

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 389

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO VEHICLES; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE DEFINI-
2 TIONS; AMENDING SECTION 49-121, IDAHO CODE, TO REVISE DEFINITIONS;
3 AMENDING SECTION 49-123, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE
4 TECHNICAL CORRECTIONS; AMENDING SECTION 49-205, IDAHO CODE, TO REVISE
5 PROVISIONS RELATING TO A CERTAIN FILING; AMENDING SECTION 49-401B,
6 IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN APPLICATION FOR REGIS-
7 TRATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-402C,
8 IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCONTINUING A SPECIAL
9 LICENSE PLATE PROGRAM; AMENDING SECTION 49-437, IDAHO CODE, TO REVISE
10 A TERM; AMENDING SECTION 49-443, IDAHO CODE, TO REVISE PROVISIONS RE-
11 LATING TO LICENSE PLATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
12 SECTION 49-443B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LICENSE
13 PLATES FOR STATE VEHICLES AND VEHICLES OF TAXING DISTRICTS AND TO MAKE
14 TECHNICAL CORRECTIONS; AMENDING SECTION 49-502, IDAHO CODE, TO PRO-
15 VIDE FOR AN EXCEPTION AND TO REVISE A CODE REFERENCE; AMENDING SECTION
16 49-504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN CERTIFI-
17 CATES OF TITLE; AMENDING SECTION 49-504A, IDAHO CODE, TO REVISE PRO-
18 VISIONS RELATING TO A CERTAIN PENALTY; AMENDING SECTION 49-511, IDAHO
19 CODE, TO REVISE PROVISIONS RELATING TO THE CANCELLATION OR DISCHARGE
20 OF A LIEN OR ENCUMBRANCE UPON A CERTAIN TITLE AND TO MAKE A TECHNICAL
21 CORRECTION; AMENDING SECTION 49-523, IDAHO CODE, TO REVISE PROVISIONS
22 RELATING TO THE AGE OF A VEHICLE AND TO MAKE TECHNICAL CORRECTIONS;
23 AMENDING SECTION 49-524, IDAHO CODE, TO REVISE PROVISIONS RELATING
24 TO A VEHICLE ACQUIRED IN A SETTLEMENT; AMENDING SECTION 49-525, IDAHO
25 CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SALVAGE CERTIFICATES OF
26 TITLE AND TO REVISE PROVISIONS RELATING TO CERTAIN OWNERSHIP DOCUMENTS
27 AND BRANDS RETRIEVED BY THE NATIONAL MOTOR VEHICLE TITLE INFORMATION
28 SYSTEM; AMENDING SECTION 49-811, IDAHO CODE, TO REVISE A CODE REFER-
29 ENCE; AMENDING SECTION 49-948, IDAHO CODE, TO REVISE A CODE REFERENCE;
30 AMENDING SECTION 49-1818, IDAHO CODE, TO REVISE PROVISIONS RELATING TO
31 DEPOSITS IN A TRUST ACCOUNT; AMENDING SECTION 67-7040, IDAHO CODE, TO
32 REMOVE A REFERENCE TO ROWBOATS AND TO MAKE A TECHNICAL CORRECTION; AND
33 AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE DEFINITIONS.
34

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

36 SECTION 1. That Section 49-114, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 49-114. DEFINITIONS -- M. (1) "Major component part" for vehicles
39 means a rear or rear clip, eowl, frame or subframe or inner structure for-
40 ward of the cowl, body or center, passenger area, cab, front or front end
41 assembly, or front clip or nose section or roof of passenger compartment such
42 other part which is critical to the safety of the vehiele. "Major component

1 part" for vessels means a hull, bow, gunnel, stern or transom, or permanently
2 attached propulsion unit.

3 (2) "Manifest" means a form used for identifying the quantity, compo-
4 sition, origin, routing, waste or material identification code and desti-
5 nation of hazardous material or hazardous waste during any transportation
6 within, through, or to any destination in this state.

7 (3) "Manufactured home." (See section 39-4105, Idaho Code)

8 (4) "Manufacturer" means every person engaged in the business of con-
9 structing or assembling vehicles of a type required to be registered at an
10 established place of business in this state. The term, for purposes of sec-
11 tions 49-1613 through 49-1615, 49-1617, 49-1622 and 49-1623, Idaho Code,
12 shall include a distributor and other factory representatives.

13 (5) "Manufacturer's year designation" means the model year designated
14 by the vehicle manufacturer, and not the year in which the vehicle is, in
15 fact, manufactured.

16 (6) "Maximum gross weight" means the scale weight of a vehicle,
17 equipped for operation, to which shall be added the maximum load to be car-
18 ried as declared by the owner in making application for registration. When
19 a vehicle against which a registration fee is assessed is a combination of
20 vehicles, the term "maximum gross weight" means the combined maximum gross
21 weights of all vehicles in the combination.

22 (7) "Metal tire." (See "Tires," section 49-121, Idaho Code)

23 (8) "Mileage" means actual distance that a vehicle has traveled.

24 (9) "Moped" means a limited-speed motor-driven cycle having:

25 (a) Both motorized and pedal propulsion that is not capable of pro-
26 pelling the vehicle at a speed in excess of thirty (30) miles per hour
27 on level ground, whether two (2) or three (3) wheels are in contact with
28 the ground during operation. If an internal combustion engine is used,
29 the displacement shall not exceed fifty (50) cubic centimeters and the
30 moped shall have a power drive system that functions directly or auto-
31 matically without clutching or shifting by the operator after the drive
32 system is engaged; or

33 (b) Two (2) wheels or three (3) wheels with no pedals, which is powered
34 solely by electrical energy, has an automatic transmission, a motor
35 which produces less than two (2) gross brake horsepower, is capable of
36 propelling the device at a maximum speed of not more than thirty (30)
37 miles per hour on level ground and as originally manufactured, meets
38 federal motor vehicle safety standards for motor-driven cycles. A
39 moped is not required to be titled and no motorcycle endorsement is re-
40 quired for its operator.

41 (10) "Motorbike" means a vehicle as defined in section 67-7101, Idaho
42 Code. Such vehicle shall be titled and may be approved for motorcycle reg-
43 istration pursuant to section 49-402, Idaho Code, upon certification by the
44 owner of the installation and use of conversion components that make the mo-
45 torbike compliant with federal motor vehicle safety standards.

46 (11) "Motorcycle" means every motor vehicle having a seat or saddle for
47 the use of the rider, designed to travel on not more than three (3) wheels
48 in contact with the ground or designed to travel on two (2) wheels in con-
49 tact with the ground which is modified by the addition of two (2) stabilizing
50 wheels on the rear of the motor vehicle, that meets the federal motor vehi-

1 cle safety standards as originally designed, and includes a converted motor-
2 bike, but does not include a motor-driven cycle, a motorbike, a tractor or a
3 moped.

4 (12) "Motor carrier" means an individual, partnership, corporation or
5 other legal entity engaged in the transportation by motor vehicle of persons
6 or property in the furtherance of a business or for hire.

7 (13) "Motor-driven cycle" means a cycle with a motor that produces five
8 (5) brake horsepower or less as originally manufactured that meets federal
9 motor vehicle safety standards as originally designed, and does not include
10 mopeds. Such vehicle shall be titled and a motorcycle endorsement is re-
11 quired for its operation.

12 (14) "Motor home" means a vehicular unit designed to provide temporary
13 living quarters, built into an integral part or permanently attached to a
14 self-propelled motor vehicle chassis. The vehicle must contain permanently
15 installed independent life support systems which meet the national fire
16 protection association (NFPA) 1192 standard on recreational vehicles, and
17 provide at least four (4) of the following facilities: cooking, refriger-
18 ation or icebox, self-contained toilet, heating and/or air conditioning, a
19 potable water supply system, including a faucet and sink, separate 110-125
20 volt electrical power supply and/or LP-gas supply.

21 (15) "Motorized wheelchair" means a motor vehicle with a speed not in
22 excess of eight (8) miles per hour, designed for and used by a person with a
23 disability.

24 (16) "Motor number." (See "Identifying number," section 49-110, Idaho
25 Code)

26 (17) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

27 (18) "Motor vehicle liability policy" means an owner's or operator's
28 policy of liability insurance, certified as provided in section 49-1210,
29 Idaho Code, as proof of financial responsibility, and issued by an insurance
30 carrier duly authorized to transact business in this state, to or for the
31 benefit of the person named therein as insured.

32 (19) "Motor vehicle record" means any record that pertains to a motor
33 vehicle registration, motor vehicle title or identification documents or
34 other similar credentials issued by the department or other state or local
35 agency.

36 SECTION 2. That Section 49-121, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 49-121. DEFINITIONS -- T. (1) "Temporary supplemental lot" means a
39 location other than the principal place of business, or supplemental lot
40 within the same or adjacent county as the principal place of business, where
41 a licensed dealer may secure a license to conduct the business and is li-
42 censed for a period of time not to exceed ten (10) days for a specific purpose
43 such as auto shows, auctions, shopping center promotions, tent sales, etc.
44 Temporary supplemental lots shall meet all local zoning and building codes
45 for the type of business being conducted. The requirements for a principal
46 place of business shall not be applicable to temporary supplemental lot lo-
47 cations. The adjacent county restriction shall not apply if the dealer holds
48 the franchise for the products to be displayed or sold and has approval from
49 a manufacturer for the location where the proposed temporary supplemental

1 lot license will be issued by the department. Nonfranchised dealers shall be
2 permitted to temporarily display or sell their products within a one hundred
3 seventy-five (175) mile radius of their principal place of business, upon
4 approval by the department.

5 (2) "Tires" means:

6 (a) Metal. Every tire the surface of which in contact with the highway
7 is wholly or partly of metal or other hard, nonresilient material.

8 (b) Pneumatic. Every tire in which compressed air is designed to sup-
9 port the load.

10 (c) Snow tire. Every rubber tire with tread design or material embedded
11 in the tire to improve winter traction except studded tires.

12 (d) Solid rubber. Every tire of rubber or other resilient material
13 which does not depend upon compressed air for the support of the load.

14 (e) Studded tire. Every tire with built-in lugs of tungsten carbide
15 or other suitable material designed to contact the road surface for im-
16 proved winter traction.

17 (3) "Traffic" means pedestrians, ridden or herded animals, vehicles,
18 streetcars and other conveyances either singly or together while using any
19 highway for purposes of travel.

20 (4) "Traffic lane" or "lane of travel" means that portion of the roadway
21 for movement of a single line of vehicles.

22 (5) "Traffic-control device" means any device, whether manually,
23 electrically or mechanically operated, placed or erected by authority of a
24 public body or official having jurisdiction, for the purpose of regulating,
25 warning or guiding traffic.

26 (6) "Trailer" means:

27 (a) General. Every vehicle without motive power designed for carrying
28 persons or property and for being drawn by a motor vehicle.

29 (b) Fifth-wheel trailer. A vehicular unit equipped in the same manner
30 as a travel trailer but constructed with a raised forward section that
31 allows a bi-level floor plan. This style is designed to be towed by a ve-
32 hicle equipped with a device known as a fifth-wheel hitch, which is typ-
33 ically installed in the bed of a pickup truck.

34 (c) Fold down camping trailer. A vehicular portable unit mounted on
35 wheels and constructed with collapsible partial side walls, which fold
36 for towing by another vehicle and unfold at the campsite to provide tem-
37 porary living quarters, for recreational, camping or travel use.

38 (d) Park trailer. A trailer designed to be towed by a motorized ve-
39 hicle, and of such size and weight as not to require a special highway
40 movement permit. It is designed for seasonal or temporary living
41 quarters and may be connected to utilities necessary for operation of
42 installed fixtures and appliances. It is built on a single permanent
43 chassis and constructed to permit set up by persons without special
44 skills.

45 (e) Pole trailer. Every vehicle without motive power designed to be
46 drawn by another vehicle and attached to the towing vehicle by means of
47 a reach or pole or by being boomed or otherwise secured to the towing ve-
48 hicle, and ordinarily used for transporting long or irregularly shaped
49 loads such as poles, pipes, or structural members capable, generally,
50 of sustaining themselves as beams between the supporting connections.

1 (f) Semitrailer. Every vehicle without motive power, designed for car-
2 rying persons or property and for being drawn by a motor vehicle and so
3 constructed that some part of its weight and that of its load rests upon
4 or is carried by the towing vehicle.

5 (g) Travel trailer. A vehicular unit, mounted on wheels designed to
6 provide temporary living quarters for recreational, camping, travel or
7 emergency use and of such size or weight as not to require special high-
8 way movement permits when towed by a motorized vehicle.

9 (h) Utility trailer. (See "Utility trailer," section 49-122, Idaho
10 Code)

11 (7) "Transitional ownership document" means a document used to perfect
12 a lien against creditors or subsequent purchasers when the primary owner-
13 ship document is not available and the selling dealer, new security interest
14 holder or their agent, to the best of their knowledge, will not have posses-
15 sion of the primary ownership document, within thirty (30) days of the sale,
16 or if no sale is involved, the date the contract or security agreement being
17 perfected was signed, and contains all of the following:

18 (a) The date of sale or if no sale is involved, the date the contract or
19 security agreement being perfected was signed;

20 (b) The name and address of each owner of the vehicle;

21 (c) The name and address of each security interest holder;

22 (d) If there are multiple security interest holders, the priorities of
23 interest if the security interest holders do not jointly hold a single
24 security interest;

25 (e) The vehicle identification number;

26 (f) The name of the security interest holder or person who submits the
27 transitional ownership document for the security interest holder; and

28 (g) Any other information the department may require for its records.

29 (8) "Transportation," for the purposes of chapter 22, title 49, Idaho
30 Code, means the movement of any regulated quantity of hazardous material or
31 hazardous waste within, through, or to any destination in this state upon the
32 highways of this state.

33 (9) "Transporter" means every person engaged in the business of deliv-
34 ering vehicles of a type required to be registered from a manufacturing, as-
35 sembling or distributing plant to dealers or sales agents of a manufacturer,
36 except in chapter 22, title 49, Idaho Code, where it means any person who
37 transports a hazardous material or hazardous waste within, through, or to
38 any destination upon the highways of this state.

39 (10) "Truck" means:

40 (a) Refuse/sanitation. Any vehicle designed and used solely for the
41 purpose of transporting refuse.

42 (b) General. Every motor vehicle exceeding eight thousand (8,000)
43 pounds gross weight designed, used or maintained primarily for the
44 transportation of property.

45 (c) Pickup truck. Every motor vehicle eight thousand (8,000) pounds
46 gross weight or less which is designed, used or maintained primarily for
47 the transportation of property.

48 (d) Truck camper. A portable unit constructed to provide temporary
49 living quarters for recreational, travel or camping use, consisting of
50 a roof, floor, and sides, designed to be loaded onto and unloaded from

1 the bed of a pickup truck, and containing at least one (1) of the follow-
 2 ing facilities: stove; refrigerator or icebox; self-contained toilet;
 3 heater or air conditioner; potable water supply including a faucet and
 4 sink; separate 110-125 volt electrical power supply; or LP-gas supply.
 5 Truck campers originally constructed with an overall length of six (6)
 6 feet or longer shall be titled as provided in chapter 5 of this title 49.
 7 A truck camper does not include pickup hoods, shells or canopies.

8 (e) Truck tractor. Every motor vehicle designed and used primarily for
 9 drawing other vehicles but not so constructed as to carry a load other
 10 than a part of the weight of the vehicle and load so drawn.

11 (11) "True mileage driven" means the mileage of the vehicle as regis-
 12 tered by the odometer within the manufacturer's designed tolerance.

13 SECTION 3. That Section 49-123, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
 16 axle or axles designed to support a part of the vehicle and load and which
 17 can be regulated to vary the amount of load supported by such an axle or axles
 18 and which can be deployed or lifted by the operator of the vehicle. (See also
 19 section 49-117, Idaho Code--)

20 (a) "Fully raised" means that the variable load suspension axle is in
 21 an elevated position preventing the tires on such axle from having any
 22 contact with the roadway.

23 (b) "Fully deployed" means that the variable load suspension axle is
 24 supporting a portion of the weight of the loaded vehicle as controlled
 25 by the preset pressure regulator valve.

26 (2) "Vehicle" means:

27 (a) General. Every device in, upon, or by which any person or property
 28 is or may be transported or drawn upon a highway, excepting devices used
 29 exclusively upon stationary rails or tracks.

30 (b) Assembled vehicle or vessel. A vehicle or vessel, not including a
 31 salvage vehicle or vessel, that has been constructed using major compo-
 32 nent parts from two (2) or more vehicles or vessels or that has been re-
 33 paired using new factory major component parts so that the resulting ve-
 34 hicle or vessel has the same appearance as a vehicle or vessel that was
 35 manufactured under a specific make and model by a manufacturer. A vehi-
 36 cle or vessel utilizing a kit for the entire body or a glider kit vehicle
 37 is not an assembled vehicle.

38 (c) Authorized emergency vehicle. Vehicles operated by any fire
 39 department or law enforcement agency of the state of Idaho or any po-
 40 litical subdivision of the state, ambulances, vehicles belonging to
 41 personnel of voluntary fire departments while in performance of offi-
 42 cial duties only, vehicles belonging to, or operated by EMS personnel
 43 certified or otherwise recognized by the EMS bureau of the Idaho depart-
 44 ment of health and welfare while in the performance of emergency medical
 45 services, sheriff's search and rescue vehicles which are under the im-
 46 mediate supervision of the county sheriff, wreckers which are engaged
 47 in motor vehicle recovery operations and are blocking part or all of one
 48 (1) or more lanes of traffic, other emergency vehicles designated by the
 49 director of the Idaho state police or vehicles authorized by the Idaho

1 transportation board and used in the enforcement of laws specified
2 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand
3 (10,000) pounds or greater.

4 (ed) Commercial vehicle or commercial motor vehicle. For the purposes
5 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-
6 ment, a motor vehicle or combination of motor vehicles designed or used
7 to transport passengers or property if the motor vehicle:

8 (i) Has a manufacturer's gross combination weight rating (GCWR)
9 in excess of twenty-six thousand (26,000) pounds inclusive of
10 a towed unit with a manufacturer's gross vehicle weight rating
11 (GVWR) of more than ten thousand (10,000) pounds; or

12 (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in
13 excess of twenty-six thousand (26,000) pounds; or

14 (iii) Is designed to transport sixteen (16) or more people, in-
15 cluding the driver; or

16 (iv) Is of any size and is used in the transportation of materials
17 found to be hazardous for the purposes of the hazardous material
18 transportation act and which require the motor vehicle to be plac-
19 arded under the hazardous materials regulations (49 CFR part 172,
20 subpart F).

21 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
22 registration, a vehicle or combination of vehicles of a type used or
23 maintained for the transportation of persons for hire, compensation or
24 profit, or the transportation of property for the owner of the vehicle,
25 or for hire, compensation, or profit, and shall include fixed load spe-
26 cially constructed vehicles exceeding the limits imposed by chapter
27 10, title 49, Idaho Code, and including drilling rigs, construction,
28 drilling and wrecker cranes, log jammers, log loaders, and similar
29 vehicles which are normally operated in an overweight or oversize
30 condition or both, but shall not include those vehicles registered pur-
31 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
32 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
33 that has a seating capacity for not more than fifteen (15) persons,
34 including the driver, shall not be a "commercial vehicle" under the pro-
35 visions of this title relating to equipment requirements, rules of the
36 road, or registration.

37 (de) Farm vehicle. A vehicle or combination of vehicles owned by a
38 farmer or rancher, which are operated over public highways, and used
39 exclusively to transport unprocessed agricultural, dairy or livestock
40 products raised, owned and grown by the owner of the vehicle to market or
41 place of storage; and shall include the transportation by the farmer or
42 rancher of any equipment, supplies or products purchased by that farmer
43 or rancher for his own use, and used in the farming or ranching opera-
44 tion or used by a farmer partly in transporting agricultural products
45 or livestock from the farm of another farmer that were originally grown
46 or raised on the farm, or when used partly in transporting agricultural
47 supplies, equipment, materials or livestock to the farm of another
48 farmer for use or consumption on the farm but not transported for hire,
49 and shall not include vehicles of husbandry or vehicles registered pur-
50 suant to sections 49-402 and 49-402A, Idaho Code.

1 (ef) Foreign vehicle. Every vehicle of a type required to be registered
2 under the provisions of this title brought into this state from another
3 state, territory or country other than in the ordinary course of busi-
4 ness by or through a manufacturer or dealer and not registered in this
5 state.

6 (fg) Glider kit vehicle. Every large truck manufactured from a kit man-
7 ufactured by a manufacturer of large trucks which consists of a frame,
8 cab complete with wiring, instruments, fenders and hood and front axles
9 and wheels. The "glider kit" is made into a complete assembly by the ad-
10 dition of the engine, transmission, rear axles, wheels and tires.

11 (gh) Motor vehicle. Every vehicle which is self-propelled, and for the
12 purpose of titling and registration meets federal motor vehicle safety
13 standards as defined in section 49-107, Idaho Code. Motor vehicle does
14 not include vehicles moved solely by human power, electric personal as-
15 sistance mobility devices and motorized wheelchairs or other such vehi-
16 cles that are specifically exempt from titling or registration require-
17 ments under title 49, Idaho Code.

18 (hi) Multipurpose passenger vehicle (MPV). For the purposes of section
19 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
20 persons which is constructed either on a truck chassis or with special
21 features for occasional off-road operation.

22 (ij) Neighborhood electric vehicle (NEV). A self-propelled,
23 ~~electrically-powered~~ electrically powered, four-wheeled motor vehicle
24 which is emission free and conforms to the definition and requirements
25 for low-speed vehicles as adopted in the federal motor vehicle safety
26 standards for low-speed vehicles under federal regulations at 49 CFR
27 part 571. An NEV shall be titled, registered and insured according to
28 law as provided respectively in chapters 4, 5 and 12, title 49, Idaho
29 Code, and shall only be operated by a licensed driver. Operation of an
30 NEV on a highway shall be allowed as provided in section 49-663, Idaho
31 Code.

32 (jk) Noncommercial vehicle. For the purposes of chapter 4, title 49,
33 Idaho Code, motor vehicle registration, a noncommercial vehicle shall
34 not include those vehicles required to be registered under sections
35 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
36 nations of vehicles which are not commercial vehicles or farm vehicles,
37 but shall include motor homes. A noncommercial vehicle shall include
38 those vehicles having a combined gross weight not in excess of sixty
39 thousand (60,000) pounds and not held out for hire, used for purposes
40 related to private use and not used in the furtherance of a business or
41 occupation for compensation or profit or for transporting goods for
42 other than the owner.

43 (kl) Passenger car. For the purposes of section 49-966, Idaho Code, a
44 motor vehicle, except a multipurpose passenger vehicle, motorcycle or
45 trailer, designed to carry ten (10) or fewer persons.

46 (lm) Rebuilt salvage vehicle or vessel. Every vehicle or vessel pre-
47 viously determined or declared to be a salvage vehicle that has been re-
48 built or repaired using like make and model parts and visually appears
49 as a vehicle or vessel that was originally constructed under a distinc-
50 tive manufacturer. This includes a salvage vehicle or vessel which is

1 damaged to the extent that a "rebuilt salvage" brand is required to be
2 added to the title.

3 ~~(m) Reconstructed vehicles. Vehicles which have been reconstructed
4 by the use of a kit designed to be used to construct an exact replica of
5 a vehicle which was previously constructed under a distinctive name,
6 make, model or type by a generally recognized manufacturer of vehicles.
7 A glider kit vehicle is not a reconstructed vehicle.~~

8 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate
9 any ~~passenger car or truck~~ vehicle or vessel previously manufactured,
10 using metal, fiberglass or other composite materials. Replica vehicles
11 must look like the original vehicle being replicated but may use a more
12 modern drive train. At a minimum, replica vehicles shall meet the same
13 federal motor vehicle safety and emission standards in effect for the
14 year and type of vehicle being replicated.

15 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-
16 vage certificate of title, salvage bill of sale or other documentation
17 has been issued showing evidence that the vehicle or vessel has been de-
18 clared salvage or which has been damaged to the extent that the owner,
19 or an insurer, or other person acting on behalf of the owner, determines
20 that the cost of parts and labor minus the salvage value makes it uneco-
21 nomical to repair or rebuild. When an insurance company has paid money
22 or has made other monetary settlement as compensation for a total loss
23 of any vehicle or vessel, such vehicle shall be considered to be a sal-
24 vage vehicle or vessel.

25 (p) Specially constructed vehicle or vessel. Every vehicle or vessel
26 of a type required to be registered not originally constructed under a
27 distinctive name, make, model or type by a generally recognized man-
28 ufacturer of vehicles or vessels and not materially altered from its
29 original construction and cannot be visually identified as a vehicle or
30 vessel produced by a particular manufacturer. This includes:

31 (i) A vehicle or vessel that has been structurally modified so
32 that it does not have the same appearance as a similar vehicle or
33 vessel from the same manufacturer; or

34 (ii) A vehicle or vessel that has been constructed entirely from
35 homemade parts and materials not obtained from other vehicles or
36 vessels; or

37 (iii) A vehicle or vessel that has been constructed by using major
38 component parts from one (1) or more manufactured vehicles or ves-
39 sels and cannot be identified as a specific make or model; or

40 (iv) A vehicle or vessel constructed by the use of a custom kit
41 that cannot be visually identified as a specific make or model.
42 All specially constructed vehicles of a type required to be reg-
43 istered shall be certified by the owner to meet all applicable
44 federal motor vehicle safety standards in effect at the time con-
45 struction is completed, and all requirements of chapter 9, title
46 49, Idaho Code.

47 (q) Specialty off-highway vehicle. A specialty off-highway vehicle as
48 defined in section 67-7101, Idaho Code.

49 ~~(r)~~ Total loss vehicle. Every vehicle that is deemed to be uneconomi-
50 cal to repair. A total loss shall occur when an insurance company or any

1 other person pays or makes other monetary settlement to the owner when
 2 it is deemed to be uneconomical to repair the damaged vehicle. The com-
 3 pensation for total loss as defined herein shall not include payments
 4 by an insurer or other person for medical care, bodily injury, vehicle
 5 rental or for anything other than the amount paid for the actual damage
 6 to the vehicle.

7 (3) "Vehicle identification number." (See "~~F~~identifying number," sec-
 8 tion 49-110, Idaho Code)

9 (4) "Vehicle salesman" means any person who, for a salary, commission
 10 or compensation of any kind, is employed either directly or indirectly, or
 11 regularly or occasionally by any dealer to sell, purchase or exchange, or to
 12 negotiate for the sale, purchase or exchange of vehicles. (See also "full-
 13 time salesman," section 49-107, Idaho Code, and "part-time salesman," sec-
 14 tion 49-117, Idaho Code)

15 (5) "Vessel." (See section 67-7003, Idaho Code)

16 (6) "Veteran." (See section 65-502, Idaho Code)

17 (7) "Violation" means a conviction of a misdemeanor charge involving a
 18 moving traffic violation, or an admission or judicial determination of the
 19 commission of an infraction involving a moving traffic infraction, except
 20 bicycle infractions.

21 SECTION 4. That Section 49-205, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 49-205. DUTIES OF LOCAL OFFICERS. (1) The assessors of the various
 24 counties of the state shall be agents of the department and shall perform
 25 duties prescribed in this title. With the concurrence of the department,
 26 a county assessor may appoint one (1) or more agents to perform the duties
 27 prescribed in chapters 4 and 5 of title 49, Idaho Code. Such agent shall post
 28 a faithful performance bond in an amount and form acceptable to the depart-
 29 ment. The assessor may negotiate for reasonable reimbursement of expenses
 30 to an agent for any duties performed by the agent under terms of agreement
 31 with the county assessor.

32 (2) The county assessors shall receive and file in their respective of-
 33 fices all instruments required by chapter 5 of this title to be filed with the
 34 county assessors, ~~and shall maintain in their respective offices indices for~~
 35 ~~certificates of title issued by the department which shall be kept alphabet-~~
 36 ~~ically by the name of the owner.~~

37 (3) It shall be the duty of peace officers within the state of Idaho to
 38 enforce and make arrests for the violation of the provisions of this title
 39 without the necessity of procuring a warrant. It shall be the duty of autho-
 40 rized employees of the department to enforce compliance with the laws in ac-
 41 cordance with section 40-511, Idaho Code.

42 SECTION 5. That Section 49-401B, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

44 49-401B. APPLICATION FOR REGISTRATION -- RECEIPT FOR FEE -- RECORD OF
 45 APPLICANTS. (1) Application for the registration of a vehicle required to
 46 be registered under the provisions of section 49-401A, Idaho Code, shall
 47 be made to the assessor or the department as specified in that section, by

1 the owner upon the appropriate form. Every application shall contain the
2 owner's Idaho driver's license number, Idaho identification card number,
3 ~~or~~ social security number or individual taxpayer identification number.
4 In the case of a business, the employer tax identification number is re-
5 quired. Every application shall also contain the owner's true and full legal
6 name. In the event that the owner does not possess a social security number,
7 individual taxpayer identification number, Idaho driver's license number,
8 or Idaho identification card number, the owner shall present written docu-
9 mentation sufficient to the department to determine that no social security
10 number has been issued. In the event that a business, trust or other statuto-
11 rily created entity is not required to have and does not possess an employer
12 tax identification number, the applicant shall provide a written statement
13 certifying that the entity does not possess an employer tax identification
14 number. Such application must be signed by the owner and contain his res-
15 idence address and mailing address, if different, and a brief description
16 of the vehicle to be registered, including the name of the maker, the type
17 of fuel used, and the identification number. If an applicant has submitted
18 an application pursuant to the provisions of chapter 58, title 19, Idaho
19 Code, then the applicant may state, in the application required pursuant to
20 this section, the applicant's alternative Idaho mailing address in place
21 of his or her residence address. Upon registration of a new vehicle, the
22 application shall also show the date of sale by the manufacturer or dealer
23 to the person first operating such vehicle. The application shall contain
24 any other information as may be required by the department and shall contain
25 a provision that allows an owner to choose to participate in the Idaho state
26 parks passport program. The assessor shall issue to the applicant a receipt
27 for any fee paid. Social security numbers collected shall not appear on cer-
28 tificates of registration, and all applications on file shall be exempt from
29 disclosure, except as provided in sections 49-202, 49-203 and 49-203A, Idaho
30 Code.

31 (2) The assessor shall record on a form prescribed and furnished by the
32 department, the names of all owners of vehicles residing in the county who
33 make application for registration, together with the amounts of the fees
34 paid by such owners.

35 (3) When application for registration is made by any motor carrier, the
36 assessor or the department shall require each such applicant to execute a
37 certification of safety compliance.

38 (4) Vehicles registered under the proportional registration provi-
39 sions of section 49-435, Idaho Code, shall be registered by the department.

40 (5) Every owner of a vehicle registered by a county assessor shall give
41 his physical domicile residence address or the business¹ physical principal
42 address to the assessor so that the proper county can be entered upon the reg-
43 istration. Failure to do so shall be unlawful. The department shall then
44 attribute the registration, and all fees to be apportioned to the highway
45 distribution account, to the county of residence regardless of the county in
46 which the registration occurred. Fees imposed under the provisions of sec-
47 tions 40-827 and 40-1416, Idaho Code, shall be separately identified and ac-
48 counted for, and paid to the highway district for which collected. Fees col-
49 lected in addition to vehicle registration fees for the Idaho state parks
50 passport program, as provided in section 49-402(12), Idaho Code, shall be

1 separately identified and accounted for and paid to the state treasurer on a
2 monthly basis to be deposited in the park and recreation fund as specified in
3 section 49-402(12), Idaho Code. For the purposes of vehicle registration, a
4 person is an actual and permanent resident of the county in which he has his
5 principal residence or domicile. A principal residence or domicile shall
6 not be a person's workplace, vacation, or part-time residence.

7 (6) A violation of the provisions of this section shall be an infrac-
8 tion.

9 SECTION 6. That Section 49-402C, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 49-402C. SPECIAL LICENSE PLATE PROGRAMS -- STANDARDIZED PLATE COLOR
12 AND DESIGN. (1) It is the intent of the legislature that special license
13 plates issued by the department be readily recognizable as plates from the
14 state of Idaho without losing the uniqueness for which the special plate was
15 designed and purchased. In addition, the legislature finds that the depart-
16 ment can operate in a more efficient, cost-effective manner by conforming
17 special plates to a basic color and design.

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

24 (a) The identification of county shall be omitted;

25 (b) The word "Idaho" shall appear on every plate;

26 (c) The inscription "Scenic Idaho" may be omitted without legislative
27 consideration and approval; and

28 (d) No slogan shall be used that infringes upon, dilutes or compro-
29 mises, or could be perceived to infringe upon, dilute or compromise, the
30 trademarks of the state of Idaho, including, but not limited to, "Idaho
31 Potatoes®," "Grown in Idaho™," "Famous Idaho Potatoes™" or "Famous
32 Potatoes®."

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

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

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

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

46 (6) Following an introductory period of three (3) years during which
47 the provisions of this subsection shall not apply, if, during both years of
48 any following two (2) consecutive years, fewer than one thousand (1,000)
49 plates are issued in each of those two (2) consecutive years, the department

1 shall discontinue that special license plate program. ~~and no new plates~~
2 ~~shall be issued nor shall a~~Any existing plates may be renewed upon its ex-
3 piration until the physical license plates must be replaced pursuant to
4 section 49-443(2), Idaho Code. No duplicate or replacement plates will
5 be produced if such plates are lost or damaged prior to the seven (7) year
6 replacement. The provisions of this subsection shall apply to sections
7 49-416, 49-417, 49-417A, 49-417B, 49-417C, 49-418A, 49-418B, 49-418C,
8 49-419, 49-419A, 49-420, 49-420B, Idaho Code, and any other special license
9 plate programs created on and after July 1, 2002.

10 SECTION 7. That Section 49-437, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-437. INCREASE IN MAXIMUM GROSS WEIGHT -- FEES FOR REMAINING PORTION
13 OF YEAR. (1) When a motor vehicle registered under section 49-434 or 49-435,
14 Idaho Code, has once been registered and during the year of that registra-
15 tion increases the maximum gross weight, the higher fee due for the weight
16 increase shall be offset by the fee already paid. The fee already paid and
17 the fee due shall be prorated by one-twelfth (1/12) for each month already
18 expired in the registration ~~year~~ period. The difference between the two
19 (2) fees shall be the balance due for the remainder of the registration ~~year~~
20 period. If an owner changes the weight during a registration ~~year~~ period,
21 the weight change shall not result in a refund of the fees already paid.

22 (2) If a motor vehicle is not operated on any highway during the first
23 months of a ~~calendar year~~ registration period, the owner may at any time
24 thereafter be registered for the remainder of the ~~year~~ registration period
25 on payment of all fees, rounded to the nearest whole dollar, as provided in
26 this chapter, less one-twelfth (1/12) of such fees for each full calendar
27 month which has expired prior to registering, but in no event shall the mini-
28 mum fee be less than five dollars (\$5.00).

29 SECTION 8. That Section 49-443, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND
32 CONTENTS. (1) The assessor or the department shall furnish to every owner
33 whose vehicle is registered or licensed by that office, pursuant to sections
34 49-402 and 49-402A, Idaho Code, one (1) license plate for vehicles regis-
35 tered under the provisions of section 49-406, 49-406A or 49-408, Idaho Code,
36 or a motorcycle, trailer, truck-tractor, or semitrailer; one (1) restricted
37 vehicle license plate for all-terrain vehicles, utility type vehicles and
38 motorbikes licensed pursuant to this chapter; and two (2) license plates
39 for every other motor vehicle. If a vehicle is issued one (1) plate only,
40 that plate shall be displayed in accordance with the provisions of section
41 49-428, Idaho Code. For vehicles registered under the provisions of section
42 49-407, Idaho Code, the applicant shall provide one (1) plate to be displayed
43 on the rear of the vehicle.

44 Commencing January 1, 1992, the color and design of the plates shall be
45 comparable to the color and design of the statehood centennial issue of li-
46 cense plates with blue numerals and letters on a multicolored red, white and
47 blue background. Each license plate must bear upon its face the inscriptions

1 "Famous Potatoes" and "Scenic Idaho." The restricted vehicle license plate
2 for all-terrain vehicles, utility type vehicles and motorbikes shall be a
3 white background with black numerals and letters, with "Idaho Restricted Ve-
4 hicle" and the year of its expiration on its face and no other inscription.
5 The restricted vehicle license plate shall be the same size required for the
6 motorcycle license plate.

7 Every license plate shall have displayed upon it the registration num-
8 ber assigned to the vehicle and its owner and the name "Idaho" which may be
9 abbreviated. The plates issued under the provisions of section 49-402(1),
10 Idaho Code, and the required letters and numerals, including an identifica-
11 tion of the county in which the motor vehicle to which the plates will be af-
12 fixed is registered, shall be of sufficient size to be plainly readable from
13 a distance of seventy-five (75) feet during daylight, and each license plate
14 and registration sticker shall be treated with a fully reflectorized mate-
15 rial according to specifications prescribed by the board.

16 (2) License plates shall be valid for a period of seven (7) years begin-
17 ning with the date of issuance of new plates. At the end of the sixth year,
18 the registered owner shall receive notice of the date upon which the plates
19 will expire. ~~The department shall implement a plate-number reservation~~
20 ~~program beginning prior to the 1999 plate issue and following once every~~
21 ~~seven (7) years thereafter, for a limited plate-number sequence in each~~
22 ~~county that chooses to offer a reservation program. Requests for license~~
23 ~~plate number reservations shall be submitted to the county during the open~~
24 ~~reservation period established by the department. The department may charge~~
25 ~~a minimal fee as determined by the board to recover costs to the department~~
26 ~~for reservation of license plate numbers. The provisions of this subsection~~
27 ~~shall not apply to any license plates issued pursuant to the provisions of~~
28 ~~section 49-434(4), Idaho Code.~~

29 For specialty license plate programs discontinued pursuant to the
30 provisions of section 49-402C, Idaho Code, a registrant with a specialty
31 license plate currently registered under the program, may use such license
32 plate for up to seven (7) years from the date of issuance. This provision
33 is intended to permit the use of the specialty plate by the registrant re-
34 gardless of the number of persons who purchase the specialty plate. The
35 registrant shall be required to pay the special plate program fees provided
36 for specialty plates pursuant to this chapter. Such fees shall be deposited
37 into the state highway account.

38 (3) If a license plate number has expired as provided in subsection (2)
39 of this section and ~~the number was not reserved, or if the vehicle registra-~~
40 ~~tion is not renewed within sixty (60) days of its expiration, the plate num-~~
41 ~~ber shall be available for use by another registrant. To obtain a specific~~
42 ~~number in the recycled license plate number file, the owner of a registered~~
43 ~~vehicle shall pay a one (1) time fee as determined by rule of the board may~~
44 ~~contact the county regarding availability.~~

45 The provisions of this subsection shall apply only to vehicles regis-
46 tered under the provisions of section 49-402(1), Idaho Code, and section
47 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

48 (4) License plates issued for vehicles required to be registered in
49 accordance with the provisions of sections 49-402 and 49-402A, Idaho Code,
50 shall be issued color coded red, white or blue registration validation

1 stickers showing the year of registration. Each registration validation
2 sticker shall bear a number from 1 through 12, which number shall correspond
3 to the month of the calendar year in which the registration of the vehicle
4 expires and shall be affixed to the lower right-hand corner of the plates
5 within the outlined rectangular area.

6 (5) License plates for utility trailers registered under the provi-
7 sions of section 49-402A, Idaho Code, that are issued for five (5) or ten (10)
8 years and license plates for rental utility trailers registered under the
9 provisions of section 49-434, Idaho Code, that are issued for up to five (5)
10 years, shall use the design in effect on the date of manufacture. If a design
11 change occurs, plates from the effective date of the design change shall be
12 manufactured using the new design. Unexpired plates need not be reissued to
13 conform to a design change.

14 (6) For license plates that are lost, stolen, mutilated, or illegible,
15 the owner shall apply for a duplicate or substitute. The assessor shall
16 also furnish for each registration, and to validate the license plate, a
17 pressure-sensitive, uniquely-numbered uniquely numbered, color coded red,
18 white or blue registration sticker, except for trailers and semitrailers
19 registered under the nonexpiring provisions in section 49-434, Idaho Code.
20 License plates issued for state, county and city motor vehicles shall be
21 permanent valid for seven (7) years pursuant to subsection (2) of this sec-
22 tion and remain on the vehicle for which issued from year to year, and need no
23 renewal or validation sticker.

24 (7) Whenever a vehicle is completely destroyed by fire or accident and
25 the operator submits satisfactory proof of that destruction to the depart-
26 ment or appropriate assessor's office, the or the owner wishes to transfer
27 the remaining registration use increment and fees shall be transferred to
28 the replacement vehicle for a service transfer fee of five dollars (\$5.00),
29 which fee shall be retained by the registering authority. None of the origi-
30 nal fees shall be subject to refund.

31 (8) The department shall furnish to every owner whose vehicle is reg-
32 istered under sections 49-434 and 49-435, Idaho Code, a pressure-sensitive,
33 uniquely-numbered uniquely numbered, color coded red, white or blue regis-
34 tration sticker to validate the license plate, provided however, the provi-
35 sions of this subsection shall not apply to trailers and semitrailers regis-
36 tered under the provisions of section 49-434(4), Idaho Code.

37 (9) The board shall have authority to require the return to the depart-
38 ment of all license plates and registration stickers upon termination of the
39 lawful use of them by the owner.

40 (10) The board may promulgate such rules as are necessary to implement
41 the provisions of this section.

42 SECTION 9. That Section 49-443B, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 49-443B. LICENSE PLATES FOR STATE VEHICLES AND VEHICLES BELONGING TO
45 TAXING DISTRICTS. License plates for state vehicles and vehicles belonging
46 to taxing districts shall be permanent valid for a period of seven (7) years
47 pursuant to section 49-443(2), Idaho Code, and shall remain on the vehicle
48 to which it is issued until transferred to another vehicle or until it is
49 cancelled canceled by the department. The department shall be reimbursed

1 by state agencies and the taxing districts for the cost of providing license
2 plates. The department may develop rules ~~and regulations~~ to administer this
3 license plate program.

4 SECTION 10. That Section 49-502, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 49-502. DELIVERY OF CERTIFICATE OF TITLE UPON SALE OR DISPOSITION --
7 REASSIGNMENT BY DEALERS. (1) No person shall sell or otherwise dispose of a
8 vehicle without delivery to the purchaser or transferee a certificate of ti-
9 tle with an assignment as necessary to show title in the purchaser or trans-
10 feree except as provided for in subsection (2) of this section.

11 (2) The owner shown on the records of the department of any vehicle that
12 is at least ten (10) years old or over sixteen thousand (16,000) pounds gross
13 vehicle weight or has no odometer device, or of any vessel whose certificate
14 of title has become lost, mutilated or illegible, may dispose of such vehicle
15 or vessel by delivering to the purchaser or transferee a completed applica-
16 tion for duplicate title, together with an assignment as necessary to show
17 title in the purchaser or transferee. To obtain a certificate of title, the
18 purchaser or transferee shall pay the fees pursuant to section 49-202 (2) (b)
19 ~~and (c)~~, Idaho Code.

20 (3) No person shall purchase or otherwise acquire or bring into the
21 state a vehicle except for temporary use as provided by section 49-432, Idaho
22 Code, unless he shall obtain a certificate of title in his name in accordance
23 with the provisions of this chapter.

24 (4) Any dealer holding a current Idaho dealer license ~~plates~~ may, in
25 lieu of having a certificate of title issued in his name, reassign either any
26 existing certificate of title issued in this state or any application of du-
27 plicate certificate of title completed pursuant to subsection (2) of this
28 section.

29 SECTION 11. That Section 49-504, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE --
32 IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be
33 made upon a form furnished by the department and shall contain the owner's
34 Idaho driver's license number, Idaho identification card number or social
35 security number or individual taxpayer identification number. In the case
36 of a business, the employer tax identification number is required. Every
37 application shall also contain the owner's true and full legal name. In
38 the event that the owner does not possess a social security number, Idaho
39 driver's license number, ~~or~~ Idaho identification card number or individual
40 taxpayer identification number, the owner shall present written documen-
41 tation sufficient to the department to determine that no social security
42 number has been issued. In the event that a business, trust, or other
43 statutorily created entity is not required to have and does not possess an
44 employer tax identification number, the applicant shall provide a writ-
45 ten statement certifying that the entity does not possess an employer tax
46 identification number. The form must contain the owner's physical domicile
47 address or in the case of a business, trust or other statutorily created

1 entity, such entity's physical address and any mailing address if different
2 from the physical address. If the owner has submitted an application pur-
3 suant to the provisions of chapter 58, title 19, Idaho Code, then the owner
4 may state, in the application required pursuant to this section, the appli-
5 cant's alternative Idaho mailing address in place of his or her physical
6 domicile address. Such application must be signed by the owner and contain a
7 full description of the vehicle including the make, identification numbers,
8 and the odometer reading at the time of sale or transfer, and whether the
9 vehicle is new or used, together with a statement of the applicant's title
10 and of any liens or encumbrances upon the vehicle, and the name and address of
11 the person to whom the certificate of title shall be delivered, and any other
12 information as the department may require. The application shall be filed
13 with the department, and if a certificate of title has previously been issued
14 for that vehicle in this state, shall be accompanied by the certificate of
15 title duly assigned, unless otherwise provided for in this chapter. The
16 department may promulgate rules to provide for exceptions to the odometer
17 requirement. Social security numbers collected shall not appear on certifi-
18 cates of title and all applications on file shall be exempt from disclosure,
19 except as provided in sections 49-202, 49-203 and 49-203A, Idaho Code.

20 (2) If a the current certificate of title ~~has was not previously been~~
21 issued for the vehicle in this state, the application, unless otherwise
22 provided for in this chapter, shall be accompanied by a ~~proper bill of sale~~
23 ~~or a duly certified copy thereof, or by a~~ certificate of title, bill of
24 sale or other evidence of ownership required by the law of any other ~~state~~
25 jurisdiction from which the vehicle was brought into this state, and a vehi-
26 cle identification number inspection completed by any city, county or state
27 peace officer or other special agent authorized by the department.

28 (3) In the case of a new vehicle being titled for the first time, no
29 certificate of title or registration shall be issued unless the application
30 is indorsed by a franchised new vehicle dealer licensed to sell a new vehi-
31 cle. Each application shall be accompanied by a manufacturer's certificate
32 of origin or manufacturer's statement of origin executed by the manufacturer
33 and delivered to his agent or his franchised vehicle dealer. The certificate
34 or statement of origin shall be in a form prescribed by the board and shall
35 contain the year of manufacture or the model year of the vehicle, the manu-
36 facturer's vehicle identification number, the name of the manufacturer, the
37 number of cylinders, a general description of the body, if any, and the type
38 or model. Upon sale of a new vehicle, the manufacturer, his agent or fran-
39 chised dealer shall execute and deliver to the purchaser an assignment of the
40 certificate or statement, together with any lien or encumbrance to which the
41 vehicle is subject.

42 (4) The department shall retain the evidence of title presented by the
43 applicant and on which the certificate of title is issued. The department
44 shall maintain an identification numbers index of registered vehicles, and
45 upon receiving an application for a certificate of title, shall first check
46 the identification number shown in the application against the index. The
47 department, when satisfied that the applicant is the owner of the vehicle and
48 that the application is in proper form, shall issue in the name of the owner
49 of the vehicle a certificate of title bearing a title number, the date issued
50 and a description of the vehicle as determined by the department, together

1 with a statement of the owner's title and of all liens or encumbrances upon
2 the vehicle, and whether possession is held by the owner under a lease, con-
3 tract or conditional sale, or other like agreement.

4 (5) In all cases of transfer of vehicles the application for certifi-
5 cates of title shall be filed within thirty (30) calendar days after the de-
6 livery of the vehicles. Licensed dealers need not apply for certificate of
7 title for vehicles in stock or when they are acquired for stock purposes.

8 (6) In the case of the sale of a vehicle by a dealer to a general pur-
9 chaser or user, the certificate of title shall be obtained in the name of
10 the purchaser by the dealer upon application signed by the purchaser. If a
11 lien is to be recorded, the title documentation as required in this section
12 shall be submitted to the department by the dealer or the lienholder upon
13 application signed by the purchaser. A copy of this application shall be
14 given to the purchaser to be used as a seventy-two (72) hour temporary per-
15 mit. In all other cases the certificates shall be obtained by the purchaser
16 and the certificate of title properly assigned and dated by the seller, or
17 the seller's bill of sale shall serve as a seventy-two (72) hour permit. The
18 seventy-two (72) hour time period for temporary permits shall be calculated
19 excluding weekend days and legal holidays observed by the state of Idaho.
20 This temporary permit allows operation of any noncommercial vehicle or un-
21 laden commercial vehicle or vehicle combination without license plates
22 for the period of time specified in the permit. A laden commercial vehi-
23 cle or vehicle combination may also operate without license plates for the
24 period of time specified in the temporary permit provided that the owner or
25 operator has also obtained a permit issued under the provisions of section
26 49-432, Idaho Code.

27 (7) If the vehicle has no identification number, then the department
28 shall designate an identification number for that vehicle at the time of is-
29 suance of the certificate of title. The identification number shall be per-
30 manently affixed to or indented upon the frame of the vehicle and legibly
31 maintained by the owner at all times while a certificate of title to the vehi-
32 cle shall be issued and outstanding.

33 SECTION 12. That Section 49-504A, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 49-504A. PENALTY FOR LATE FILING -- TRANSFER OF CERTIFICATE OF TITLE
36 -- DISPOSITION OF MONEYS. (1) When a transfer of ownership arises, a penalty
37 of twenty dollars (\$20.00) for presentation of a previously issued certifi-
38 cate of title shall be assessed against the new owner when the presentation
39 for transfer of title or creation of an electronic ownership record in the
40 new owner's name occurs more than thirty (30) days after the vehicle was
41 transferred. All fines collected under the provisions of this section shall
42 be distributed to the county current expense fund.

43 (2) When a licensed Idaho vehicle dealer, or entity exempted from li-
44 censing as defined in section 49-105(1), Idaho Code, either takes possession
45 of a vehicle for the purpose of resale or transfers ownership of that vehi-
46 cle, no penalty shall be assessed.

47 (3) When a person acquires ownership of a vehicle in another state, the
48 thirty (30) day filing requirement shall begin upon initial entry of the ve-
49 hicle into the state of Idaho.

1 (4) Vehicles acquired prior to July 1, 1989, and all-terrain vehicles,
2 motorbikes and snowmobiles acquired prior to January 1, 1991, are specifi-
3 cally exempt from this penalty.

4 SECTION 13. That Section 49-511, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 49-511. CANCELLATION OR DISCHARGE OF LIEN OR ENCUMBRANCE. When a lien
7 or encumbrance is ~~cancelled~~ canceled or discharged, the lienholder shall
8 provide notice of such cancellation or discharge to the department within
9 thirty (30) days. If the lienholder was holding the paper certificate of ti-
10 tle, he shall note the cancellation or discharge on the certificate of title
11 in the space provided, over his signature, or by some other legal document,
12 discharging the encumbrance, and shall deliver the paper certificate of
13 title to the owner within thirty (30) days of receipt of payoff of the encum-
14 brance. If the lienholder was holding an electronic title, he shall send the
15 department an electronic transaction that directs the department to provide
16 a paper title to the owner free of the lienholder's lien within thirty (30)
17 days of receipt of payoff of the encumbrance.

18 SECTION 14. That Section 49-523, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 49-523. PROCEDURE WHEN DEPARTMENT UNSATISFIED AS TO OWNERSHIP OR SE-
21 CURITY INTERESTS -- TEMPORARY REGISTRATION PROCEDURE. (1) If the department
22 is not satisfied as to the ownership of the vehicle or that there are no
23 undisclosed security interests in it, the department may register the vehi-
24 cle, but shall either:

25 (a) Withhold issuance of a certificate of ownership until the applicant
26 presents documents reasonably sufficient to satisfy the department as
27 to the applicant's ownership of the vehicle and that there are no undis-
28 closed security interests in it; or

29 (b) As a condition of issuing a certificate of ownership, require the
30 applicant to file with the department all documents held as to the ap-
31 plicant's ownership of the vehicle, together with a bond in the form
32 prescribed by the department and executed by the applicant, or a de-
33 posit of cash in a like amount. The bond shall be in an amount equal to
34 one and one-half (1 1/2) times the value of the vehicle, as determined
35 by the department, and conditioned to indemnify any prior owner and
36 secured party and any subsequent purchaser of the vehicle or person
37 acquiring any security interest in it, and their respective successors
38 in interest, against any expense, loss or damage, including reasonable
39 attorney's fees, by reason of the issuance of the certificate of owner-
40 ship of the vehicle, or on account of any defect in or disclosed security
41 interest upon the right, title and interest of the applicant in and to
42 the vehicle. Any such interested person has a right of action to recover
43 on the bond for any breach of its conditions, but the aggregate liabil-
44 ity of the surety to all persons shall not exceed the amount of the bond.
45 The bond, or any cash deposit, shall be returned at the end of three (3)
46 years, or prior to that time if the vehicle is no longer registered in
47 this state and the current valid certificate of ownership is surren-

1 dered to the department, unless the department has been notified of the
2 pendency of an action to recover on the bond.

3 (c) As to a vehicle at least ten (10) model years old ~~or more since man-~~
4 ~~ufacture~~, an applicant who is a resident of the state of Idaho may file
5 with the department, before its authorized representative, a verified
6 statement of facts setting out in detail the manner in which the appli-
7 cant came into possession of the vehicle, the establishment of owner-
8 ship, and a summary of the applicant's attempts to contact any prior
9 owners of the vehicle. Upon receipt by the department of the verified
10 statement and all documentation relating to the applicant's possession
11 of the vehicle, and completion of an inspection of the vehicle iden-
12 tification number by an authorized representative of the department,
13 the applicant shall execute a document in the form provided by the de-
14 partment releasing it of any and all damages that may be suffered by the
15 applicant, along with warranties that the applicant will pay any and all
16 damages suffered by any person or entity as to the issuance of a title
17 for that vehicle by the department. The department shall then issue
18 a certificate of title to the applicant in a form set out by this sec-
19 tion. The certificate of title shall include the statement, "ISSUED ON
20 STATEMENT OF APPLICANT", "" in permanent letters upon its face. The title
21 issued pursuant to this subsection shall be presumed to indicate legal
22 ownership of the vehicle at the end of the three (3) year period from the
23 date of issue of that title, provided the vehicle is still registered in
24 the state of Idaho, and there are no actions or claims pending against
25 the applicant which place legal ownership in question. The department
26 and the state of Idaho shall be immune as to any damages suffered by any
27 person or entity as a result of the issuance of a certificate of title as
28 provided by this subsection.

29 (2) Every dealer desiring the privilege of issuing temporary registra-
30 tion permits for the operation of vehicles shall make application to the de-
31 partment. If the privilege is granted, the dealer will receive a series of
32 permits, consecutively numbered by the department, secured by the dealer at
33 a fee of nine dollars (\$9.00) for each permit. A permit subsequently issued
34 by a dealer to a purchaser shall be valid for a period not to exceed thirty
35 (30) days.

36 The dealer shall issue temporary registration permits in numerical se-
37 quence, one (1) only for each vehicle sold to a bona fide purchaser. Each
38 permit, and the attached stub, shall be completed in duplicate, in ink or by
39 typewriter at the time of issuance. The expiration date on the original per-
40 mit shall be filled in by rubber stamp or broad-tipped marking pen, and the
41 print shall be at least three-fourths (3/4) inch high and one-eighth (1/8)
42 inch wide. The original permit shall be displayed in the rear window of the
43 vehicle for which it is issued, except when issued for a convertible, station
44 wagon, motorcycle, or other vehicle for which this would not be practical.
45 In these exceptional cases, the permit should be conspicuously displayed in
46 a place where the number of the permit and the expiration date may be eas-
47 ily read and where protected from exposure to weather conditions which would
48 render it illegible.

49 (3) The dealer shall keep a written record of every temporary registra-
50 tion permit issued. This record shall include the name and address of the

1 person or firm to whom the permit is issued, a description of the vehicle for
2 which it is issued, including year, make, model, identification number, and
3 the date of issue. This record shall list all permits in numerical sequence
4 and shall be open to inspection by any peace officer or designated employee
5 of the department.

6 (4) The fees collected from dealers by the department under the pro-
7 visions of this section shall be transmitted by the department to the state
8 treasurer for deposit in the highway distribution account.

9 (5) Upon application for title and for registration of a vehicle for
10 which temporary registration has been issued under this section, the county
11 assessor shall collect and fees shall be deemed due from the date of issuance
12 of the temporary registration permit rather than from the date of applica-
13 tion for title or registration.

14 (6) The department or a county assessor may issue temporary vehicle
15 registration permits in an emergency situation. The fee for a temporary
16 registration shall be nine dollars (\$9.00) and shall be valid for a period
17 of thirty (30) days. The temporary fees collected by the department shall
18 be transmitted to the state treasurer for deposit in the highway distribu-
19 tion account. Temporary fees collected by an assessor shall be distributed
20 as follows: five dollars (\$5.00) shall be deposited in the county current
21 expense fund and four dollars (\$4.00) shall be transmitted to the department
22 for deposit through the state treasurer in the highway distribution account.

23 SECTION 15. That Section 49-524, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 49-524. SALVAGE CERTIFICATE OF TITLE OR ELECTRONIC FILE TO REPLACE
26 CERTIFICATE OF TITLE OR CERTIFICATE OF ORIGIN ON VEHICLES. (1) Every person
27 acquiring a vehicle that has been determined to be a salvage vehicle shall
28 obtain a salvage certificate of title on that vehicle.

29 (2) The salvage certificate of title shall replace the manufacturer's
30 certificate of origin, manufacturer's statement of origin, certificate of
31 title or other comparable ownership document and shall indicate ownership
32 only; it shall not be valid for registration purposes.

33 (3) A salvage certificate of title shall be issued by the department or
34 under the direction of the department and shall be on a form or electronic
35 file as prescribed by the department. The form shall provide for assignments
36 of the salvage certificate of title.

37 (4) The fee for a salvage certificate of title or electronic filing of
38 a salvage certificate of title shall be in accordance with the provisions of
39 section 49-202(2)(b), Idaho Code. The fee shall be deposited in the state
40 highway account.

41 (5) Every insurer making payment for a vehicle that has been determined
42 to be a salvage vehicle shall, within thirty (30) days from receipt of the
43 properly released manufacturer's certificate of origin, manufacturer's
44 statement of origin, certificate of title or other comparable ownership
45 document, surrender such document to the department, along with an appli-
46 cation for salvage certificate of title, the salvage certificate of title
47 fee and other documents as required by the department for processing. The
48 department shall issue a salvage certificate of title to the applicant if all
49 requirements have been satisfied.

1 (6) If a salvage pool receives a manufacturer's certificate of origin,
2 manufacturer's statement of origin, certificate of title or other compara-
3 ble ownership document for a vehicle that has been determined to be a salvage
4 vehicle, the salvage pool shall, within thirty (30) days and upon receipt of
5 the properly released ownership document, surrender such document to the de-
6 partment, along with an application for salvage certificate of title, the
7 salvage certificate of title fee and other documents as required by the de-
8 partment for processing. The department shall issue a salvage certificate
9 of title to the applicant if all requirements have been satisfied.

10 (7) If an insurer has made payment for a salvage vehicle and the insurer
11 or a salvage pool is unable to obtain a properly released manufacturer's cer-
12 tificate of origin, manufacturer's statement of origin, certificate of ti-
13 tle or other comparable ownership document for the salvage vehicle within
14 thirty (30) days after the acceptance by the owner of an amount in settlement
15 of a total loss, then the insurer or salvage pool may submit an application
16 for salvage certificate of title to the department without having first ob-
17 tained one (1) of the aforementioned ownership documents. In place of one
18 (1) of the aforementioned ownership documents, the insurer or the salvage
19 pool shall submit to the department the following: a sworn statement that
20 it made at least two (2) written attempts to obtain from the owner the prop-
21 erly released manufacturer's certificate of origin, manufacturer's state-
22 ment of origin, certificate of title or other comparable ownership document
23 by sending notice to the owner at the owner's address of record with the de-
24 partment, together with a copy of each such written attempt. Additionally,
25 the insurer or salvage pool shall include proper evidence of the satisfac-
26 tion or discharge of any lien or encumbrance properly noted upon the certifi-
27 cate of title or upon the electronic records of the department, an applica-
28 tion for salvage certificate of title, the salvage certificate of title fee,
29 indemnifying affidavit and other documents as required by the department for
30 processing. The department shall issue a salvage certificate of title if all
31 requirements have been satisfied.

32 (8) It is a misdemeanor, punishable by up to six (6) months in jail, a
33 fine of one thousand dollars (\$1,000) or both, if the owner of a retained sal-
34 vage vehicle fails to surrender the title and be issued a salvage certificate
35 of title, or to sell the vehicle and not tell the buyer that the vehicle is to-
36 taled.

37 (9) If an insurer has allowed the owner to retain ownership of the sal-
38 vage vehicle, the owner must surrender the certificate of title for such ve-
39 hicle to the department not later than thirty (30) days from the date that the
40 claim was satisfied. The insurer must notify the department of a total loss
41 payoff within thirty (30) days. The department shall issue a salvage cer-
42 tificate of title to the owner prior to any sale or disposition of the salvage
43 vehicle.

44 (10) If an insurer acquires the manufacturer's certificate of origin,
45 manufacturer's statement of origin, certificate of title or other compara-
46 ble ownership document for a vehicle in a settlement of a theft claim, the
47 insurer shall immediately, upon receipt of the properly released ownership
48 document, surrender such document to the department, along with an applica-
49 tion for salvage certificate of title in the name of the insurer, the salvage

1 certificate of title fee and other documents as required by the department
2 for processing.

3 (11) If an insurer has acquired a vehicle in a settlement of a theft
4 claim, has made application to and has been issued a new salvage certificate
5 of title in the name of the insurer and the vehicle is subsequently recovered
6 and is not damaged to the extent that it is a salvage vehicle, the insurer
7 may complete an affidavit indemnifying the department stating the facts
8 of acquisition and disposition of the vehicle in a form prescribed by the
9 department and deliver the salvage certificate of title of ownership, affi-
10 davit and any other documents required by the department to the transferee
11 at the time of delivery of the vehicle. A When these documents are submitted
12 with an application for title, the subsequent title for the vehicle will not
13 be issued with the brand "rebuilt salvage" based on the theft incident, but a
14 notation of "theft recovery" shall be made on the title certificate and title
15 record.

16 (12) Any person acquiring ownership of a salvage vehicle purchased in a
17 state or jurisdiction that does not require surrender of the certificate of
18 title or comparable ownership document shall, within thirty (30) days fol-
19 lowing delivery of the certificate of title or ownership document, surrender
20 such title or document to the department and apply for a salvage certificate
21 of title.

22 (13) An owner of a salvage vehicle who sells or transfers said vehicle
23 shall provide a properly executed assignment of the salvage certificate of
24 ownership to the transferee.

25 (14) A purchaser of a salvage vehicle shall not possess or retain a sal-
26 vage vehicle without a salvage certificate of title. The salvage vehicle
27 purchaser shall display the salvage certificate of title upon the request of
28 any peace officer or agent of the department.

29 SECTION 16. That Section 49-525, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 49-525. SALVAGE-CERTIFIED VEHICLE -- BRANDED CERTIFICATE OF TI-
32 TLE. (1) The department shall issue a branded certificate of title on any
33 vehicle for which a salvage certificate of title, salvage bill of sale or
34 other documentation showing evidence that the vehicle has been declared
35 salvage has been issued by this or any other state, provided, if documen-
36 tation of salvage certification has been received from another state, the
37 requirements specified in section 49-524, Idaho Code, shall be applied to
38 that vehicle.

39 (2) If an otherwise correct application is made for a certificate of ti-
40 tle on any salvage vehicle, the department shall issue a branded certificate
41 of title as a "rebuilt salvage vehicle" if the application for a certificate
42 of title is supported by a salvage vehicle statement completed by the owner
43 which states:

44 (a) That the owner personally rebuilt or repaired the vehicle or per-
45 sonally supervised its rebuilding or repairing and includes a descrip-
46 tion of work done to restore the vehicle to the operating condition that
47 existed prior to the event which caused the salvage certificate of title
48 to be issued;

1 (b) That the identification numbers of the restored vehicle and its
2 parts have not, to the knowledge of the owner, been removed, destroyed,
3 falsified, altered or defaced;

4 (c) That the salvage certificate of title document or out-of-state ti-
5 tle certificate attached to the application has not to the knowledge of
6 the owner been forged, falsified or altered; and

7 (d) That all information contained on the application and its attach-
8 ments is true and correct.

9 (3) Each branded certificate of title or other ownership document re-
10 ceived from another jurisdiction or authorized ownership document-issuing
11 entity shall have its brand carried forward to all subsequent certificates
12 of title issued in this state.

13 (4) Every brand retrieved from the national motor vehicle title infor-
14 information system shall be carried forward to all subsequent titles issued by
15 this state.

16 (5) The department may promulgate rules as necessary to implement the
17 provisions of sections 49-524 and 49-525, Idaho Code.

18 SECTION 17. That Section 49-811, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 49-811. USE OF OPTICAL STROBE LIGHT DEVICES. (1) As used in this sec-
21 tion "optical strobe light device" shall mean a strobe light device which
22 emits an optical signal at a specific frequency to a traffic control sig-
23 nal enabling police or emergency vehicles to obtain the right-of-way at in-
24 tersections or enabling transportation department, city, county or highway
25 district maintenance vehicles to perform maintenance tests on traffic con-
26 trol signals.

27 (2) A person shall be guilty of a misdemeanor if the person uses an opti-
28 cal strobe light device on the highways of this state unless the person is op-
29 erating or riding in an authorized emergency vehicle, as defined in section
30 49-123(2)(b), Idaho Code, or is operating or riding in a transportation de-
31 partment, city, county or highway district maintenance vehicle and the per-
32 son is on official emergency duty while operating or riding in the vehicle.

33 (3) A person found guilty of violating subsection (2) of this section
34 shall be sentenced by imprisonment of not greater than six (6) months, by a
35 fine not in excess of one thousand dollars (\$1,000), or by both such fine and
36 imprisonment.

37 SECTION 18. That Section 49-948, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 49-948. RESTRICTIONS AS TO TIRE EQUIPMENT. (1) Every solid rubber tire
40 on a vehicle shall have rubber on its entire traction surface at least one (1)
41 inch thick above the edge of the flange of the entire periphery.

42 (2) No person shall operate or move on any highway any motor vehicle,
43 trailer, or semitrailer having any metal tire in contact with the highway.

44 (3) No tire on a vehicle moved on a highway shall have on its periphery
45 any block, stud, flange, cleat, spike, or any other protuberance of any
46 material other than rubber which projects beyond the tread of the traction
47 surface of the tire, except as allowed herein. It shall be permissible to

1 use farm machinery with tires having protuberances which will not injure the
2 highway, and it shall be permissible to use tire chains. Tires with built-in
3 lugs of tungsten carbide or other suitable material, hereinafter called
4 studs, may be used upon any vehicle when required for safety because of snow,
5 ice, or other conditions tending to cause a vehicle to skid, that will not
6 unduly damage the highway. Motor vehicles, trailers and semitrailers with
7 tires having built-in studs are prohibited on public highways between the
8 dates of May 1 and September 30, annually, except as provided in paragraphs
9 (a), (b) and (c) of this subsection:

10 (a) Fire pumper/tanker trucks and ladder trucks belonging to fire
11 departments and firefighting agencies are exempt from the prohibited
12 dates.

13 (b) A vehicle may be equipped year-round with tires that have re-
14 tractable studs if the studs retract pneumatically or mechanically to
15 at or below the wear bar of the tire when not in use and the retractable
16 studs protrude beyond the wear bar of the tire only between October 1
17 and April 30. Retractable studs may be made of metal or other material
18 and are not subject to the stud weight requirements of subsection (4) of
19 this section.

20 (c) Special exemptions from the prohibited dates may be granted by the
21 Idaho transportation board if it is found by the board that enhancements
22 to public safety outweigh the increased pavement wear.

23 (4) Commercial tire retailers shall not sell studded tires with studs
24 exceeding the following weight and protrusion limitations after July 1,
25 2005. Commercial tire retailers and tire shops shall not manually install
26 studs exceeding the following weight and protrusion limitations after July
27 1, 2005.

28 (a) Studs shall not protrude more than six-hundredths (.06) of an inch
29 from the surface of the tire tread when originally installed.

30 (b) Stud size shall be as recommended by the manufacturer of the tire
31 for the type and size of the tire.

32 (c) Studs shall individually weigh no more than one and one-half (1.5)
33 grams if the stud is size 14 or less.

34 (d) Studs shall individually weigh no more than two and three-tenths
35 (2.3) grams if the stud size is 15 or 16.

36 (e) Studs shall individually weigh no more than three (3) grams if the
37 stud size is 17 or larger.

38 (5) If the Idaho transportation department determines, at any time,
39 that Lookout Pass or Fourth of July Pass on interstate 90 or Lolo Pass on
40 state highway 12 is of an unsafe condition so as to require chains, as defined
41 in section 49-104, Idaho Code, in addition to pneumatic tires, the Idaho
42 transportation department may establish requirements for the use of chains
43 on all commercial vehicles as defined in section 49-123(2) (e) (i) and (ii),
44 Idaho Code, traveling on interstate 90 or state highway 12. If the Idaho
45 transportation department establishes that chains are so required, the
46 Idaho transportation department shall:

47 (a) Provide multiple advance notices of the chain requirement;

48 (b) Provide adequate opportunities for pull out;

1 (c) Provide notification at a point at which the commercial vehicle
2 can safely pull out of the normal flow of traffic, prior to the point at
3 which chains are required; and

4 (d) In no case post requirements for chains on bare pavement.

5 (6) Provided that the conditions in subsection (5) of this section are
6 met, the chain requirement shall be met by chaining a minimum of one (1) tire
7 on each side of:

8 (a) One (1) drive axle, regardless of the number of drive axles; and

9 (b) One (1) axle at or near the rear of each towed vehicle. Such axle
10 shall not include a variable load suspension axle or an axle of a con-
11 verter dolly.

12 (7) Chains as required in subsection (6) (a) and (b) of this section mean
13 "chains" as defined in section 49-104, Idaho Code. Any other traction de-
14 vice differing from chains in construction, material or design but capable
15 of providing traction equal to or exceeding that of chains under similar con-
16 ditions may be used.

17 (8) The Idaho transportation department shall place and maintain signs
18 and other traffic control devices on the interstate and state highway passes
19 as designated in subsection (5) of this section that indicate the chain re-
20 quirements under subsection (6) of this section.

21 (9) Exempt from the chaining requirements provided for in subsections
22 (5) and (6) of this section are:

23 (a) Motor vehicles operated by the Idaho transportation department
24 when used in the maintenance of the interstate or state highway system;
25 and

26 (b) The following:

27 (i) Motor vehicles employed solely in transporting school chil-
28 dren and teachers to or from school or to or from approved school
29 activities, when the motor vehicle is either:

30 1. Wholly owned and operated by such school; or

31 2. Leased or contracted by such school and the motor vehi-
32 cle is not used in furtherance of any other commercial enter-
33 prise;

34 (ii) Motor vehicles controlled and operated by any farmer when
35 used in the transportation of the farmer's farm equipment or in the
36 transportation of supplies to the farmer's farm;

37 (iii) The transportation of agricultural products including fresh
38 fruits and vegetables, livestock, livestock feed or manure at any
39 time of the year;

40 (iv) Motor propelled vehicles for the sole purpose of carrying
41 United States mail or property belonging to the United States;

42 (v) Motor carriers transporting products of the forest at any
43 time of the year, including chip trucks;

44 (vi) Motor carriers transporting products of the mine including
45 sand, gravel and aggregates thereof, excepting petroleum prod-
46 ucts; and

47 (vii) Vehicles properly equipped, designed and customarily used
48 for the transportation of disabled or abandoned vehicles by means
49 of a crane, hoist, tow bar, dolly or roll bed, commonly known as a
50 "wrecker truck" or "tow truck."

1 SECTION 19. That Section 49-1818, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-1818. ABANDONED VEHICLE TRUST ACCOUNT -- APPROPRIATION AND
4 USE. (1) An account is established, to be known and designated as the aban-
5 doned vehicle trust account. There shall be set aside, paid into and cred-
6 ited to the account, moneys remaining from any sale of an abandoned vehicle
7 or any vehicle removed under extraordinary circumstances after satisfaction
8 of all possessory liens and costs of conducting the sale, and the fee autho-
9 rized under section 31-3201F, Idaho Code, collected by the district courts.

10 (2) ~~Excess proceeds from abandoned vehicle sales~~ Moneys deposited in
11 the abandoned vehicle trust account are hereby continuously appropriated to
12 the department for the purposes of satisfying allowable claims and reimburs-
13 ing the costs of administering the provisions of this chapter.

14 (3) Any person claiming an interest in the vehicle may file a claim with
15 the department for any portion of the excess proceeds from an abandoned ve-
16 hicle sale which were forwarded to the department. Upon determination of
17 the department that the claimant is entitled to some amount, the department
18 shall pay an amount which in no case shall exceed the amount forwarded to the
19 department in connection with the sale of the vehicle. The department shall
20 not honor any claim filed more than two (2) years after the sale.

21 (4) Each fee collected by the district courts pursuant to section
22 31-3201F, Idaho Code, shall be distributed as follows to the:

- 23 (a) Law enforcement agency that directed the tow of the vehicle in-
24 volved in the infraction.....\$50.00
- 25 (b) Tow company that towed the vehicle involved in the infrac-
26 tion.....\$50.00
- 27 (c) Department.....\$50.00

28 Fees shall be distributed to law enforcement agencies and tow companies on a
29 monthly basis. All fees distributed to the department shall be deposited in
30 the state highway account.

31 SECTION 20. That Section 67-7040, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 67-7040. APPLICATION TO CERTAIN VESSELS. (1) The provisions of the
34 vessel titling act shall apply to every 2000 and newer model year vessel upon
35 transfer of ownership, and optionally to all other vessels of a model year
36 prior to 2000, effective on and after January 1, 2000, even though vessels
37 need not be registered under the provisions of chapter 4, title 49, Idaho
38 Code. Vessels shall be issued a certificate of registration as provided in
39 section 67-7008, Idaho Code.

40 (2) The provisions of the vessel titling act shall apply exclusively
41 to vessels with a permanently attached mode of propulsion, such as: an in-
42 board motor, sail, personal watercraft, or other propelling machinery, and
43 all vessels over twelve (12) feet regardless of mode of propulsion, except:
44 ~~rowboats,~~ driftboats, canoes, kayaks, inflatable vessels, rafts, barges,
45 nonmotorized paddle vessels, sailboards, tenders, seaplanes, documented
46 vessels, and vessels owned by the United States or a foreign state or politi-
47 cal subdivision.

1 (3) Once titled, the vessel remains a titled vessel, and is subject to
2 the requirements of chapter 5, title 49, Idaho Code.

3 SECTION 21. That Section 67-7101, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 67-7101. DEFINITIONS. In this chapter:

6 (1) "All-terrain vehicle" or "ATV" means any recreational motor vehi-
7 cle designed for or capable of traveling off developed roadways and highways
8 with three (3) or more tires and fifty (50) inches or less in width, having a
9 wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat
10 designed to be straddled by the operator.

11 (2) "Board" means the park and recreation board created under authority
12 of section 67-4221, Idaho Code.

13 (3) "Bona fide snowmobile program" means services or facilities as ap-
14 proved by the department that will benefit snowmobilers such as snowmobile
15 trail grooming, plowing and maintaining snowmobile parking areas and facil-
16 ities, and trail signing.

17 (4) "Dealer" means any person who engages in the retail sales of or
18 rental of snowmobiles, motorbikes, utility type vehicles or all-terrain
19 vehicles.

20 (5) "Department" means the Idaho department of parks and recreation.

21 (6) "Designated parking area" means an area located, constructed,
22 maintained, and signed with the approval of the land manager or owner.

23 (7) "Director" means the director of the department of parks and recre-
24 ation.

25 (8) "Highway." (See section 40-109, Idaho Code, but excepting public
26 roadway as defined in this section)

27 (9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or
28 motor-driven cycle, excluding tractor, designed for or capable of traveling
29 off developed roadways and highways and also referred to as trailbikes, en-
30 duro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

31 (10) "Off-highway vehicle" means an all-terrain vehicle, motorbike,
32 specialty off-highway vehicle or utility type vehicle as defined in this
33 section.

34 (11) "Operator" means any person who is in physical control of a motor-
35 bike, all-terrain vehicle, utility type vehicle, specialty off-highway ve-
36 hicle or snowmobile.

37 (12) "Owner" means every person holding record title to a motorbike,
38 all-terrain vehicle, utility type vehicle, specialty off-highway vehicle
39 or snowmobile and entitled to the use or possession thereof, other than a
40 lienholder or other person having a security interest only.

41 (13) "Person" means an individual, partnership, association, corpora-
42 tion, or any other body or group of persons, whether incorporated or not, and
43 regardless of the degree of formal organization.

44 (14) "Public roadway" means all portions of any highway which are con-
45 trolled by an authority other than the Idaho transportation department.

46 (15) "Snowmobile" means any self-propelled vehicle under one thousand
47 (1,000) pounds unladen gross weight, designed primarily for travel on snow
48 or ice or over natural terrain, which may be steered by tracks, skis, or run-
49 ners.

1 (16) "Specialty off-highway vehicle" means any vehicle manufactured,
2 designed or constructed exclusively for off-highway operation that does not
3 fit the definition of an all-terrain vehicle, utility type vehicle or motor-
4 bike as defined in this section. The vehicle classification provided for in
5 this subsection shall become effective on January 1, 2010.

6 (17) "Utility type vehicle" or "UTV" means any recreational motor vehi-
7 cle other than an ATV, motorbike or snowmobile as defined in this section,
8 designed for and capable of travel over designated roads, traveling on four
9 (4) or more tires, maximum width less than seventy-four (74) inches, maximum
10 weight less than two thousand (2,000) pounds, and having a wheelbase of one
11 hundred ten (110) inches or less. A utility type vehicle must have a minimum
12 width of fifty (50) inches, a minimum weight of at least nine hundred (900)
13 pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle
14 does not include golf carts, vehicles specially designed to carry a disabled
15 person, implements of husbandry as defined in section 49-110(2), Idaho Code,
16 or vehicles otherwise registered under title 49, Idaho Code. A "utility type
17 vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

18 (18) "Vendor" means any entity authorized by the department to sell
19 recreational registrations.

20 (19) "Winter recreational parking locations" means designated parking
21 areas established and maintained with funds acquired from the cross-country
22 skiing account.