalification requirements are met by the submission of other documentation, this will also be acceptable. A special plate program development guide will also be provided to each applicant, detailing the procedures for the prequalification and application and providing information regarding the

steps required to successfully accomplish a special plate program from prequalification through passage of the legislation, statutory requirements and standards for the plate color and license plate design. (7-1-12)T

a. The individual responsible for representing the agency requesting the prequalification/application procedure will complete and sign a Special Plate Program application form which will contain a declaration of the responsible individual for certifying compliance with the requirements to the Department. (7-1-12)T

b. Responsible individual representing the agency will submit a financial plan detailing the use for the proceeds from the special plate sales. (7-1-12)T

c. For non-profit agencies, the responsible individual will provide evidence that the applicant has had 501 (c) Federal Income Tax status for at least two (2) years. (7-1-12)T

**02. Special License Plate Program Application Approval.** (7-1-12)T

a. Upon approval of application by department, applicant will, by September 1, deposit programming and administration fees determined by an estimate of projected programming hours required. One thousand dollars (\$1000) of this fee will not be refundable. (7-1-12)T

b. Applicant will complete and submit a list of two hundred fifty (250) applicants, currently registered in Idaho, who intend to purchase the Specialty License Plates when available. The form may be delivered to the Department by mail or electronic means such as e-mail or facsimile. (7-1-12)T

**03. Submission to The Legislature.** When all requirements have been met, the Department will forward the completed application to the chairmen of the Transportation and Defense Committees of the Senate and the House of Representatives for consideration in the next Legislative Session. This submission will be on a form developed by the Department or other documentation which meets all the requirements listed in this rule. (7-1-12)T

**04. Annual Report.** An Annual report form, designed and provided by the department will be made available to special license plate sponsors. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. The report will be completed and submitted to the Department by January 1 so that by January 15 of each year the department has the data to compile the information required and to forward to the chairmen of the House and Senate Transportation Committees. If the agency fails to provide the required report, the Department will suspend special license plate sales for that program until the accounting is provided. Military License Plate programs will not be included in this requirement. (7-1-12)T

**05. Appeals.** The appeals process will allow the applicant for a special license plate program to appeal the Department's decision to deny the application (See Section 003 of this rule). The notice of the appeal will be sent in writing via mail, electronic mail, or facsimile within twenty (20) days of the denial. (7-1-12)T

**156. -- 198. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.**

**01. Special Characters or Marks.** No special characters, or punctuation marks, may be used for personalized messages on license plates. (1-3-92)

**a.** Up to seven (7) letters or any combination of seven (7) letters and numbers and spaces (no half spaces) may be used for personalized messages on eligible six inch by twelve inch (6" x 12") license plates. (5-8-09)

**b.** Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on four inch by seven inch (4" x 7") motorcycle plates. (5-8-09)

c. Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on specialty program license plates. (5-8-09)

d. Disability six inch by twelve inch (6" x 12") plates will display the international handicapped symbol followed by up to five (5) letters, numbers, and spaces in the personalized message. Disability four inch by seven inch (4" x 7") motorcycle plates will display the international handicapped symbol followed by up to four (4) letters, numbers, and spaces (no half spaces) in the personalized message. (5-8-09)

**02. Issue of Personalized Plates.** Personalized plates can be issued only to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to: (1-3-92)

a. Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; (1-3-92)

b. Vehicles for which the designators "PRP" are required to be printed on the plate to identify the use; and (4-2-08)

c. Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. (4-2-08)

**03. Specific Requests.** Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, or fax transmission time will prevail. If the postmarks are the same, the date stamped upon arrival at the Department will prevail. Applications submitted at county assessors' offices will not be considered valid until stamped in by the Department. Telephone requests will not be accepted. (4-2-08)

**04. Lack of Current Plates.** When an applicant for personalized plates does not have current regular number plates: (1-3-92)

a. The Department may issue a thirty (30) day temporary registration to allow time for the billing process for personalized plates. The fee for each thirty (30) day temporary registration shall be as required by Section 49-523, Idaho Code. (4-2-08)

b. The Department may, upon payment of all required fees, issue a ~~temporary~~ proof of registration document as provided in Section 012 of these rules. ~~(4-2-08)~~(7-1-12)T

**05. Credits.** When personalized plates are issued before an applicant's current registration is expired, credit will be given for unexpired registration fees only. (1-3-92)

**06. Renewing Plates.** The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, the plate fee will be charged in addition to all other fees that are due. New plates must be purchased every seven (7) years as provided in Section 49-443, Idaho Code. (4-2-08)

**07. Transfer of Plates.** When personalized plates are issued, the vehicle's regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. (1-3-92)

**08. Acceptability of Plates Message.** Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: (1-3-92)

a. The combination of numbers and letters requested or combinations of same may not duplicate an existing combination in use with the following exception. A duplication is allowed when the combination of numbers and letters requested or combinations of same is the same on a small (ie: motorcycle plate) and a large (ie: passenger car) sized plate. ~~(1-3-92)~~(7-1-12)T

**b.** The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of: obscenity; contempt; prejudice; hostility; insult; racial degradation; ethnical degradation; profanity; or refers to bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; act of violence, illegal substances; or vulgarity as defined in dictionaries of general use, including, but not limited to, Webster's Unabridged Dictionary and the Harper & Row New Dictionary of American Slang. (3-2-10)

**c.** The criteria in Paragraph 202.08.b. of these rules is not to be considered an exhaustive list. A compilation of offensive or obscene words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. (4-2-08)

**d.** When a complaint is received from the public concerning an issued plate, the name of the caller will not be recorded nor, if known, revealed. (1-3-92)

**e.** Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process shall include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision. (4-2-08)

**09. Message Preferences.** Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail, electronic mail or facsimile. ~~(4-2-08)~~(7-1-12)T

**10. Recalled Plates.** Personalized plates may be recalled by the Department for the following reasons: (1-3-92)

**a.** Error in manufacturing; or (1-3-92)

**b.** Clerical error. (1-3-92)

**c.** Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. (4-2-08)

**11. Unexpired Fees.** If a set of personalized plates is recalled, the personalized plate program fee, unexpired portion of the registration fee, E.M.S. fee, plate fee, (if plates are returned to the department), and all other applicable special plate fees, will be refunded or transferred to a new issue of personalized plates. (4-2-08)

**12. Expired Plates.** Personalized plates that are allowed to expire shall become immediately available for reissue to another applicant. There is no grace period. (1-3-92)