

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 492, As Amended in the Senate

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO VEHICLE REGISTRATION AND FEES; AMENDING SECTION 49-426, IDAHO
2 CODE, TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED" AND TO
3 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7008, IDAHO CODE, TO
4 REPLACE REFERENCES TO REGISTRATION NUMBERS WITH REFERENCES TO CERTIFI-
5 CATES OF NUMBER, TO PROVIDE FOR VESSEL NUMBERS AND VALIDATION STICKERS
6 AND TO REMOVE LANGUAGE RELATING TO CERTAIN REGISTRATION FEES; AMENDING
7 SECTION 67-7101, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION
8 67-7103, IDAHO CODE, TO PROVIDE FOR VALIDATION STICKERS AND TO PROVIDE
9 THAT EACH SNOWMOBILE MUST BE NUMBERED BEFORE IT LEAVES THE PREMISES AT
10 THE TIME OF SALE; AMENDING SECTION 67-7104, IDAHO CODE, TO REPLACE THE
11 TERM "REGISTRATION" WITH "CERTIFICATE OF NUMBERING", TO REPLACE REF-
12ERENCE TO DISPLAY OF CERTIFICATES OF NUMBER WITH REFERENCE TO DISPLAY
13OF VALIDATION STICKERS AND TO PROVIDE FOR NONRESIDENT SNOWMOBILE USER
14CERTIFICATES; AMENDING SECTION 67-7106, IDAHO CODE, TO REPLACE THE TERM
15"REGISTRATION" WITH "CERTIFICATE OF NUMBER"; AMENDING SECTION 67-7108,
16IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW AND TO PROVIDE FOR A PRO-
17HIBITION; AMENDING SECTION 67-7112, IDAHO CODE, TO REPLACE THE TERM
18"REGISTERED" WITH THE TERM "NUMBERED"; AMENDING SECTION 67-7113, IDAHO
19CODE, TO REVISE A FINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
20TION 67-7122, IDAHO CODE, TO PROVIDE FOR NUMBER CERTIFICATES, TO REMOVE
21REFERENCE TO REGISTRATION, TO REVISE PROVISIONS RELATING TO CERTAIN
22INFORMATION SUBMITTED TO THE DEPARTMENT, TO REVISE PROVISIONS RELATING
23TO THE SALE OF CERTAIN VEHICLES AND TO PROVIDE FOR VALIDATION STICKERS;
24AMENDING SECTION 67-7123, IDAHO CODE, TO REVISE PROVISIONS RELATING TO
25THE TRANSFER OF NUMBER CERTIFICATES AND TO REMOVE REFERENCE TO REGIS-
26TRATION STICKERS; AMENDING SECTION 67-7124, IDAHO CODE, TO REFERENCE
27NUMBER CERTIFICATES IN REGARD TO NONRESIDENT OWNERS; AMENDING SECTION
2867-7125, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "NUMBER-
29ING" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7126, IDAHO
30CODE, TO REMOVE REFERENCE TO REGISTRATION AND TO PROVIDE FOR NUMBER
31CERTIFICATES AND VALIDATION STICKERS; TO PROVIDE FOR RULES; AMENDING
32SECTION 67-7003, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION
3367-7008A, IDAHO CODE, TO REMOVE A REFERENCE TO A REGISTRATION FEE AND TO
34PROVIDE FOR FEES FOR NUMBERED VESSELS; AMENDING SECTION 67-7010, IDAHO
35CODE, TO REPLACE REFERENCE TO CERTIFICATE OF REGISTRATION WITH REFER-
36ENCE TO CERTIFICATE OF NUMBER AND TO REPLACE REFERENCE TO DISPLAY OF
37REGISTRATION NUMBER WITH REFERENCE TO DISPLAY OF VESSEL NUMBER; AMEND-
38ING SECTION 67-7013, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATES
39OF REGISTRATION WITH REFERENCE TO CERTIFICATES OF NUMBER; AMENDING SEC-
40TION 67-7014, IDAHO CODE, TO REPLACE REFERENCE TO REGISTERED VESSELS
41WITH REFERENCE TO NUMBERED VESSELS; AMENDING SECTION 67-7029, IDAHO
42CODE, TO REPLACE REFERENCE TO CERTIFICATES OF REGISTRATION WITH REF-
43ERENCE TO CERTIFICATES OF NUMBER AND TO PROVIDE THAT CERTAIN PERSONS
44AUTHORIZED TO ISSUE CERTIFICATES OF NUMBER SHALL BE ASSIGNED A BLOCK OF
45

1 VESSEL NUMBERS, VALIDATION STICKERS AND CERTIFICATES OF NUMBER; AMEND-
2 ING SECTION 67-7040, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATE
3 OF REGISTRATION WITH REFERENCE TO CERTIFICATE OF NUMBER; AND PROVIDING
4 SEVERABILITY.

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

6 SECTION 1. That Section 49-426, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chap-
9 ter with respect to operating fees shall not apply to:

10 (1) Motor vehicles owned or leased by the United States, the state, a
11 city, a county, any department thereof, any political subdivision or munic-
12 ipal corporation of the state, any taxing district of the state, any state
13 registered nonprofit subscription fire protection unit, or any organiza-
14 tion, whether incorporated or unincorporated, organized for the operation,
15 maintenance, or management of an irrigation project or irrigation works or
16 system or for the purpose of furnishing water to its members or shareholders,
17 but in other respects shall be applicable.

18 (2) Farm tractors, implements of husbandry, those manufactured homes
19 which qualify for an exemption under the provisions of section 49-422, Idaho
20 Code, road rollers, wheel mounted tar buckets, portable concrete and/or
21 mortar mixers, wheel mounted compressors, tow dollies, portable toilet
22 trailers, street sweepers, other construction equipment, forestry equip-
23 ment, lawn and grounds equipment and similar devices as determined by the
24 department which are temporarily operated or moved upon the highways need
25 not be registered under the provisions of this chapter, nor shall implements
26 of husbandry be considered towed units under registration of vehicle combi-
27 nations as defined in section 49-108(2), Idaho Code. In addition, self-pro-
28 pelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf
29 carts, lawn mowers, and scooters operated by persons who by reason of phys-
30 ical disability are otherwise unable to move about as pedestrians shall be
31 exempt from registration requirements under the provisions of this chapter.
32 Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles
33 need not be licensed under the provisions of this chapter or ~~registered~~
34 numbered pursuant to the provisions of section 67-7122, Idaho Code, if they
35 are being used exclusively in connection with agricultural, horticultural,
36 dairy and livestock growing and feeding operations or used exclusively for
37 snow removal purposes. Travel upon the public highways shall be limited to
38 travel between farm or ranch locations. Motorcycles, motorbikes, utility
39 type vehicles and all-terrain vehicles used for this purpose shall meet the
40 emblem requirements of section 49-619, Idaho Code.

41 (3) Any political subdivision of the state of Idaho may, but only after
42 sufficient public notice is given and a public hearing held, adopt local
43 ordinances or resolutions designating highways or sections of highways un-
44 der its jurisdiction which are closed to all-terrain vehicles, utility type
45 vehicles, specialty off-highway vehicles and motorbikes licensed pursuant
46 to this chapter and ~~registered~~ numbered pursuant to section 67-7122, Idaho
47 Code. The operation of licensed and ~~registered~~ numbered all-terrain vehi-
48 cles, utility type vehicles and motorbikes and those vehicles exempt from

1 licensing and ~~registration~~ numbering pursuant to subsection (2) of this sec-
 2 tion shall not be permitted on controlled access highways. The requirements
 3 of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall
 4 apply to the operation of any all-terrain vehicle, utility type vehicle or
 5 motorbike upon highways. Costs related to the posting of signs on highways
 6 or sections of highways that are closed to such vehicles, indicating the
 7 ordinance, are eligible for reimbursement through the motorbike recreation
 8 account created in section 67-7126, Idaho Code.

9 (4) The Idaho transportation board may designate sections of state
 10 highways over which all-terrain vehicles, utility type vehicles, specialty
 11 off-highway vehicles and motorbikes may cross. The requirements of title
 12 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply
 13 to the operation of all-terrain vehicles, utility type vehicles, specialty
 14 off-highway vehicles and motorbikes when using designated crossings on
 15 state highways.

16 (5) All-terrain vehicles, utility type vehicles, specialty off-high-
 17 way vehicles and motorbikes may be used on highways located on state lands or
 18 federal lands which are not part of the highway system of the state of Idaho,
 19 provided the ~~registration~~ numbering requirements of section 67-7122, Idaho
 20 Code, are met.

21 SECTION 2. That Section 67-7008, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 67-7008. CERTIFICATE OF REGISTRATION NUMBER -- EXPIRATION --
 24 FEES. (1) Within fifteen (15) days after purchase, or as otherwise herein
 25 provided, the owner of each vessel requiring numbering by the state of Idaho
 26 shall file an application for ~~registration~~ certificate of number with an
 27 assessor or authorized vendor on forms provided by the department. The ap-
 28 plication shall be signed by the owner and shall be accompanied by the fee
 29 herein designated. Upon receipt of an application in approved form, and
 30 the appropriate fee, the assessor or authorized vendor shall enter the same
 31 upon the records of its office and issue to the applicant two (2) validation
 32 stickers and a certificate of ~~registration~~ stating the number issued to the
 33 ~~vessel~~, the receipt of any fee paid and the name and address of the owner,
 34 and the assessor or authorized vendor shall forward to the department a
 35 duplicate copy. The owner shall also receive a vessel number that shall be
 36 permanently assigned to the boat. The owner shall paint on or permanently
 37 attach to each side of the bow of the vessel the ~~registration~~ vessel number
 38 and validation sticker in a manner as may be prescribed by rules of the de-
 39 partment in order that they may be completely visible, and the number shall
 40 be maintained in legible condition. The certificate of ~~registration~~ number
 41 shall be pocket-size and shall be on board and available at all times for in-
 42 spection on the vessel for which issued whenever that vessel is in operation,
 43 except that livery operators may have the rental agreement on board rented
 44 vessels in lieu of the certificate of ~~registration~~ number.

45 (2) The owner of any vessel for which a current certificate of
 46 ~~registration~~ number has been issued pursuant to any federal law or a fed-
 47 erally approved numbering system of another state shall, if the vessel is
 48 operated on the waters of this state in excess of sixty (60) days, make appli-

1 cation for a an Idaho certificate of Idaho registration number in the manner
2 prescribed in this section.

3 (3) Each assessor and authorized vendor shall record, on a form pro-
4 vided by the department, the names of all owners of vessels who make appli-
5 cation for certificates of registration number, together with the amount of
6 the fees paid by the owners. He shall, on or before the tenth of each month,
7 forward to the department a duplicate copy of each record for the preceding
8 month.

9 (4) All records of the department made or kept pursuant to this section
10 shall be kept current and shall be public records.

11 (5) Every certificate of registration number issued shall continue
12 in full force and effect through December 31 of the year of issue unless
13 sooner terminated or discontinued in accordance with law. Certificates of
14 registration number may be renewed by the owner in the same manner provided
15 for in the initial securing of them.

16 (6) The owner of any vessel shall notify the department within fifteen
17 (15) days if his vessel is destroyed or abandoned, or is sold or transferred
18 either wholly or in part to another person or persons or if the owner's
19 address no longer conforms to the address appearing on the certificate of
20 registration number. In all such cases, the notice shall be accompanied by
21 a surrender of the certificate of registration number. When the surrender
22 of the certificate is by reason of the vessel being destroyed, abandoned or
23 sold, the department shall cancel the certificate and enter that fact in its
24 records. If the surrender is by reason of a change of address on the part
25 of the owner, the new address shall be endorsed on the certificate and the
26 certificate returned to the owner.

27 (7) Whenever the ownership of a vessel changes, the purchaser shall,
28 within fifteen (15) days after acquisition, make application to the depart-
29 ment for transfer to him of the certificate of registration number issued for
30 the vessel, giving his name, address, and the vessel number of the vessel and
31 shall, at the same time, pay to the department a transfer fee of three dol-
32 lars (\$3.00). Upon receipt of the application and fee, the department shall
33 transfer the certificate of registration number issued for the vessel to the
34 new owner or owners. Unless the application is made and the fee paid within
35 fifteen (15) days, the vessel shall be considered to be without a certificate
36 of registration number.

37 (8) No numbers other than the registration validation stickers and ves-
38 sel number issued to a vessel or granted by reciprocity pursuant to law shall
39 be painted, attached, or otherwise displayed on either side of the bow of the
40 vessel.

41 (9) If any certificate of registration number becomes lost, mutilated,
42 or becomes illegible, the owner of the vessel for which the same was issued
43 shall obtain a duplicate of the certificate from the department upon appli-
44 cation and the payment of a fee of three dollars (\$3.00). If one or both val-
45 idation stickers are lost, stolen, or destroyed, any sticker remnants and
46 the certificate of registration number should be returned to the department
47 along with a three dollar (\$3.00) fee and an application for a duplicate cer-
48 tificate of registration number and validation stickers.

49 (10) A person engaged in the manufacture or sale of vessels of a type
50 otherwise required to be numbered by law, may obtain pursuant to regulations

1 duly promulgated by the department, certificates of ~~registration number~~ for
 2 use in the testing or demonstration only of a vessel upon payment of thirteen
 3 dollars (\$13.00) for each certificate. Certificates of ~~registration number~~
 4 so issued may be used by the applicant in the testing or demonstration only of
 5 vessels by temporary placement of the numbers assigned by the certificates
 6 on the vessel tested or demonstrated, and shall be issued and displayed as
 7 otherwise prescribed by this chapter or by regulation of the department.

8 (11) The ~~registration~~ fees shall be:

9 ~~(a)~~ Vessels 0-12 feet in length \$20.00
 10 Vessels over 12 feet in length 20.00
 11 plus \$2.00 per foot for each additional foot
 12 in excess of 12 feet.

13 ~~(b) The registration fees for new or used vessels which have not previ-~~
 14 ~~ously been registered in Idaho shall be:~~

15 ~~(i) For vessels acquired or brought into the state January 1~~
 16 ~~through March 31, the full amount of the regular fees;~~

17 ~~(ii) For vessels acquired or brought into the state April 1~~
 18 ~~through June 30, seventy-five percent (75%) of the regular fees;~~

19 ~~(iii) For vessels acquired or brought into the state July 1 through~~
 20 ~~September 30, fifty percent (50%) of the regular fees;~~

21 ~~(iv) For vessels acquired or brought into the state after Septem-~~
 22 ~~ber 30, twenty-five percent (25%) of the regular fees.~~

23 ~~(c) Each assessor and authorized vendor shall presume that any vessel~~
 24 ~~is subject to the regular certificate of registration fees, unless the~~
 25 ~~applicant can successfully show reasonable proof that the vessel has~~
 26 ~~not previously been registered in Idaho.~~

27 (12) The provisions of subsection (11) of this section, with respect to
 28 the amount of payment of ~~registration~~ fees shall not apply to vessels owned
 29 by any charitable or religious organization, scout organization or any sim-
 30 ilar organization not used and operated for profit. All vessels currently
 31 ~~registered numbered~~ by the state of Idaho and having paid the fees imposed by
 32 subsection (11) of this section shall not be assessed and taxed as personal
 33 property in the state of Idaho.

34 (13) The ~~registration~~ fee for vessels owned by any charitable or reli-
 35 gious organization, scout organization or similar organization not used and
 36 operated for profit shall be two dollars (\$2.00) per year.

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

39 67-7101. DEFINITIONS. In this chapter:

40 (1) "All-terrain vehicle" or "ATV" means any recreation vehicle with
 41 three (3) or more tires and fifty (50) inches or less in width, having a
 42 wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat
 43 designed to be straddled by the operator.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (15) "Snowmobile" means any self-propelled vehicle under one thousand
31 (1,000) pounds unladen gross weight, designed primarily for travel on snow
32 or ice or over natural terrain, which may be steered by tracks, skis, or run-
33 ners.

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

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

1 (18) "Vendor" means any entity authorized by the department to sell
2 recreational ~~registrations~~ certificates of number.

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

6 SECTION 4. That Section 67-7103, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF ~~NUMBER~~ VALIDATION
9 STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANS-
10 FER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) On or before November
11 1 of each year the owner of each snowmobile requiring numbering by the state
12 of Idaho shall file an application for number with the department on forms
13 approved by it. The application shall be signed by the owner and shall, ex-
14 cept as provided in subsection (7) of this section, be accompanied by a fee
15 of thirty-one dollars (\$31.00). Upon receipt of the application the depart-
16 ment shall issue to the applicant a certificate of number stating the number
17 assigned to the snowmobile and the name and address of the owner. The owner
18 shall attach to the snowmobile the ~~identification number~~ validation sticker
19 in a manner as may be prescribed by rules of the department. The ~~number~~
20 validation sticker shall be located on the right and left side of the cowling
21 of the snowmobile and shall be completely visible and shall be maintained in
22 legible condition. The certificate of number shall be pocket size and shall
23 be available at all times for inspection on the snowmobile for which issued,
24 wherever the snowmobile is in operation.

25 (2) The department may issue any certificate of number directly or
26 may authorize any persons to act as vendor for the issuance. In the event
27 a person accepts the authorization, he may be assigned a block of ~~numbers~~
28 validation stickers and certificates of number which upon issue, in confor-
29 mity with this chapter and with any rules of the department, shall be valid as
30 if issued directly by the department.

31 (3) All records of the department made or kept pursuant to this section
32 shall be public records.

33 (4) Each snowmobile must be ~~registered~~ numbered before it leaves the
34 premises at the time of sale from any retail snowmobile dealer.

35 (5) The purchaser of a snowmobile shall, within fifteen (15) days im-
36 mediately after acquisition, make application to the department for trans-
37 fer to him of the certificate of number issued to the snowmobile, giving his
38 name, address and the number of the snowmobile and shall at the same time pay
39 to the department a fee of three dollars (\$3.00). Upon receipt of the appli-
40 cation and fee, the department shall transfer the certificate of number is-
41 sued for the snowmobile to the new owner or owners. Unless the application
42 is made and fee paid within fifteen (15) days, the snowmobile shall be con-
43 sidered to be without a certificate of number and it shall be unlawful for any
44 person to operate that snowmobile until the certificate is issued.

45 (6) No number other than the ~~number~~ validation stickers issued to a
46 snowmobile pursuant to this chapter shall be painted, attached, or otherwise
47 displayed on the snowmobile, except a temporary number may be attached to
48 identify a snowmobile for the purpose of racing or other sporting events.

1 (7) Resident and nonresident owners of snowmobiles used for rental
 2 purposes shall purchase ~~certificates of number~~ validation stickers for
 3 sixty-one dollars (\$61.00) and the ~~certificates of number~~ validation stick-
 4 ers shall be displayed on the machine at all times.

5 SECTION 5. That Section 67-7104, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. The owner
 8 of a nonresident, noncommercial snowmobile shall not be required to comply
 9 with the ~~registration certificate of numbering~~ requirements of the state
 10 of Idaho, but shall be required to obtain a nonresident snowmobile user
 11 certificate. A fee of thirty-one dollars (\$31.00) shall be imposed for the
 12 issuance of a nonresident snowmobile user certificate. The ~~certificate of~~
 13 ~~number validation stickers~~ shall be displayed in the same manner as provided
 14 in section 67-7103, Idaho Code. ~~Such Nonresident snowmobile user~~ certifi-
 15 cates shall be valid beginning November 1 through October 31 of the following
 16 year. Issuance and administration of nonresident snowmobile user certifi-
 17 cates shall be conducted in the same manner as provided in section 67-7103,
 18 Idaho Code, for numbering of snowmobiles.

19 (1) For purposes of this section, "nonresident" shall be as defined in
 20 section 36-202, Idaho Code.

21 (2) In the absence of a bona fide program in the area or upon the re-
 22 quest of the bona fide county snowmobile advisory committee of the nearest
 23 affected county in Idaho, the requirements for the nonresident snowmobile
 24 user certificate may be waived by the parks and recreation board on specific
 25 trails where the snowmobile trail grooming is solely supported by a state
 26 other than Idaho.

27 SECTION 6. That Section 67-7106, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND
 30 -- STATE SNOWMOBILE FUND -- STATE SNOWMOBILE SEARCH AND RESCUE FUND. (1) Each
 31 vendor shall not later than the fifteenth day of each month remit all moneys
 32 collected under the provisions of sections 67-7103 and 67-7104, Idaho Code,
 33 to the state treasurer for credit to the state snowmobile fund, established
 34 in the dedicated fund, to be administered by the director, except that one
 35 dollar (\$1.00) from each snowmobile certificate of number fee, one dollar
 36 (\$1.00) from each rental certificate of number fee, and one dollar (\$1.00)
 37 from each nonresident snowmobile user certificate issued by the vendor shall
 38 be credited by the state treasurer to the state snowmobile search and rescue
 39 fund created in section 67-2913A, Idaho Code.

40 (2) Each county with a bona fide snowmobile program shall be entitled to
 41 receive from the department eighty-five percent (85%) of the moneys gener-
 42 ated for that county during that ~~registration certificate of number~~ period.
 43 Counties with a bona fide snowmobile program may use up to fifteen percent
 44 (15%) of their county snowmobile moneys upon recommendation by their county
 45 snowmobile advisory committee for snowmobile law enforcement purposes.

46 (3) Up to fifteen percent (15%) of the revenue generated from snowmo-
 47 bile ~~registrations~~ certificates of number each year may be used by the de-

1 department to defray administrative costs. Any moneys unused at the end of the
2 fiscal year shall be returned to the state treasurer for deposit in the state
3 snowmobile fund.

4 (4) Vendors shall be entitled to charge an additional one dollar and
5 fifty cents (\$1.50) handling fee per registration certificate of number for
6 the distribution of certificates of number. Handling fees collected by the
7 department shall be deposited to the state snowmobile fund.

8 (5) For those registrations certificates of number not designated to a
9 bona fide county snowmobile program, the moneys generated shall be deposited
10 to the state snowmobile fund, and such fund shall be available to the depart-
11 ment for snowmobile-related expenses.

12 SECTION 7. That Section 67-7108, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVI-
15 SIONS. The provisions of this chapter shall govern the numbering and
16 registration of snowmobiles, all-terrain vehicles, motorbikes, specialty
17 off-highway vehicles and utility type vehicles operated in this state. All
18 political subdivisions of the state are expressly prohibited from numbering
19 or registering snowmobiles, all-terrain vehicles, motorbikes, specialty
20 off-highway vehicles and utility type vehicles in any respect.

21 SECTION 8. That Section 67-7112, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 67-7112. GROOMED SNOWMOBILE TRAILS. Any all-terrain vehicle operat-
24 ing on groomed snowmobile trails during the winter snowmobiling season when
25 the trails are groomed shall be registered numbered as a snowmobile under
26 the provisions of section 67-7103, Idaho Code. Counties shall have the op-
27 tion to allow all-terrain vehicles, if registered numbered, to use snowmo-
28 bile trails in the county. No other vehicles shall operate on groomed snow-
29 mobile trails unless specifically allowed by the county. Violation of the
30 provisions of this section shall be an infraction.

31 SECTION 9. That Section 67-7113, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. ~~(1)~~ Any per-
34 son who violates any provision of sections 67-7102 through ~~section~~ 67-7112,
35 Idaho Code, shall be guilty of an infraction, and shall be punished by a
36 fine of not less than ~~ten~~ fifty dollars (\$~~±~~50.00) nor more than one hundred
37 dollars (\$100). In addition thereto, the operator and/or owner of the snow-
38 mobile shall be responsible and held accountable to the owner of any lands
39 where trees, shrubs or other property have been damaged as the result of
40 travel over their premises.

41 SECTION 10. That Section 67-7122, Idaho Code, be, and the same is hereby
42 amended to read as follows:

1 67-7122. ~~REQUIREMENTS -- REGISTRATION -- PROCEDURE APPLICATION FOR~~
2 ~~CERTIFICATE OF NUMBER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE --~~
3 ~~FEES.~~ (1) On or before January 1 of each year, the owner of any all-terrain
4 vehicle, motorbike, specialty off-highway vehicle or utility type vehicle
5 as defined in section 67-7101, Idaho Code, or any motorcycle as defined in
6 section 49-114, Idaho Code, used off public highways, on highways located
7 on state lands or federal lands which are not part of the highway system of
8 the state of Idaho or on highways as prescribed in section 49-426(3) and
9 (4), Idaho Code, but excluding those vehicles used exclusively on private
10 land for agricultural use or used exclusively for snow removal purposes as
11 provided in section 49-426(2), Idaho Code, shall ~~register~~ obtain a number
12 certificate for that vehicle at any vendor authorized by the department.
13 Effective January 1, 2010, a fee of twelve dollars (\$12.00) shall be charged
14 for each ~~registration number certificate~~, which fee includes a one dollar
15 and fifty cent (\$1.50) fee to be retained by the vendor and the remainder
16 of which shall be remitted to the department together with a ~~duplicate copy~~
17 of the ~~application form~~, information noting the number of the ~~registration~~
18 ~~sticker certificate~~ issued, the identity of the owner that purchased the
19 number certificate, the owner's designated county use area and the type of
20 machine to which the owner will affix the certificate of number, e.g., mo-
21 torbike, all-terrain vehicle, utility type vehicle or specialty off-highway
22 vehicle. The foregoing shall not prohibit the department from collecting
23 such further information as it may deem necessary or helpful to its adminis-
24 trative duties under this chapter.

25 (2) At the time of sale from any dealer, each motorbike, all-terrain
26 vehicle or utility type vehicle sold to an Idaho resident, but excluding
27 those vehicles to be used exclusively on private land for agricultural use or
28 used exclusively for snow removal purposes as provided in section 49-426(2),
29 Idaho Code, must be ~~registered~~ obtain a number certificate.

30 (a) Application blanks and ~~registration validation~~ stickers shall
31 be supplied by the department and the ~~registration validation~~ sticker
32 shall be issued to the person making application for ~~registration~~
33 number certificate.

34 (b) All ~~registration stickers~~ which number certificates that are is-
35 sued shall be in force through December 31 of the issued year. All
36 ~~registration stickers~~ number certificates shall be renewed by the owner
37 of the all-terrain vehicle, motorbike, specialty off-highway vehicle
38 or utility type vehicle in the same manner provided for in the initial
39 securing of the same or with any vendor authorized by the department. A
40 vendor issuing a renewal ~~registration sticker~~ number certificate shall
41 retain a one dollar and fifty cent (\$1.50) vendor fee and remit the
42 remainder of the twelve dollar (\$12.00) renewal ~~registration sticker~~
43 number certificate fee to the department together with a ~~duplicate~~
44 copy of the application form, noting the number of the registration
45 sticker issued information noting the number of the certificate issued,
46 the identity of the owner that purchased the number certificate, the
47 owner's designated county use area, and the type of machine to which the
48 owner will affix the validation stickers, e.g., motorbike, all-ter-
49 rain vehicle, utility type vehicle or specialty off-highway vehicle.
50 The foregoing shall not prohibit the department from collecting such

1 additional information as it may deem necessary or helpful to its admin-
 2 istrative duties under this chapter.

3 (c) The issued registration validation sticker shall be placed upon the
 4 restricted vehicle license plate of the all-terrain vehicle, motorbike
 5 or utility type vehicle, or upon the right fork of a vehicle registered
 6 pursuant to section 49-402(3), Idaho Code, or of a motorbike if used
 7 exclusively off-highway, or upon the rear fender of an all-terrain ve-
 8 hicle, specialty off-highway vehicle or utility type vehicle if used
 9 exclusively off-highway. The placement shall be made in such a manner
 10 that it is completely visible, does not cover the license plate numbers
 11 or letters, if licensed, and shall be kept in a legible condition at all
 12 times.

13 (3) For operation of a motorbike that meets the requirements speci-
 14 fied in section 49-114(10), Idaho Code, on the public highways, the vehicle
 15 shall also be registered pursuant to the provisions of section 49-402(3),
 16 Idaho Code. A motorbike that meets the requirements specified in sec-
 17 tion 49-114(10), Idaho Code, and that is registered pursuant to section
 18 49-402(3), Idaho Code, shall not be required to obtain a restricted license
 19 plate pursuant to section 49-402(4), Idaho Code. A motorbike, all-terrain
 20 vehicle, specialty off-highway vehicle or utility type vehicle operated
 21 exclusively off-highway or on highways located on state lands or federal
 22 lands which are not part of the highway system of the state of Idaho and that
 23 meet the registration requirements specified in this section shall not be
 24 required to obtain a restricted vehicle license plate pursuant to section
 25 49-402(4), Idaho Code.

26 (4) Nonresidents shall be allowed to purchase a restricted vehicle
 27 license plate pursuant to section 49-402(4), Idaho Code, and/or a ~~sticker~~
 28 number certificate for an all-terrain vehicle, motorbike or utility type
 29 vehicle.

30 SECTION 11. That Section 67-7123, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 67-7123. TRANSFER OF REGISTRATION STICKER NUMBER CERTIFICATES AND
 33 RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an all-terrain vehicle,
 34 utility type vehicle or motorbike, which has been previously ~~registered~~
 35 issued a number certificate pursuant to section 67-7122, Idaho Code, and
 36 issued a restricted vehicle license plate pursuant to section 49-402, Idaho
 37 Code, shall within fifteen (15) days after acquiring same, make application
 38 to the county assessor or county motor vehicle office as may be designated by
 39 the county assessor for transfer to him of the ~~sticker of registration number~~
 40 certificate and restricted vehicle license plate issued to the vehicle,
 41 giving the same information as on the original application and the number of
 42 the ~~registration sticker number certificate~~ and restricted vehicle license
 43 plate, and shall at the same time pay a transfer fee of one dollar and fifty
 44 cents (\$1.50).

45 SECTION 12. That Section 67-7124, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 67-7124. NONRESIDENT -- EXEMPTION. (1) The provisions of section
2 67-7122, Idaho Code, regarding ~~registration~~ number certificates shall not
3 apply to any nonresident owner; provided the all-terrain vehicle, utility
4 type vehicle, specialty off-highway vehicle or motorbike is currently and
5 properly registered or numbered in the state of the owner's residence. Own-
6 ers of an all-terrain vehicle, utility type vehicle, specialty off-highway
7 vehicle or motorbike from states that do not have a registration or numbering
8 requirement shall be ~~registered~~ numbered in Idaho under the provisions of
9 section 67-7122, Idaho Code, prior to operation in this state.

10 (2) Nonresidents with an all-terrain vehicle, utility type vehicle,
11 specialty off-highway vehicle or motorbike registered or numbered in an-
12 other state shall have the same use privileges and responsibilities as a
13 resident of this state with a properly registered or numbered vehicle.

14 SECTION 13. That Section 67-7125, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 67-7125. NOISE ABATEMENT. (1) Except as hereinafter provided, every
17 vehicle subject to ~~registration~~ numbering under section 67-7122, Idaho
18 Code, shall comply with the provisions of this section. Every vehicle sub-
19 ject to the provisions of this section shall at all times be equipped with
20 an exhaust system in good working order and in constant operation. If the
21 vehicle was originally equipped with a noise suppressing system or if the
22 vehicle is required by law or regulation of this state or the federal gov-
23 ernment to have a noise suppressing system, that system shall be maintained
24 in good working order. No person shall disconnect, modify or alter any part
25 of that system in any manner which will amplify or increase the vehicle's
26 noise emission above the noise limits established in subsection (3) of this
27 section, except temporarily in order to make repairs, replacements or ad-
28 justments. No person shall operate and no owner shall cause or permit to be
29 operated any vehicle while the vehicle's noise emission exceeds the noise
30 limits established in subsection (3) of this section or while the vehicle's
31 noise suppressing system is disconnected, modified or altered in violation
32 of the provisions of this section.

33 (2) No person shall operate a vehicle subject to the provisions of
34 this section unless that vehicle is equipped with a spark arrester device,
35 affixed to the exhaust system, of a type qualified and rated by the United
36 States forest service. The provisions of this subsection shall not apply
37 to vehicles being operated off the highway in an organized racing or com-
38 petitive event which is conducted on private land with the consent of the
39 landowner.

40 (3) Any vehicle subject to the provisions of this section shall at all
41 times be equipped with a noise suppressing system or other device which lim-
42 its noise emission to a base level of not more than ninety-six (96) decibels
43 when measured on the "A" scale using standards and procedures established by
44 the society of automotive engineers (SAE), specifically SAE standard J1287,
45 June, 1988, describing a test of a stationary vehicle with sound measured
46 twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or
47 as otherwise described. The provisions of this subsection shall not apply
48 to vehicles being operated off the highway in an organized racing or com-

1 petitive event which is conducted on private land with the consent of the
2 landowner or on public land under permit.

3 (a) The department shall adopt regulations in accordance with chapter
4 52, title 67, Idaho Code, establishing the test procedures and instru-
5 mentation to be utilized. These procedures shall incorporate require-
6 ments for the test site environment and sound measuring equipment as set
7 forth in SAE standard J1287, June, 1988.

8 (b) Instrumentation shall include but not be limited to a sound level
9 meter meeting the type 1, type S1A, type 2, or type S2A requirements
10 of the American national standards institute (ANSI) specification for
11 sound level meters, S1.4-1983; a sound level calibrator, microphone
12 wind screen, external engine speed tachometer.

13 (4) A showing that the noise emission level of any vehicle subject to
14 and not otherwise exempt from the provisions of this section exceeds ninety-
15 six (96) decibels, as described and tested in subsection (3) of this section,
16 shall be prima facie evidence of a violation of subsection (1) of this sec-
17 tion.

18 SECTION 14. That Section 67-7126, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is
21 established in the state treasurer's office an account to be known and des-
22 ignated as the "motorbike recreation account." The twelve dollar (\$12.00)
23 fee collected for off-highway vehicle ~~registration stickers~~ number certifi-
24 cates shall be allocated as follows:

25 (1) Vendors shall charge and retain one dollar and fifty cents (\$1.50)
26 for a handling fee;

27 (2) Up to fifteen percent (15%) shall be allotted to the department
28 for administration and for the production of ~~registration~~ number certifi-
29 cates and validation stickers, which moneys shall be placed in the motorbike
30 recreation account. The department shall annually publish a report specifi-
31 cally identifying the uses of account moneys;

32 (3) One dollar (\$1.00) shall be deposited into the off-highway vehicle
33 law enforcement fund. Moneys in said fund shall be paid and used as follows:

34 (a) Sheriffs of counties with a current or an actively developing off-
35 highway vehicle law enforcement program recognized by the department
36 shall receive moneys from the fund based upon a formula as provided in
37 rule promulgated by the board; and

38 (b) Moneys from the fund shall be used only for off-highway related law
39 enforcement activities; and

40 (4) One dollar (\$1.00) shall be allocated to the Idaho department of
41 lands to provide off-highway vehicle opportunities and to repair damage di-
42 rectly related to off-highway vehicle use. The department of lands shall an-
43 nually publish a report specifically identifying the uses of moneys allo-
44 cated pursuant to this subsection; and

45 (5) The remaining funds shall be transmitted to the state treasurer's
46 office for deposit to the credit of the motorbike recreation account, all
47 such moneys to be transmitted to the state treasurer on or before the tenth
48 day of each month.

1 Collection of fees for off-highway vehicle ~~registration number certificates~~
2 shall not impose any additional liability on the state of Idaho or any of its
3 political subdivisions or upon the employees of the state and of its polit-
4 ical subdivisions, and those entities and persons shall retain the limita-
5 tions of liability provided by section 36-1604, Idaho Code, regardless of
6 the use of such fees.

7 SECTION 15. The department and the board are hereby authorized and di-
8 rected to adopt and/or amend rules necessary to implement the provisions of
9 this act.

10 SECTION 16. That Section 67-7003, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-7003. DEFINITIONS. In this chapter:

13 (1) "Actual physical control" means being in the operator's position of
14 the vessel with the motor running or with the vessel moving.

15 (2) "Aids to navigation" means such buoys, batons, markers or other
16 fixed objects in the water which are established and used to mark obstruc-
17 tions or to direct navigation through separate channels.

18 (3) "Authorized vendor" means a retail/commercial enterprise or
19 government office authorized by the department to sell certificates of
20 ~~registration number~~ as provided in section 67-7008, Idaho Code.

21 (4) "Boating law administrator" means the staff person of the Idaho de-
22 partment of parks and recreation appointed by the director and who super-
23 vises the boating program.

24 (5) "Commercial vessel" means any vessel used in the carriage of any
25 person, persons or property for a valuable consideration, whether directly
26 or indirectly flowing to the owner, partner, agent or any other person inter-
27 ested in the vessel.

28 (6) "Department" means the Idaho department of parks and recreation.

29 (7) "Director" means the director of the Idaho department of parks and
30 recreation.

31 (8) "Float house" means a floating structure which is designed and
32 built to be used, or is modified to be used, as a stationary waterborne resi-
33 dential dwelling, has no mode of power of its own, is dependent for utilities
34 upon a continuous utility linkage to a source originating on shore, and has a
35 permanent continuous connection to a sewage system on shore.

36 (9) "Float tube" means any vessel constructed of canvas, nylon or other
37 material encasing an inflatable inner tube which allows the operator to sit
38 inside with his legs dangling below the vessel.

39 (10) "Length of vessel" means the distance measured at the centerline
40 at the highest point above the waterline from the fore-part of the outer
41 hull at the bow to the aft-part of the outer hull at the stern, excepting any
42 bowsprits, railings or extraneous or additional equipment.

43 (11) "Manufacturer" means any person who is engaged in the business of
44 manufacturing or importing new and unused vessels for the purpose of sale or
45 trade.

46 (12) "Operate" means to navigate or otherwise use a vessel on the water
47 of this state.

1 (13) "Operator" means any person who controls the direction or propul-
2 sion of any vessel on the water of this state.

3 (14) "Owner" means any person having a property interest in or entitled
4 to the use or possession of a vessel, including a person entitled to use or
5 possession subject to the interest in another person reserved or created by
6 agreement and securing payment of performance of an obligation, but not in-
7 cluding a lessee under lease not intended as security.

8 (15) "Passenger" means every person carried aboard a vessel other than:

9 (a) The owner or his representative;

10 (b) The operator;

11 (c) A bona fide member of the crew engaged in the business of the vessel
12 who has contributed no consideration for carriage and who is paid for
13 his services; or

14 (d) Any guest on board a vessel which is used exclusively for pleasure
15 purposes who has not contributed any consideration directly or indi-
16 rectly for his carriage.

17 (16) "Person" means any individual, firm, partnership, corporation,
18 company, association, joint stock association, or body politic, except the
19 United States and the state of Idaho, and includes any agent, trustee, execu-
20 tor, reserve assignee or similar representative of any of the above.

21 (17) "Personal watercraft" means a small vessel which uses an outboard
22 motor or an inboard motor powering a water jet pump as its primary source of
23 power and is designed to be operated by a person sitting, standing or kneel-
24 ing on, rather than in the conventional manner of sitting or standing inside
25 the vessel.

26 (18) "Private label merchandiser" means any person engaged in the busi-
27 ness of selling or distributing, under his own trade name, vessels manufac-
28 tured by another.

29 (19) "Regatta," "Race," "Marine Event," "Tournament," or "Exhibition"
30 means an organized water event of limited duration which is conducted ac-
31 cording to a prearranged schedule.

32 (20) "Regulatory markers" means any fixed or anchored aid to navigation
33 which is established and used, but is not limited to, the bathing beach mark-
34 ers, speed zone markers, information markers, swimming or diving markers,
35 floating mooring buoys, fishing buoys or markers for ski courses or jumps.

36 (21) "Rules of the road" means the statutory and regulatory rules gov-
37 erning the navigation of vessels as published by the United States Coast
38 Guard in Navigational Rules International -- Inland.

39 (22) "Vessel" means every description of watercraft, including a sea-
40 plane on the water, used or capable of being used as a means of transportation
41 on water, but does not include float houses, diver's aids operated and de-
42 signed primarily to propel a diver below the surface of the water, and nonmo-
43 torized devices not designed or modified to be used as a means of transporta-
44 tion on the water, such as inflatable air mattresses, single inner tubes, and
45 beach and water toys.

46 (23) "Water of this state" means any waters in the state of Idaho over
47 which the state has jurisdiction.

48 SECTION 17. That Section 67-7008A, Idaho Code, be, and the same is
49 hereby amended to read as follows:

1 67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1)
2 In addition to any other moneys or fees collected pursuant to the provisions
3 of section 67-7008, Idaho Code, or any other provision of chapter 70, title
4 67, Idaho Code, all vessels shall pay an additional fee each calendar year as
5 follows:

6 (a) Motorized vessels and sailboats:

7 (i) Ten dollars (\$10.00) per vessel ~~registered~~ numbered in the
8 state of Idaho prior to launch into the public waters of the state;

9 (ii) Twenty-two dollars (\$22.00) per vessel documented through
10 the United States coast guard or registered or numbered outside
11 the state of Idaho prior to launch into the public waters of the
12 state.

13 (b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to
14 launch into the public waters of the state.

15 (c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code,
16 with nonmotorized fleets exceeding five (5) vessels shall be afforded a
17 prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten
18 (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty
19 (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or
20 more vessels up to a maximum of one hundred (100) vessels. The fee for
21 any additional vessels shall be one dollar (\$1.00) per vessel. The li-
22 censed outfitter group rates shall also be available for groups exempt
23 from licensing pursuant to section 36-2103, Idaho Code.

24 (2) Upon payment of the fee as provided in this section, the payor shall
25 be issued a protection against invasive species sticker that shall be dis-
26 played on the vessel in a manner as prescribed by the rules of the department.
27 Stickers shall be considered in full force and effect through December 31 of
28 the year of issue.

29 (3) Fees shall be collected by the department or authorized vendor.

30 (a) Vendors may retain one dollar and fifty cents (\$1.50) of fees col-
31 lected pursuant to this section except those collected pursuant to sub-
32 section (1) (a) (i) of this section.

33 (b) The department shall retain up to twenty percent (20%) of the fees
34 for the actual costs of administering the sticker program.

35 (c) All remaining fees collected pursuant to this section shall be de-
36 posited in the invasive species fund established in section 22-1911,
37 Idaho Code.

38 (d) For the purpose of this section, "vessel" is defined in section
39 67-7003(22), Idaho Code. All vessels are subject to the provisions of
40 this section, with the exception of small rafts and other inflatable
41 vessels less than ten (10) feet in length.

42 (4) If the protection against invasive species sticker is lost, stolen
43 or destroyed, any sticker remnants shall be returned to the department along
44 with a three dollar (\$3.00) fee for a duplicate sticker.

45 (5) A person engaged in the manufacture or sale of vessels may obtain
46 a sticker to be used in the testing or demonstration only of vessels by tem-
47 porary placement of the protection against invasive species sticker on the
48 vessel tested or demonstrated.

49 SECTION 18. That Section 67-7010, Idaho Code, be, and the same is hereby
50 amended to read as follows:

1 67-7010. UNNUMBERED VESSELS. (1) It shall be unlawful for an owner of
2 a vessel to have such vessel on the waters of the state of Idaho, or for any
3 person to operate or permit the operation of any vessel on the waters of the
4 state of Idaho unless it shall have a current certificate of ~~registration~~
5 number and display a ~~registration~~ vessel number and current validation
6 stickers as provided by law.

7 SECTION 19. That Section 67-7013, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-7013. REMITTANCE OF FEES. (1) There is established in the state
10 treasury an account known as the "State Vessel Account," to which shall be
11 credited:

12 (a) Moneys or fees collected by assessors and authorized vendors, under
13 the provisions of this section and section 67-7008, Idaho Code; and

14 (b) All other moneys as may be provided by law.

15 (2) All fees collected by an assessor or authorized vendor under the
16 provisions of section 67-7008, Idaho Code, shall be forwarded to the state
17 treasurer not later than the fifteenth day of the month following the cal-
18 endar month in which the fees were collected, and the state treasurer shall
19 then pay the moneys collected into the state vessel account and the park and
20 recreation account, as provided in subsection (3) of this section, unless
21 otherwise provided by law.

22 (3) Moneys collected shall be deposited eighty-five percent (85%) to
23 the state vessel account, and fifteen percent (15%) to the park and recre-
24 ation account established in section 67-4225, Idaho Code. The department
25 shall remit the moneys apportioned to county units of government from the
26 state vessel account not later than January 25, April 25, July 25 and Octo-
27 ber 25 of each year.

28 (4) All moneys deposited to the park and recreation account are to be
29 appropriated for the purpose of defraying the expenses, debts and costs in-
30 curred in carrying out the powers and duties of the department as provided in
31 this chapter, and for defraying administrative expenses of the department,
32 including salaries and wages of employees of the department, expenses for
33 traveling, supplies, equipment and other necessary expenses of the depart-
34 ment as they relate to administration of this chapter. All claims against
35 moneys apportioned to the park and recreation account shall be expended
36 by the department and certified to the state controller, who shall, upon
37 approval of the board of examiners, draw his warrant against the park and
38 recreation account for all bills and claims allowed by the board. Should
39 the related administrative costs of the department amount to less than the
40 moneys apportioned to the park and recreation account for such purposes,
41 the difference shall be remitted to the state vessel account and then appor-
42 tioned to all counties with a boating improvement program so that the amount
43 apportioned to each eligible county will be in the same ratio as the county's
44 amount of funds received from the state vessel account during the prior fis-
45 cal year by a county bears to the total amounts received during that prior
46 fiscal year by all eligible counties.

47 (5) All moneys deposited to the state vessel account and appropriated
48 to the department, shall be apportioned among the counties of the state based

1 on the designations which the owners make on their application for a certifi-
2 cate of registration number.

3 (a) An owner, when purchasing a certificate of registration number,
4 will be allowed to designate, on the appropriate form, a primary and
5 secondary eligible county where his boating activity occurs. The por-
6 tion of his fees which are appropriated from the state vessel account
7 shall be apportioned to the designated counties, with seventy percent
8 (70%) of those fees apportioned to the primary designated county and
9 thirty percent (30%) apportioned to the secondary designated county.

10 (b) Should an owner designate on the appropriate form only one (1) eli-
11 gible county where his boating activity occurs, the full portion of his
12 fees which are appropriated from the state vessel account shall be ap-
13 portioned to the designated county.

14 (c) Should an owner fail to designate on the appropriate form any eli-
15 gible county where his boating activity occurs, the full portion of his
16 fees which are appropriated from the state vessel account shall be ap-
17 portioned to all counties with a boating improvement program so that the
18 amount apportioned to each eligible county will be in the same ratio as
19 the county's amount of funds received from the state vessel account dur-
20 ing the prior three (3) month payment period bears to the total amounts
21 received during that prior three (3) month payment period by all eligi-
22 ble counties.

23 (6) Only those counties in the state with a boating improvement pro-
24 gram, as recognized by the department, shall be eligible to receive moneys
25 from the state vessel account. A "boating improvement program" means that
26 one or more recognized boating facilities are being developed and/or main-
27 tained within the county's jurisdiction and/or that the county has or is ac-
28 tively developing a recognized boating law enforcement program.

29 (7) Moneys apportioned to the eligible counties shall be placed in and
30 credited to an account which shall be known and designated as the county ves-
31 sel fund, which shall be used and expended by the board of county commis-
32 sioners for the protection and promotion of safety, waterways improvement, cre-
33 ation and improvement of parking areas for boating purposes, making and im-
34 proving boat ramps and moorings, marking of waterways, search and rescue,
35 and all things incident to such purposes including the purchase of real and
36 personal property. The board of county commissioners is also authorized to
37 use and expend funds from the county vessel fund outside the county when the
38 board deems it advisable and for the public good.

39 (8) Within sixty (60) calendar days of the end of each county fiscal
40 year, the county clerk shall calculate the ending fund balance of the county
41 vessel fund for that fiscal year. If the ending fund balance is higher than
42 the amount of revenues deposited in the county vessel fund from the state
43 vessel account during that fiscal year, then the difference shall be remit-
44 ted to the state vessel account within thirty (30) calendar days of that cal-
45 culation. Moneys remitted to the state vessel account, in accordance with
46 the provisions of this section, shall be apportioned to all counties with a
47 boating improvement program so that the amount apportioned to each eligible
48 county will be in the same ratio as the county's amount of funds received from
49 the state vessel account during the prior county fiscal year bears to the to-
50 tal amounts received during that prior county fiscal year by all eligible

1 counties. The provisions of this subsection shall not apply to specific sums
2 of money in county vessel accounts, for which the county commissioners have
3 given written notice, to the department of parks and recreation of an inten-
4 tion to retain those funds for a specific purpose. The notice shall specify
5 the amount of the funds to be held, indicate the purpose for which the funds
6 shall be utilized and provide the date when the funds will be expended. If an
7 amended notice is not submitted by the county commissioners, moneys not ex-
8 pended or contractually committed by the date stated in the original notice
9 of the board of county commissioners shall revert to the state vessel ac-
10 count for distribution as provided in this subsection. All interest earned
11 on moneys invested from a county vessel fund shall return to the county ves-
12 sel fund.

13 SECTION 20. That Section 67-7014, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-7014. ADMINISTRATIVE FEES FOR VESSELS. (1) An administrative fee
16 of not more than one dollar and fifty cents (\$1.50) may be collected in ad-
17 dition to each vessel license tax collected under the provisions of section
18 67-7008, Idaho Code.

19 (2) When an assessor collects the fees, the administrative fee shall be
20 paid to the county treasurer where the vessel is licensed and be placed in
21 the county current expense fund for the purpose of defraying related admin-
22 istrative costs. The amount of the administrative fee to be collected by an
23 assessor for each vessel shall be set by the respective boards of county com-
24 missioners conditioned on the annual budget request of their county assessor
25 for the administration of vessel registration fees.

26 (3) When an authorized vendor collects the fees, the administrative
27 fee shall be set and retained by the authorized vendor where the vessel is
28 ~~registered~~ numbered. The administrative fee shall be used to defray related
29 administrative costs.

30 SECTION 21. That Section 67-7029, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 67-7029. AGENTS OF THE DEPARTMENT. (1) The assessors of various coun-
33 ties of the state shall be agents of the department and shall perform such du-
34 ties as are prescribed by law.

35 (2) The department may authorize any person to act as agent for the is-
36 suance of certificates of ~~registration~~ number. In the event a person accepts
37 such authorization, he shall be assigned a block of vessel numbers, valida-
38 tion stickers and certificates of number, which upon issuance in conformity
39 with law and with any rules of the department shall be valid as if issued di-
40 rectly by an assessor.

41 SECTION 22. That Section 67-7040, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 67-7040. APPLICATION TO CERTAIN VESSELS. (1) The provisions of the
44 vessel titling act shall apply to every 2000 and newer model year vessel upon
45 transfer of ownership, and optionally to all other vessels of a model year

1 prior to 2000, effective on and after January 1, 2000, even though vessels
2 need not be registered under the provisions of chapter 4, title 49, Idaho
3 Code. Vessels shall be issued a certificate of ~~registration~~ number as pro-
4 vided in section 67-7008, Idaho Code.

5 (2) The provisions of the vessel titling act shall apply exclusively to
6 vessels with a permanently attached mode of propulsion, such as: an inboard
7 motor, sail, personal watercraft, or other propelling machinery, and all
8 vessels over twelve (12) feet regardless of mode of propulsion, except: row-
9 boats, driftboats, canoes, kayaks, inflatable vessels, rafts, barges, non-
10 motorized paddle vessels, sailboards, tenders, seaplanes, documented ves-
11 sels, and vessels owned by the United States or a foreign state or political
12 subdivision.

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

15 SECTION 23. SEVERABILITY. The provisions of this act are hereby de-
16 clared to be severable and if any provision of this act or the application
17 of such provision to any person or circumstance is declared invalid for any
18 reason, such declaration shall not affect the validity of the remaining por-
19 tions of this act.