

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 111

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO HIGHWAYS AND BRIDGES; TO PROVIDE LEGISLATIVE INTENT; AND AMEND-
2 ING CHAPTER 8, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
3 40-827A, IDAHO CODE, TO AUTHORIZE VOTERS IN A COUNTY TO AUTHORIZE THE
4 COUNTY TO IMPOSE AND COLLECT CERTAIN MOTOR VEHICLE REGISTRATION FEES
5 FOR A SPECIFIC PURPOSE, TO PROVIDE FOR SUBMITTING THE QUESTION TO THE
6 VOTERS, TO PROVIDE FOR CONDITIONS, TO PROVIDE FOR COLLECTION AND ADMIN-
7 ISTRATION OF FEES, TO PROVIDE FOR USE OF MONEYS RECEIVED AND TO PROVIDE
8 FOR CERTAIN AGREEMENTS.
9

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

11 SECTION 1. LEGISLATIVE INTENT. (1) It is the intent of the Legislature
12 that, within a county, governmental entities with jurisdiction over and
13 responsibility for the development, construction and maintenance of road
14 and bridge projects on the state highway system, county highway systems and
15 highway district systems be afforded options to finance such projects.

16 (2) This act is intended to provide an option for financing projects on
17 the highway systems referenced in subsection (1) of this section, in addi-
18 tion to the provisions in section 40-827, Idaho Code.

19 SECTION 2. That Chapter 8, Title 40, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 40-827A, Idaho Code, and to read as follows:

22 40-827A. AUTHORIZATION FOR VOTERS TO APPROVE VEHICLE REGISTRATION
23 FEES FOR SPECIFIC TRANSPORTATION PROJECTS. (1) Notwithstanding the provi-
24 sions of section 49-207, Idaho Code, the voters of any county may authorize
25 the board of county commissioners to adopt an ordinance by majority vote of
26 the board of county commissioners to implement and collect a motor vehicle
27 registration fee. The authorization to adopt, implement and collect a vehi-
28 cle registration fee may be made by the registered voters of the county only
29 at a general election and two-thirds (2/3) of the votes cast on the question
30 shall be necessary to authorize the fee. Provided however, that the provi-
31 sions of this section shall apply only where the following conditions are
32 met:

33 (a) All revenue generated from registration fees authorized in this
34 section shall be expended solely upon transportation projects on roads
35 and bridges in the state highway system, county highway systems and/or
36 highway district systems. Such expenditures may include the payment of
37 the interest and principal of obligations incurred for such purposes;
38 and no part of such revenue shall, by transfer of fund or otherwise, be
39 diverted to any other purpose.

40 (b) The ordinance provided for in this section shall identify the spe-
41 cific transportation project to be financed with such registration

1 fees, the estimated total cost of such project including, but not lim-
2 ited to, planning, right-of-way acquisition, preliminary engineering
3 and construction.

4 (c) Any registration fee imposed pursuant to this section shall be
5 valid only until sufficient revenue has been collected to pay for the
6 estimated cost of the specific transportation project identified in the
7 ordinance provided for in this section. The authorization to imple-
8 ment and collect registration fees provided for in this section shall
9 be null, void and of no legal effect at such time as sufficient revenue
10 to provide for the cost of the specific transportation project has been
11 raised. The relevant board of county commissioners shall certify when
12 sufficient revenue has been collected to pay for the identified trans-
13 portation project.

14 (d) In the event moneys generated from registration fees for a spe-
15 cific transportation project as provided for in this section remain
16 unexpended upon the completion of such transportation project, such
17 unexpended moneys shall be used by the appropriate governmental entity
18 for maintenance and repairs of said transportation project.

19 (2) In any election, the ordinance submitted to the county voters
20 shall: (a) state the exact rate of the fee; and (b) state the duration of the
21 fee.

22 No rate shall be increased and no duration shall be extended without the
23 approval of the voters, by a simple majority of the votes cast.

24 An election to approve or disapprove the adoption of a vehicle registra-
25 tion fee increase may be called for by the adoption of an ordinance by major-
26 ity vote of the board of county commissioners or shall be called upon a re-
27 quest in writing from the governing board of each local governmental entity
28 in the county with jurisdiction and responsibility for state transportation
29 projects or ten percent (10%) or more of the number of qualified voters vot-
30 ing in the last general election in each county commissioner subdistrict.

31 (3) Any county adopting an ordinance for a vehicle registration fee in-
32 crease shall contract with the department for the collection, distribution
33 and administration of the fee in a like manner, and under the definitions
34 and rules for the collection and administration of other registration fees
35 as set forth in chapter 4, title 49, Idaho Code. Each month, following re-
36 ceipt by the department of revenue and taxation from the implementation of
37 a vehicle registration fee increase, the department shall remit the same to
38 the county implementing such fee, less a deduction for such amount for the
39 department's actual costs for collection and administration of the fee, but
40 not to exceed one and one-half percent (1 1/2%). The increased vehicle reg-
41 istration fee shall not become part of the state highway account or the state
42 highway distribution account.

43 (4) Local governmental entities within a county with jurisdiction over
44 and responsibility for transportation projects on the county highway system
45 and highway district systems in such county shall use the moneys generated
46 by the increased vehicle registration fee in a manner consistent with the
47 provisions of subsection (1) of this section. In using such moneys, local
48 governmental entities may also enter into agreements with the Idaho trans-
49 portation department for transportation projects on the state highway sys-

1 tem, provided that such projects shall be performed in a manner consistent
2 with the provisions of subsection (1) of this section.

3 (5) Specialty plates provided for in chapter 4, title 49, Idaho Code,
4 shall be subject to the provisions of this section.

5 (6) Such funds generated from the optional vehicle registration fee
6 provided for in this section shall be distributed as provided by written
7 agreement approved by each of the local governmental entities with juris-
8 diction over and responsibility for the identified transportation project
9 authorized pursuant to this section.