

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 78

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO ESTAB-
2 LISH A CERTAIN FEE, TO REQUIRE THAT SUCH FEE BE DEPOSITED INTO A CERTAIN
3 FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-5202,
4 IDAHO CODE, TO REQUIRE THAT CERTAIN FEES BE PAID INTO THE PUBLIC SAFETY
5 AND SECURITY INFORMATION FUND.
6

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

8 SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's li-
11 cense records in the office of the department shall be public records and
12 open to inspection by the public during normal business hours, except for
13 those records declared by law to be for the confidential use of the depart-
14 ment, or those records containing personal information subject to restric-
15 tions or conditions regarding disclosure. If the department has contracted
16 for a service to be provided by another entity, an additional fee shall be
17 charged by that contractor whether the service is rendered during normal
18 business hours, other than normal business hours or on weekends.

19 (2) In addition to other fees required by law to be collected by the de-
20 partment, the department shall collect the following:

- 21 (a) For certifying a copy of any record pertaining to any vehicle li-
22 cense, any certificate of title, or any driver's license \$14.00
- 23 (b) For issuing every Idaho certificate of title \$14.00
- 24 (c) For furnishing a duplicate copy of any Idaho certificate
25 of title \$14.00
- 26 (d) For issuance or transfer of every certificate of title on a new or
27 used vehicle or other titled vehicle in an expedited manner (rush ti-
28 tles), in addition to any other fee required by this section \$26.00
- 29 (e) For recording a transitional ownership document, in addition to any
30 other fee required by this section \$26.00
- 31 (f) For furnishing a replacement of any receipt
32 of registration \$5.00
- 33 (g) For furnishing copies of registration or ownership of motor vehi-
34 cles or driver's license records, per vehicle registration, accident
35 report records, title or per driver's license record \$7.00
- 36 Additional contractor fee, not to exceed \$4.00
- 37 (h) For services in searching files of vehicle or other
38 registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- 39 (i) Placing "stop" cards in vehicle registration or title
40 files, each \$21.00
- 41 (j) For issuance of an assigned or replacement vehicle
42 identification number (VIN) \$18.00

- 1 (k) For a vehicle identification number (VIN) inspection whether con-
 2 ducted by a city or county peace officer or any other peace officer or
 3 designated agent of the state of Idaho, per inspection \$5.00
 4 (l) For all replacement registration stickers, each \$2.00
 5 (m) For issuing letters of temporary vehicle clearance
 6 to Idaho-based motor carriers \$18.00
 7 (n) For all sample license plates, each \$21.00
 8 (o) For filing release of liability statements \$3.50
 9 (p) For safety and insurance programs for each vehicle operated
 10 by a motor carrier \$3.00
 11 (q) For issuance or transfer of every certificate of title on a new or
 12 used vehicle in addition to any other fee required by this section, a fee
 13 deposited to the state treasurer and placed in the public safety and se-
 14 curity information fund (ILETS fund) \$5.00

15 A lesser amount may be set by rule of the board.

16 (3) The fees required in this section shall not apply when the service
 17 is furnished to any federal, state, county or city peace officer when such
 18 service is required in the performance of their duties as peace officers.

19 (4) The department may enter into agreements with private companies or
 20 public entities to provide the services for which a fee is collected in sub-
 21 section (2) (g) of this section. Such private contractor shall collect the
 22 fee prescribed and remit the fee to the department. The contractor shall
 23 also collect and retain the additional fee charged for his services.

24 (5) (a) The department shall pay three dollars (\$3.00) of the fee col-
 25 lected by a county assessor or other agent of the department as provided
 26 in subsection (2) (a) through (f) of this section, and four dollars
 27 (\$4.00) as provided in subsection (2) (g) of this section, to the county
 28 assessor or sheriff of the county or agent collecting such fee, which
 29 shall be deposited with the county treasurer and credited to the county
 30 current expense fund. The remainder of the fees collected as provided
 31 in that subsection shall be paid by the department to the state trea-
 32 surer and placed in the state highway account.

33 (b) The fee collected under subsection (2) (k) of this section for a VIN
 34 inspection shall be placed in the city general fund if conducted by a
 35 city peace officer, in the county current expense fund if conducted by a
 36 county peace officer, shall be retained by the special agent authorized
 37 to perform the inspection, or paid to the state treasurer and placed to
 38 the credit of the Idaho state police if conducted by the Idaho state po-
 39 lice or in the state highway account if conducted by the department.

40 (c) The fee collected under subsection (2) (o) of this section for fil-
 41 ing release of liability statements shall be retained by the county as-
 42 sessor of the county collecting such fee, and shall be deposited with
 43 the county treasurer and credited to the county current expense fund.

44 (d) The fee in subsection (2) (m) of this section shall not apply when
 45 the Idaho-based motor carrier or its representative obtains and prints
 46 the document using internet access.

47 (e) The fee collected under subsection (2) (p) of this section for mo-
 48 tor carriers shall be paid by the department to the state treasurer and
 49 placed in the state highway account. The director and the director of
 50 the Idaho state police shall jointly determine the amount to be trans-

1 ferred from the state highway account to the law enforcement fund for
2 motor carrier safety programs conducted by the Idaho state police pur-
3 suant to the provisions of section 67-2901A, Idaho Code.

4 (f) The fee collected under subsection (2) (g) of this section for is-
5 suance or transfer of every certificate of title on a vehicle shall be
6 paid by the department to the state treasurer and placed in the public
7 safety and security information fund (ILETS fund) established in sec-
8 tion 19-5202, Idaho Code.

9 (6) The department as often as practicable may provide to law enforce-
10 ment agencies the record of suspensions and revocations of driver licenses
11 via the ~~Idaho law enforcement telecommunications~~ public safety and security
12 information system (ILETS).

13 (7) The department shall provide the forms prescribed in chapter 5 of
14 this title, shall receive and file in its office in Ada county all instru-
15 ments required in chapter 5 of this title to be filed with the department,
16 shall prescribe a uniform method of numbering certificates of title, and
17 shall maintain in the department indices for such certificates of title. All
18 indices shall be by motor or identification number and alphabetical by name
19 of the owner.

20 (8) The department shall file each registration received under a
21 distinctive registration number assigned to the vehicle and to the owner
22 thereof.

23 (9) The department shall not renew a driver's license or identification
24 card when fees required by law have not been paid or where fees for past pe-
25 riods are due, owing and unpaid including insufficient fund checks, until
26 those fees have been paid.

27 (10) The department shall not grant the registration of a vehicle when:

28 (a) The applicant is not entitled to registration under the provisions
29 of this title; or

30 (b) The applicant has neglected or refused to furnish the department
31 with the information required in the appropriate form or reasonable ad-
32 ditional information required by the department; or

33 (c) The fees required by law have not been paid, or where fees for past
34 registration periods are due, owing and unpaid including insufficient
35 fund checks.

36 (11) The department or its authorized agents have the authority to re-
37 quest any person to submit to medical, vision, highway, or written examina-
38 tions, to protect the safety of the public upon the highways. The depart-
39 ment or its authorized agents may exercise such authority based upon evi-
40 dence which may include, but is not limited to, observations made.

41 (12) The department shall revoke the registration of any vehicle:

42 (a) Which the department shall determine is unsafe or unfit to be oper-
43 ated or is not equipped as required by law;

44 (b) Whenever the person to whom the registration card or registration
45 plate has been issued shall make or permit to be made any unlawful use of
46 the same or permit their use by a person not entitled thereto;

47 (c) For any violation of vehicle registration requirements by the owner
48 or operator in the current or past registration periods;

49 (d) Whenever a motor carrier requests revocation, or whenever an inter-
50 state carrier's federal operating authority has been revoked;

1 (e) For failure of the owner or operator to file the reports required
2 or nonpayment of audit assessments or fees assessed against the owner by
3 the department or the state tax commission pursuant to audit under the
4 provisions of section 49-439, Idaho Code;

5 (f) Identified by any city or county administering a program es-
6 tablished by ordinance for the inspection and readjustment of motor
7 vehicles (which program is part of an approved state implementation
8 plan adopted by both the state and federal governments under 42 U.S.C.
9 section 7410) as having failed to comply with an ordinance requiring
10 motor vehicle emission inspection and readjustment; provided that no
11 vehicle shall be identified to the department under this ~~subsection (f)~~
12 paragraph unless:

13 (i) The city or county certifies to the department that the owner
14 of the motor vehicle has been given notice and had the opportunity
15 for a hearing concerning compliance with the ordinance and has ex-
16 hausted all remedies and appeals from any determination made at
17 such hearing; and

18 (ii) The city or county reimburses the department for all direct
19 costs associated with the registration revocation procedure.

20 (13) The department shall not reregister or permit a vehicle to oper-
21 ate on a special trip permit until all fees, penalties and interest have been
22 paid.

23 (14) The department shall institute educational programs, demonstra-
24 tions, exhibits and displays.

25 (15) The department shall cancel a driver's license or identification
26 card when fees required by law have not been paid or where fees are due, owing
27 and unpaid including insufficient fund checks, until those fees have been
28 paid.

29 (16) The department shall examine persons and vehicles by written,
30 oral, vision and skills tests without compulsion except as provided by law.

31 (17) The department shall employ expert and special help as needed in
32 the department.

33 (18) The department shall compile accident statistics and disseminate
34 information relating to those statistics.

35 (19) The department shall cooperate with the United States in the elimi-
36 nation of road hazards, whether of a physical, visual or mental character.

37 (20) The department shall place and maintain traffic-control devices,
38 conforming to the board's manual and specifications, upon all state highways
39 as it shall deem necessary to indicate and to carry out the provisions of this
40 title or to regulate, warn, or guide traffic. No local authority shall place
41 or maintain any traffic-control device upon any highway under the jurisdic-
42 tion of the department except by the latter's permission. The placement and
43 maintenance of such a traffic-control device by a local authority shall be
44 made according to the board's manual and specifications for a uniform system
45 of traffic-control devices.

46 (21) The department may conduct an investigation of any bridge or other
47 elevated structure constituting a part of a highway, and, if it shall find
48 that the structure cannot with safety to itself withstand vehicles travel-
49 ing at a speed otherwise permissible under this title, shall determine and
50 declare the maximum speed of vehicles which the structure can safely with-

1 stand, and shall cause or permit suitable signs stating the maximum speed to
2 be erected and maintained before each end of the structure.

3 (22) Whenever the department shall determine on the basis of an engi-
4 neering and traffic investigation that slow speeds on any highway or part of
5 a highway impede the normal and reasonable movement of traffic, the depart-
6 ment may determine and declare a minimum speed limit below which no person
7 shall drive a vehicle except when necessary for safe operation or in compli-
8 ance with law, and that limit shall be effective when posted upon appropriate
9 fixed or variable signs.

10 (23) The department shall regulate or prohibit the use of any con-
11 trolled-access highway by any class or kind of traffic which is found to be
12 incompatible with the normal and safe movement of traffic.

13 (24) The department shall erect and maintain traffic-control devices on
14 controlled-access highways on which any prohibitions are applicable.

15 (25) Wherever a highway crosses one (1) or more railroads at grade, the
16 department or local authorities within their respective jurisdictions shall
17 place and maintain stop signs, directing vehicular traffic approaching the
18 crossing to come to a full stop prior to entering the crossing at all railroad
19 crossings where electric or mechanical warning signals do not exist. Place-
20 ment of these stop signs shall be mandatory except when in the determination
21 of public highway agencies the existence of stop signs at a given crossing
22 would constitute a greater hazard than their absence based on a recognized
23 engineering study.

24 Nothing in this subsection shall be construed as granting immunity to
25 any railroad company as to liability, if any, for an accident which might oc-
26 cur at a crossing where stop signs are erected and in place, but liability, if
27 any, shall be determined as provided by law. Liability on the part of govern-
28 mental authorities on account of absence of any stop sign at a crossing shall
29 be determined as provided by law.

30 (26) The department and local authorities are authorized to determine
31 those portions of any highway under their respective jurisdictions where
32 overtaking and passing or driving on the left side of the roadway would be
33 especially hazardous and may by appropriate signs or markings on the roadway
34 indicate the beginning and end of those zones and when signs or markings are
35 in place and clearly visible to an ordinarily observant person, every driver
36 of a vehicle shall obey those directions.

37 (27) The department and local authorities in their respective juris-
38 dictions may in their discretion issue special permits authorizing the
39 operation upon a highway of traction engines or tractors having movable
40 tracks with transverse corrugations upon the periphery of the movable tracks
41 or farm tractors or other farm machinery, the operation of which upon a high-
42 way would otherwise be prohibited under this title or title 40, Idaho Code.

43 (28) The department and local highway authorities within their respec-
44 tive jurisdictions may place official traffic-control devices prohibiting,
45 limiting or restricting the stopping, standing or parking of vehicles on any
46 highway where such stopping, standing or parking is dangerous to those using
47 the highway or where the stopping, standing or parking of vehicles unduly in-
48 terferes with the free movement of traffic thereon.

49 (29) On any informational material printed after July 1, 1995, by or at
50 the order of the department and distributed to counties, school districts

1 or individuals for the purpose of assisting a person to successfully pass
2 a driver's license test, the department shall include material about the
3 state's open range law and responsibilities, liabilities and obligations of
4 drivers driving in the open range.

5 SECTION 2. That Section 19-5202, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 19-5202. ESTABLISHMENT OF INFORMATION SYSTEM -- USE -- ACCESS CHARGE
8 -- INTERSTATE CONNECTION. (1) Establishment of information system. The di-
9 rector of the Idaho state police shall establish a public safety and security
10 information system, known as "ILETS," which will interconnect the criminal
11 justice agencies of this state and its political subdivisions and all agen-
12 cies engaged in the promotion of highway safety into a unified information
13 system. The director is authorized to lease such transmitting and receiving
14 facilities and equipment as may be necessary to establish and maintain such a
15 system.

16 (2) Use of information system. The public safety and security informa-
17 tion system, known as "ILETS," shall be used exclusively for the law enforce-
18 ment and criminal justice business of the state of Idaho and all the politi-
19 cal subdivisions thereof, including all agencies engaged in the promotion of
20 traffic safety.

21 (3) Judiciary and traffic safety. Nothing in this chapter shall pro-
22 hibit the use of or participation in the information system herein provided
23 by the judicial branch of the state government or by any other department,
24 agency or branch of state or local government engaged in traffic safety.

25 (4) Access. The quarterly access fee to be charged each department or
26 agency participating in the information system shall be set by the public
27 safety and security information board, known as the "ILETS board," and in
28 setting such fee the board shall take into consideration the usage of said
29 system by each participant. There is hereby created the public safety and
30 security information fund, to be known as the ILETS fund. All access fees
31 collected under the provisions of this chapter and all certificate of title
32 issuance or transfer fees collected pursuant to section 49-202(2)(q), Idaho
33 Code, shall be paid into the fund.

34 (5) Interstate connection. The public safety and security information
35 system provided for herein is hereby authorized to connect and participate
36 with information systems of other states and provinces of Canada.