

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 194, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-102, IDAHO CODE, TO DEFINE
2 A TERM; AMENDING SECTION 49-107, IDAHO CODE, TO DEFINE A TERM; AMENDING
3 SECTION 49-123, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION
4 49-401A, IDAHO CODE, TO REVISE A REFERENCE TO CERTAIN AGRICULTURAL
5 PRODUCTS; AMENDING SECTION 49-613, IDAHO CODE, TO REVISE A REFERENCE TO
6 CERTAIN AGRICULTURAL PRODUCTS; AMENDING SECTION 49-674, IDAHO CODE, TO
7 REVISE PROVISIONS RELATING TO HARVEST SEASON; AMENDING SECTION 49-933,
8 IDAHO CODE, TO REVISE A BRAKING REQUIREMENT EXEMPTION RELATING TO THE
9 USE OF FARM TRAILERS; AMENDING SECTION 49-948, IDAHO CODE, TO REVISE
10 A CHAINING REQUIREMENT EXEMPTION RELATING TO THE TRANSPORTATION OF
11 AGRICULTURAL PRODUCTS; AMENDING SECTION 49-1001, IDAHO CODE, TO RE-
12 MOVE LANGUAGE RELATING TO THE OPERATION OF REFUSE OR SANITATION TRUCKS;
13 AMENDING SECTION 49-1011, IDAHO CODE, TO REVISE AN EXCEPTION TO CERTAIN
14 WEIGHT RESTRICTION LIMITATIONS AND TO PROVIDE AN EXCEPTION TO CERTAIN
15 WEIGHT RESTRICTION LIMITATIONS FOR FARM VEHICLES, VEHICLES THAT ARE
16 OPERATED TO TRANSPORT FOREST PRODUCTS AND CERTAIN REFUSE OR SANITATION
17 TRUCKS; AND DECLARING AN EMERGENCY.
18

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

20 SECTION 1. That Section 49-102, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on
23 private property without the permission of the person having rights to the
24 possession of the property, or on a highway or other property open to the
25 public for the purposes of vehicular traffic or parking, or upon or within
26 the right-of-way of any highway, for twenty-four (24) hours or longer.

27 (2) "Abandoned vehicle" means any vehicle observed by an authorized of-
28 ficer or reported by a member of the public to have been left within the lim-
29 its of any highway or upon the property of another without the consent of the
30 property owner for a period of twenty-four (24) hours or longer, except that
31 a vehicle shall not be considered abandoned if its owner-operator is unable
32 to remove it from the place where it is located and has notified a law en-
33 forcement agency and requested assistance.

34 (3) "Accident" means any event that results in an unintended injury or
35 property damage attributable directly or indirectly to the motion of a motor
36 vehicle or its load, a snowmobile or special mobile equipment.

37 (4) "Actual physical control" means being in the driver's position of a
38 motor vehicle with the motor running or the vehicle moving.

39 (5) "Administrator" means the federal highway administrator, the chief
40 executive of the federal highway administration, an agency within the U.S.
41 department of transportation.

1 (6) "Age of a motor vehicle" means the age determined by subtracting
 2 the manufacturer's year designation of the vehicle from the year in which the
 3 designated registration fee is paid. If the vehicle has the same manufac-
 4 turer's year designation as the year in which the fee is paid, or if a vehicle
 5 has a manufacturer's year designation later than the year in which the fee is
 6 paid, the vehicle shall be deemed to be one (1) year old.

7 (7) "Agricultural products" means the following unprocessed products:

8 (a) Agricultural, horticultural, floricultural and viticultural prod-
 9 ucts;

10 (b) Fruits and vegetable products;

11 (c) Field grains, seeds, hay, sod and nursery stock, and other plants,
 12 plant products, plant byproducts, plant waste and plant compost;

13 (d) Livestock, dairy animals, swine, furbearing animals, poultry,
 14 eggs, fish and other aquatic species;

15 (e) Other animals, animal products and animal byproducts, animal waste
 16 and animal compost; and

17 (f) Bees, bee products and bee byproducts.

18 (8) "Air-conditioning equipment" means mechanical vapor compression
 19 refrigeration equipment which is used to cool the driver's or passenger com-
 20 partment of any motor vehicle.

21 (~~9~~) "Alcohol or alcoholic beverage" means:

22 (a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Rev-
 23 enue Code;

24 (b) Wine of not less than one-half of one percent (.005%) of alcohol by
 25 volume; or

26 (c) Distilled spirits as defined in section 5002(a)(8), of the Internal
 27 Revenue Code.

28 (~~10~~) "Alley" means a public way of limited use intended only to provide
 29 access to the rear or side of lots or buildings in urban districts.

30 (~~11~~) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or
 31 ATV as defined in section 67-7101, Idaho Code.

32 (~~12~~) "Amateur radio operator." (See "Radio operator, amateur," sec-
 33 tion 49-119, Idaho Code)

34 (~~13~~) "Ambulance" means a motor vehicle designed and used primarily for
 35 the transportation of injured, sick, or deceased persons, on stretchers,
 36 cots, beds, or other devices for carrying persons in a prone position.

37 (~~14~~) "Applicant" means an individual who applies to obtain, transfer,
 38 upgrade, or renew a driver's license.

39 (~~15~~) "Approved driver training course" means a training course from a
 40 school licensed under the provisions of chapter 21 of this title or a driver
 41 training course approved by another United States jurisdiction provided the
 42 course was taken while an individual was a resident of that United States ju-
 43 risdiction.

44 (~~16~~) "Approved testing agency" means a person, firm, association,
 45 partnership or corporation approved by the director of the Idaho state po-
 46 lice which is:

47 (a) In the business of testing equipment and systems;

48 (b) Recognized by the director as being qualified and equipped to do ex-
 49 perimental testing; and

1 (c) Not under the jurisdiction or control of any single manufacturer or
2 supplier for an affected industry.

3 (167) "Armed forces" means the army, navy, marine corps, coast guard and
4 the air force of the United States.

5 (178) "Authorized emergency vehicle." (See "Vehicle," section 49-123,
6 Idaho Code)

7 (189) "Authorized officer" means any member of the Idaho state police,
8 or any regularly employed and salaried deputy sheriff, or other county em-
9 ployee designated to perform the function of removing abandoned vehicles or
10 junk vehicles by the board of county commissioners of the county in which a
11 vehicle is located, or any regularly employed and salaried city peace of-
12 ficer or other city employee designated to perform the function of removing
13 abandoned vehicles or junk vehicles by the city council, or a qualified per-
14 son deputized or appointed by the proper authority as reserve deputy sheriff
15 or city policeman, authorized within the jurisdiction in which the abandoned
16 vehicle or junk vehicle is located.

17 (1920) "Authorized transportation department employee" means any em-
18 ployee appointed by the board to perform duties relating to enforcement of
19 vehicle laws as have been specifically defined and approved by order of the
20 board (see section 40-510, Idaho Code).

21 (201) "Auto transporter" means a vehicle combination constructed for
22 the purpose of transporting vehicles.

23 SECTION 2. That Section 49-107, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 49-107. DEFINITIONS -- F. (1) "Factory branch" means a branch office
26 maintained by a person who manufactures or assembles vehicles for sale to
27 distributors or to dealers, or for directing or supervising, in whole or in
28 part, its representatives.

29 (2) "Factory representative" means any person and each officer and em-
30 ployee engaged as a representative of a manufacturer of vehicles or by a fac-
31 tory branch for the purpose of making or promoting a sale of their vehicles,
32 or for supervising or contacting their dealers or prospective dealers.

33 (3) "Farm tractor" means every motor vehicle designed or adapted and
34 used primarily as a farm implement power unit operated with or without other
35 farm implements attached in any manner consistent with the structural design
36 of that power unit.

37 (4) "Farm vehicle." (See "Vehicle," section 49-123, Idaho Code)

38 (5) "Federal motor vehicle safety standards (FMVSS)" means those
39 safety standards established by the national highway traffic safety admin-
40 istration, under title 49 CFR part 500-599, for the safe construction and
41 manufacturing of self-propelled motorized vehicles for operation on public
42 highways. Such vehicles as originally designed and manufactured shall be
43 so certified by the manufacturer to meet the federal motor vehicle safety
44 standards or the standards in force for a given model year or as certified by
45 the national highway traffic safety administration.

46 (6) "Felony" means any offense under state or federal law that is pun-
47 ishable by death or imprisonment for a term exceeding one (1) year.

48 (7) "Fifth wheel trailer." (See "Trailer," section 49-121, Idaho Code)

1 (8) "Financial institution" means any bank that is authorized to do
 2 business in the state of Idaho and any other financial institution that is
 3 registered with the department of finance.

4 (9) "Flammable liquid" means any liquid which has a flash point of 70
 5 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent
 6 closed-cup test device.

7 (10) "Fleet" means one (1) or more apportionable vehicles.

8 (11) "Fleet registration" means an optional form of registration
 9 through the department rather than a county assessor for registration of
 10 twenty-five (25) or more commercial or farm vehicles or any combination
 11 thereof. This registration is not an option for fleets of rental vehicles.
 12 Terms and conditions are further specified in section 49-434(5), Idaho Code.

13 (12) "Fold down camping trailer." (See "Trailer," section 49-121, Idaho
 14 Code)

15 (13) "Foreign vehicle." (See "Vehicle," section 49-123, Idaho Code)

16 (14) "Forest products" means all products derived from trees including,
 17 but not limited to, saw logs, veneer logs, poles, cedar products, pulp logs,
 18 fence posts, wood chips and every form into which a fallen tree may be cut
 19 before it is manufactured into lumber or run through a processing mill or cut
 20 into cordwood, stove wood or hewn ties.

21 (15) "Franchise" means a sales, service and parts agreement or any other
 22 contract or agreement between a dealer and a manufacturer of new vehicles or
 23 its distributor or factory branch by which the dealer is authorized to engage
 24 in the business of selling any specified make or makes of new vehicles.

25 (156) "Full-time salesman" means any person employed as a vehicle
 26 salesman on behalf of a dealer for thirty (30) or more hours per week, and who
 27 sells, purchases, exchanges or negotiates for the sale, purchase or exchange
 28 of five (5) or more vehicles during each year in which his license is in ef-
 29 fect.

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

32 49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an
 33 axle or axles designed to support a part of the vehicle and load and which
 34 can be regulated to vary the amount of load supported by such an axle or axles
 35 and which can be deployed or lifted by the operator of the vehicle. (See also
 36 section 49-117, Idaho Code)

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

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

43 (2) "Vehicle" means:

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

47 (b) Assembled vehicle or vessel. A vehicle or vessel, not including a
 48 salvage vehicle or vessel, that has been constructed using major compo-
 49 nent parts from two (2) or more vehicles or vessels or that has been re-

1 paired using new factory major component parts so that the resulting ve-
2 hicle or vessel has the same appearance as a vehicle or vessel that was
3 manufactured under a specific make and model by a manufacturer. A vehi-
4 cle or vessel utilizing a kit for the entire body or a glider kit vehicle
5 is not an assembled vehicle.

6 (c) Authorized emergency vehicle. Vehicles operated by any fire
7 department or law enforcement agency of the state of Idaho or any po-
8 litical subdivision of the state, ambulances, vehicles belonging to
9 personnel of voluntary fire departments while in performance of offi-
10 cial duties only, vehicles belonging to, or operated by EMS personnel
11 certified or otherwise recognized by the EMS bureau of the Idaho depart-
12 ment of health and welfare while in the performance of emergency medical
13 services, sheriff's search and rescue vehicles which are under the im-
14 mediate supervision of the county sheriff, wreckers which are engaged
15 in motor vehicle recovery operations and are blocking part or all of one
16 (1) or more lanes of traffic, other emergency vehicles designated by the
17 director of the Idaho state police or vehicles authorized by the Idaho
18 transportation board and used in the enforcement of laws specified
19 in section 40-510, Idaho Code, pertaining to vehicles of ten thousand
20 (10,000) pounds or greater.

21 (d) Commercial vehicle or commercial motor vehicle. For the purposes
22 of chapters 3 and 9 of this title, driver's licenses and vehicle equip-
23 ment, a motor vehicle or combination of motor vehicles designed or used
24 to transport passengers or property if the motor vehicle:

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

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

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

33 (iv) Is of any size and is used in the transportation of materials
34 found to be hazardous for the purposes of the hazardous material
35 transportation act and which require the motor vehicle to be plac-
36 arded under the hazardous materials regulations (49 CFR part 172,
37 subpart F).

38 For the purposes of chapter 4, title 49, Idaho Code, motor vehicle
39 registration, a vehicle or combination of vehicles of a type used or
40 maintained for the transportation of persons for hire, compensation or
41 profit, or the transportation of property for the owner of the vehicle,
42 or for hire, compensation, or profit, and shall include fixed load spe-
43 cially constructed vehicles exceeding the limits imposed by chapter
44 10, title 49, Idaho Code, and including drilling rigs, construction,
45 drilling and wrecker cranes, log jammers, log loaders, and similar
46 vehicles which are normally operated in an overweight or oversize
47 condition or both, but shall not include those vehicles registered pur-
48 suant to sections 49-402 and 49-402A, Idaho Code, or exempted by section
49 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement
50 that has a seating capacity for not more than fifteen (15) persons,

1 including the driver, shall not be a "commercial vehicle" under the pro-
2 visions of this title relating to equipment requirements, rules of the
3 road, or registration.

4 (e) Farm vehicle. A vehicle or combination of vehicles owned by a
5 farmer or rancher, or by their designated agent, which are operated over
6 public highways, and used exclusively to transport unprocessed agri-
7 cultural, ~~dairy or livestock~~ products raised, owned and or grown by the
8 owner of the vehicle to market or place of storage; and shall include
9 the transportation by the farmer or rancher of any equipment, supplies
10 or products purchased by that farmer or rancher for his own use, and
11 used in the farming or ranching operation or used by a farmer partly in
12 transporting agricultural products or livestock from the farm of an-
13 other farmer that were originally grown or raised on the farm, or when
14 used partly in transporting agricultural supplies, equipment, materi-
15 als or livestock to the farm of another farmer for use or consumption on
16 the farm but not transported for hire, and shall not include vehicles
17 of husbandry or vehicles registered pursuant to sections 49-402 and
18 49-402A, Idaho Code.

19 (f) Foreign vehicle. Every vehicle of a type required to be registered
20 under the provisions of this title brought into this state from another
21 state, territory or country other than in the ordinary course of busi-
22 ness by or through a manufacturer or dealer and not registered in this
23 state.

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

29 (h) Motor vehicle. Every vehicle which is self-propelled, and for the
30 purpose of titling and registration meets federal motor vehicle safety
31 standards as defined in section 49-107, Idaho Code. Motor vehicle does
32 not include vehicles moved solely by human power, electric personal as-
33 sistance mobility devices and motorized wheelchairs or other such vehi-
34 cles that are specifically exempt from titling or registration require-
35 ments under title 49, Idaho Code.

36 (i) Multipurpose passenger vehicle (MPV). For the purposes of section
37 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer
38 persons which is constructed either on a truck chassis or with special
39 features for occasional off-road operation.

40 (j) Neighborhood electric vehicle (NEV). A self-propelled, electri-
41 cally powered, four-wheeled motor vehicle which is emission free and
42 conforms to the definition and requirements for low-speed vehicles as
43 adopted in the federal motor vehicle safety standards for low-speed ve-
44 hicles under federal regulations at 49 CFR part 571. An NEV shall be ti-
45 tled, registered and insured according to law as provided respectively
46 in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated
47 by a licensed driver. Operation of an NEV on a highway shall be allowed
48 as provided in section 49-663, Idaho Code.

49 (k) Noncommercial vehicle. For the purposes of chapter 4, title 49,
50 Idaho Code, motor vehicle registration, a noncommercial vehicle shall

1 not include those vehicles required to be registered under sections
2 49-402 and 49-402A, Idaho Code, and means all other vehicles or combi-
3 nations of vehicles which are not commercial vehicles or farm vehicles,
4 but shall include motor homes. A noncommercial vehicle shall include
5 those vehicles having a combined gross weight not in excess of sixty
6 thousand (60,000) pounds and not held out for hire, used for purposes
7 related to private use and not used in the furtherance of a business or
8 occupation for compensation or profit or for transporting goods for
9 other than the owner.

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

13 (m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previ-
14 ously determined or declared to be a salvage vehicle that has been re-
15 built or repaired using like make and model parts and visually appears
16 as a vehicle or vessel that was originally constructed under a distinc-
17 tive manufacturer. This includes a salvage vehicle or vessel which is
18 damaged to the extent that a "rebuilt salvage" brand is required to be
19 added to the title.

20 (n) Replica vehicle or vessel. A vehicle or vessel made to replicate
21 any vehicle or vessel previously manufactured, using metal, fiberglass
22 or other composite materials. Replica vehicles must look like the origi-
23 nal vehicle being replicated but may use a more modern drive train. At
24 a minimum, replica vehicles shall meet the same federal motor vehicle
25 safety and emission standards in effect for the year and type of vehicle
26 being replicated.

27 (o) Salvage vehicle or vessel. Any vehicle or vessel for which a sal-
28 vage certificate of title, salvage bill of sale or other documentation
29 has been issued showing evidence that the vehicle or vessel has been de-
30 clared salvage or which has been damaged to the extent that the owner,
31 or an insurer, or other person acting on behalf of the owner, determines
32 that the cost of parts and labor minus the salvage value makes it uneco-
33 nomical to repair or rebuild. When an insurance company has paid money
34 or has made other monetary settlement as compensation for a total loss
35 of any vehicle or vessel, such vehicle shall be considered to be a sal-
36 vage vehicle or vessel.

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

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

46 (ii) A vehicle or vessel that has been constructed entirely from
47 homemade parts and materials not obtained from other vehicles or
48 vessels; or

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

4 (iv) A vehicle or vessel constructed by the use of a custom kit
5 that cannot be visually identified as a specific make or model.
6 All specially constructed vehicles of a type required to be reg-
7 istered shall be certified by the owner to meet all applicable
8 federal motor vehicle safety standards in effect at the time con-
9 struction is completed, and all requirements of chapter 9, title
10 49, Idaho Code.

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

13 (r) Tank vehicle.

14 (i) Any commercial motor vehicle transporting, or designed to
15 transport, any liquid or gaseous materials within:

16 1. A tank that is either permanently or temporarily attached
17 or secured to the vehicle or chassis and has a rated capacity
18 of one thousand (1,000) gallons or more; or

19 2. Multiple tanks either permanently or temporarily at-
20 tached or secured, when the aggregate rated capacity of
21 those tanks is one thousand (1,000) gallons or more, as de-
22 termined by adding the capacity of each individual tank with
23 a capacity of more than one hundred nineteen (119) gallons.

24 (ii) If a commercial motor vehicle transports one (1) or more
25 tanks that are manifested either as empty or as residue and that
26 are actually empty or contain only residue, those tanks shall not
27 be considered in determining whether the vehicle is a tank vehi-
28 cle.

29 (s) Total loss vehicle. Every vehicle that is deemed to be uneconomi-
30 cal to repair. A total loss shall occur when an insurance company or any
31 other person pays or makes other monetary settlement to the owner when
32 it is deemed to be uneconomical to repair the damaged vehicle. The com-
33 pensation for total loss as defined herein shall not include payments
34 by an insurer or other person for medical care, bodily injury, vehicle
35 rental or for anything other than the amount paid for the actual damage
36 to the vehicle.

37 (3) "Vehicle identification number." (See "identifying number," sec-
38 tion 49-110, Idaho Code)

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

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

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

47 (7) "Violation" means a conviction of a misdemeanor charge involving a
48 moving traffic violation, or an admission or judicial determination of the
49 commission of an infraction involving a moving traffic infraction, except
50 bicycle infractions.

1 SECTION 4. That Section 49-401A, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-401A. OWNER TO SECURE REGISTRATION FROM A COUNTY ASSESSOR OR THE
4 DEPARTMENT. (1) Every owner of a motor vehicle, trailer or semitrailer who
5 intends to operate the vehicle upon any highway in this state shall before
6 the same is so operated, apply to a county assessor and obtain registration
7 for vehicles in sections 49-402(1) through (3), 49-402A, 49-402B and 49-422,
8 Idaho Code. All others shall be obtained from the department except as pro-
9 vided in subsection (2) of this section. Owners of vehicles specified in
10 section 49-426, Idaho Code, are exempt from the provisions of this section.
11 Owners of vehicles operating on a temporary basis as provided in sections
12 49-431(3), 49-432 and 49-433, Idaho Code, are exempt from the provisions of
13 this section to the extent that the temporary permits in use are unexpired.

14 (2) Commercial vehicles in excess of twenty-six thousand (26,000)
15 pounds gross weight, farm and noncommercial vehicles in excess of sixty
16 thousand (60,000) pounds gross weight and all vehicles registered under
17 section 49-435, Idaho Code, shall be registered by the department. All other
18 commercial, farm and noncommercial vehicles and the vehicles in paragraphs
19 (a), (b), and (c) of this subsection, shall be registered by the county as-
20 sessor.

21 (a) Motor vehicles equipped primarily to haul passengers on a commer-
22 cial basis, doing strictly an intrastate business, and having gross
23 weights of twenty-six thousand (26,000) pounds or less.

24 (b) Any farm vehicle or combination of vehicles where each vehicle or
25 combination of vehicles shall not exceed a gross weight of sixty thou-
26 sand (60,000) pounds.

27 (c) Nonresident vehicles or combination of vehicles owned by transient
28 labor used in hauling unprocessed agricultural products for hire and
29 not exceeding sixty thousand (60,000) pounds gross weight shall regis-
30 ter their vehicle for the appropriate gross weight scale for the annual
31 fee if registered on or before June 30, and for one-half (1/2) the annual
32 fee if not registered until on or after July 1 of any year, with the as-
33 sessor of the county in which the owner resides.

34 (3) Commercial, farm and noncommercial vehicles of any weight doing
35 strictly an intrastate business may be registered by the county assessor by
36 mutual agreement between the department and the county.

37 SECTION 5. That Section 49-613, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 49-613. PUTTING GLASS OR OTHER INJURIOUS MATERIALS ON HIGHWAY PROHIB-
40 ITED. The following shall apply to persons and vehicles not otherwise ex-
41 empted from the application of this section by federal or state law:

42 (1) No person shall throw or deposit upon any highway any glass bottle,
43 glass, nails, tacks, wire, cans, or any other substance likely to injure any
44 person, animal or vehicle upon the highway.

45 (2) Any person who drops, or permits to be dropped or thrown, upon any
46 highway any destructive or injurious material shall immediately remove that
47 material or cause it to be removed.

1 (3) Any person removing a wrecked or damaged vehicle from a highway
2 shall remove any glass or other injurious substance dropped upon the highway
3 from that vehicle.

4 (4) No vehicle shall be operated on any public highway unless such vehi-
5 cle's load is secured to prevent the load from becoming loose, detached or a
6 hazard to other users of the highway.

7 (5) No person may operate on any public highway any vehicle with any
8 load unless the load is secured and such covering as required thereon by sub-
9 section (6) of this section is securely fastened to prevent the covering or
10 load from becoming loose, detached or a hazard to other users of the highway.

11 (6) Any vehicle operating on a paved public highway with a load of dirt,
12 sand or gravel susceptible to being dropped, spilled, leaked or otherwise
13 escaping therefrom shall be covered so as to prevent spillage. Covering of
14 such loads is not required if six (6) inches of freeboard is maintained.

15 (7) The provisions of subsections (5) and (6) of this section shall not
16 apply to a government, quasi-government, their agents or employees or con-
17 tractors thereof, in performance of maintenance or construction of a high-
18 way.

19 (8) The provisions of subsections (4), (5) and (6) of this section
20 shall not apply to vehicles owned by canal companies, irrigation districts,
21 drainage districts or their boards of control, lateral ditch associations,
22 water districts or other irrigation water delivery or management entities,
23 or operated by any employee or agent of such an entity, performing construc-
24 tion, operation or maintenance of facilities.

25 (9) The provisions of subsections (4), (5) and (6) of this section shall
26 not apply to vehicles transporting ~~processed or unprocessed~~ agricultural
27 products, agricultural byproducts, agricultural materials or agricultural
28 inputs.

29 SECTION 6. That Section 49-674, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 49-674. HARVEST SEASON. Harvest season for the purpose of vehicles
32 transporting agricultural products, ~~including fresh fruits and vegeta-~~
33 ~~bles, livestock, livestock feed, products of the forest or manure,~~ shall be
34 year-round.

35 SECTION 7. That Section 49-933, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 49-933. BRAKES. (1) Every motor vehicle, other than a motorcycle or
38 motor-driven cycle, when operated upon a highway shall be equipped with
39 brakes adequate to control the movement of and to stop and hold the vehicle,
40 including two (2) separate means of applying the brakes, each of which means
41 shall be effective to apply the brakes to at least two (2) wheels. If the
42 two (2) separate means of applying the brakes are connected in any way, they
43 shall be so constructed that failure of any one (1) part of the operating
44 mechanism shall not leave the motor vehicle without brakes on at least two
45 (2) wheels.

1 (2) Every motorcycle and every motor-driven cycle, when operated upon a
 2 highway, shall be equipped with at least one (1) brake, which may be operated
 3 by hand or foot.

4 (3) Every trailer or semitrailer of an unladen weight of one thousand
 5 five hundred (1,500) pounds or more when operated upon a highway shall be
 6 equipped with brakes adequate to control the movement of and to stop and hold
 7 the vehicle and be designed to be applied by the driver of the towing motor
 8 vehicle from its cab. The brakes shall be designed and so connected that in
 9 case of an accidental breakaway of the towed vehicle, the brakes shall be au-
 10 tomatically applied.

11 (4) Every new motor vehicle, trailer, or semitrailer sold in this state
 12 and operated upon the highways shall be equipped with service brakes upon
 13 all wheels of the vehicle, except that any motorcycle or motor-driven cycle,
 14 trucks and truck tractors having three (3) or more axles need not have brakes
 15 on the front wheels. Vehicles equipped with at least two (2) steerable
 16 axles need not be equipped with brakes on the wheels of one (1) axle, and any
 17 trailer or semitrailer of less than one thousand five hundred (1,500) pounds
 18 unladen weight need not be equipped with brakes. Every farm trailer while
 19 being used hauling agricultural products ~~or livestock~~ from farm to storage,
 20 marketing or processing plant, or returning therefrom, and used within a
 21 radius of fifty (50) miles, shall be exempt from these braking requirements.

22 (5) One (1) of the means of brake operation shall consist of a mechani-
 23 cal connection from the operating lever, or by equivalent means to the brake
 24 shoes or bands, and this brake shall be capable of holding the vehicle, or
 25 combination of vehicles, stationary under any condition of loading on any
 26 upgrade or downgrade upon which it is operated.

27 (6) Brake shoes operating within or upon the drums on the vehicle wheels
 28 of any motor vehicle may be used for both service and hand operation.

29 (7) Every motor vehicle or combination of vehicles, at all times and un-
 30 der all conditions of loading, shall, upon application of the service (foot)
 31 brake, be capable of decelerating and developing a braking force equivalent
 32 to minimum required deceleration, and stopping within the requirements set
 33 forth in this subsection:

	Stopping distance in feet	Deceleration in feet per second	Equivalent braking force in percentage of vehicle or combination weight
34 Passenger vehicles,			
35 not including buses	25	17	53.0%
36 Single-unit vehicles with a			
37 manufacturer's gross vehicle			
38 weight rating of less than			
39 10,000 pounds	30	14	43.5%

	Stopping distance in feet	Deceleration in feet per second	Equivalent braking force in percentage of vehicle or combination weight
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	50	14	43.5%

Compliance with these standards shall be determined either by actual road tests conducted on a substantially level, not to exceed a plus or minus one per cent (1%) grade, dry, smooth, hard-surfaced road that is free from loose material, with stopping distances measured from the actual instant braking controls are moved and from an initial speed of twenty (20) miles per hour; or else by suitable mechanical tests in a testing lane which recreates the same conditions; or by a combination of both methods.

(8) All brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

SECTION 8. That Section 49-948, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except as allowed herein. It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and it shall be permissible to use tire chains. Tires with built-in lugs of tungsten carbide or other suitable material, hereinafter called studs, may be used upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, that will not unduly damage the highway. Motor vehicles, trailers and semitrailers with tires having built-in studs are prohibited on public highways between the

1 dates of May 1 and September 30, annually, except as provided in paragraphs
2 (a), (b) and (c) of this subsection:

3 (a) Fire pumper/tanker trucks and ladder trucks belonging to fire
4 departments and firefighting agencies are exempt from the prohibited
5 dates.

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

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

16 (4) Commercial tire retailers shall not sell studded tires with studs
17 exceeding the following weight and protrusion limitations after July 1,
18 2005. Commercial tire retailers and tire shops shall not manually install
19 studs exceeding the following weight and protrusion limitations after July
20 1, 2005.

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

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

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

27 (d) Studs shall individually weigh no more than two and three-tenths
28 (2.3) grams if the stud size is 15 or 16.

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

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

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

41 (b) Provide adequate opportunities for pull out;

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

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

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

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

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

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

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

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

15 (a) Motor vehicles operated by the Idaho transportation department
16 when used in the maintenance of the interstate or state highway system;
17 and

18 (b) The following:

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

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

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

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

29 (iii) The transportation of agricultural products ~~including fresh~~
30 ~~fruits and vegetables, livestock, livestock feed or manure~~ at any
31 time of the year;

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

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

36 (vi) Motor carriers transporting products of the mine including
37 sand, gravel and aggregates thereof, excepting petroleum prod-
38 ucts; and

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

43 SECTION 9. That Section 49-1001, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 49-1001. ALLOWABLE GROSS LOADS. The gross load imposed on the high-
46 way by any vehicle or combination of vehicles shall not exceed the limits in
47 this section. The maximum single axle gross weight shall be twenty thousand
48 (20,000) pounds, the maximum single wheel gross weight shall be ten thousand
49 (10,000) pounds and the maximum gross vehicle or combination weight shall be

1 one hundred five thousand five hundred (105,500) pounds, provided that maxi-
2 mum gross vehicle or combination weight on United States federal interstate
3 and defense highways of this state shall not exceed eighty thousand (80,000)
4 pounds, except as permitted under the provisions of section 49-1004, Idaho
5 Code.

6 (1) The total gross weight imposed on the highway by any group of con-
7 secutive axles shall be determined by the following formula:

8
$$W=500((LN/N-1)+12N+36)$$

9 Where W is the maximum weight in pounds (to the nearest 500 pounds) car-
10 ried on any group of two (2) or more consecutive axles. L is the distance in
11 feet between the extremes of any group of two (2) or more consecutive axles,
12 and N is the number of axles under consideration.

13 The formula is modified as illustrated in the following table:

1	Distance in	Maximum load in pounds carried on any group of 2											
2	feet between	or more consecutive axles											
3	the extremes												
4	of any group												
5	of 2 or more												
6	consecutive												
7	axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	10 axles	11 axles	12 axles	13 axles
8	4	34,000											
9	5	34,000											
10	6	34,000											
11	7	34,000											
12	8	34,000											
13	8+	38,000	42,000										
14	9	39,000	42,500										
15	10	40,000	43,500										
16	11		44,000										
17	12		45,000	50,000									
18	13		45,500	50,500									
19	14		46,500	51,500									
20	15		47,000	52,000									
21	16		48,000	52,500	58,000								
22	17		48,500	53,500	58,500								
23	18		49,500	54,000	59,000								
24	19		50,000	54,500	60,000								
25	20		51,000	55,500	60,500	66,000							
26	21		51,500	56,000	61,000	66,500							
27	22		52,500	56,500	61,500	67,000							
28	23		53,000	57,500	62,500	68,000							
29	24		54,000	58,000	63,000	68,500	74,000						
30	25		54,500	58,500	63,500	69,000	74,500						

1	Distance in	Maximum load in pounds carried on any group of 2											
2	feet between	or more consecutive axles											
3	the extremes												
4	of any group												
5	of 2 or more												
6	consecutive												
7	axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	10 axles	11 axles	12 axles	13 axles
8	26		55,500	59,500	64,000	69,500	75,000						
9	27		56,000	60,000	65,000	70,000	75,500						
10	28		57,000	60,500	65,500	71,000	76,500	82,000					
11	29		57,500	61,500	66,000	71,500	77,000	82,500					
12	30		58,500	62,000	66,500	72,000	77,500	83,000					
13	31		59,000	62,500	67,500	72,500	78,000	83,500					
14	32		60,000	63,500	68,000	73,000	78,500	84,500	90,000				
15	33			64,000	68,500	74,000	79,000	85,000	90,500				
16	34			64,500	69,000	74,500	80,000	85,500	91,000				
17	35			65,500	70,000	75,000	80,500	86,000	91,500				
18	36			66,000	70,500	75,500	81,000	86,500	92,000	98,000			
19	37			66,500	71,000	76,000	81,500	87,000	93,000	98,500			
20	38			67,500	71,500	77,000	82,000	87,500	93,500	99,000			
21	39			68,000	72,500	77,500	82,500	88,500	94,000	99,500			
22	40			68,500	73,000	78,000	83,500	89,000	94,500	100,000	106,000		
23	41			69,500	73,500	78,500	84,000	89,500	95,000	100,500	106,500		
24	42			70,000	74,000	79,000	84,500	90,000	95,500	101,000	107,000		
25	43			70,500	75,000	80,000	85,000	90,500	96,000	102,000	107,500		
26	44			71,500	75,500	80,500	85,500	91,000	96,500	102,500	108,000	114,000	
27	45			72,000	76,000	81,000	86,000	91,500	97,500	103,000	108,500	114,500	
28	46			72,500	76,500	81,500	87,000	92,500	98,000	103,500	109,000	115,000	
29	47			73,500	77,500	82,000	87,500	93,000	98,500	104,000	110,000	115,500	
30	48			74,000	78,000	83,000	88,000	93,500	99,000	104,500	110,500	116,000	122,000

1	Distance in	Maximum load in pounds carried on any group of 2											
2	feet between	or more consecutive axles											
3	the extremes												
4	of any group												
5	of 2 or more												
6	consecutive												
7	axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	10 axles	11 axles	12 axles	13 axles
8	49			74,500	78,500	83,500	88,500	94,000	99,500	105,000	111,000	116,500	122,500
9	50			75,500	79,000	84,000	89,000	94,500	100,000	105,500	111,500	117,000	123,000
10	51			76,000	80,000	84,500	89,500	95,000	100,500	106,000	112,000	118,000	123,500
11	52			76,500	80,500	85,000	90,500	95,500	101,000	107,000	112,500	118,500	124,000
12	53			77,500	81,000	86,000	91,000	96,500	102,000	107,500	113,000	119,000	124,500
13	54			78,000	81,500	86,500	91,500	97,000	102,500	108,000	113,500	119,500	125,000
14	55			78,500	82,500	87,000	92,000	97,500	103,000	108,500	114,000	120,000	125,500
15	56			79,500	83,000	87,500	92,500	98,000	103,500	109,000	115,000	120,500	126,000
16	57			80,000	83,500	88,000	93,000	98,500	104,000	109,500	115,500	121,000	127,000
17	58				84,000	89,000	94,000	99,000	104,500	110,000	116,000	121,500	127,500
18	59				85,000	89,500	94,500	99,500	105,000	110,500	116,500	122,000	128,000
19	60				85,500	90,000	95,000	100,500	105,500	111,000	117,000	122,500	128,500
20	61				86,000	90,500	95,500	101,000	106,000	112,000	117,500	123,000	129,000
21	62				87,000	91,000	96,000	101,500	107,000	112,500	118,000	124,000	
22	63				87,500	92,000	96,500	102,000	107,500	113,000	118,500	124,500	
23	64				88,000	92,500	97,500	102,500	108,000	113,500	119,000	125,000	
24	65				88,500	93,000	98,000	103,000	108,500	114,000	119,500	125,500	
25	66				89,500	93,500	98,500	103,500	109,000	114,500	120,000	126,000	
26	67				90,000	94,000	99,000	104,500	109,500	115,000	121,000	126,500	
27	68				90,500	95,000	99,500	105,000	110,000	115,500	121,500	127,000	
28	69				91,000	95,500	100,000	105,500	111,000	116,000	122,000	127,500	
29	70				92,000	96,000	101,000	106,000	111,500	117,000	122,500	128,000	
30	71				92,500	96,500	101,500	106,500	112,000	117,500	123,000	128,500	

1	Distance in	Maximum load in pounds carried on any group of 2											
2	feet between	or more consecutive axles											
3	the extremes												
4	of any group												
5	of 2 or more												
6	consecutive												
7	axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	10 axles	11 axles	12 axles	13 axles
8	72				93,000	97,000	102,000	107,000	112,500	118,000	123,500	129,000	
9	73				93,500	98,000	102,500	107,500	113,000	118,500	124,000		
10	74				94,500	98,500	103,000	108,000	113,500	119,000	124,500		
11	75				95,000	99,000	103,500	109,000	114,000	119,500	125,000		
12	76				95,500	99,500	104,500	109,500	114,500	120,000	126,000		
13	77				96,000	100,000	105,000	110,000	115,000	120,500	126,500		
14	78				97,000	101,000	105,500	110,500	116,000	121,000	127,000		
15	79				97,500	101,500	106,000	111,000	116,500	122,000	127,500		
16	80				98,000	102,000	106,500	111,500	117,000	122,500	128,000		
17	81				98,500	102,500	107,000	112,000	117,500	123,000	128,500		
18	82				99,000	103,000	108,000	113,000	118,000	123,500	129,000		
19	83				100,000	104,000	108,500	113,500	118,500	124,000			
20	84					104,500	109,000	114,000	119,000	124,500			
21	85					105,000	109,500	114,500	120,000	125,000			
22	86					105,500	110,000	115,000	120,500	125,500			
23	87					106,000	111,000	115,500	121,000	126,000			
24	88					107,000	111,500	116,000	121,500	127,000			
25	89					107,500	112,000	117,000	122,000	127,500			
26	90					108,000	112,500	117,500	122,500	128,000			
27	91					108,500	113,000	118,000	123,000	128,500			
28	92					109,000	113,500	118,500	123,500	129,000			
29	93					110,000	114,000	119,000	124,000				
30	94					110,500	115,000	119,500	125,000				

1	Distance in												
2	feet between												
3	the extremes												
4	of any group												
5	of 2 or more												
6	consecutive												
7	axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	10 axles	11 axles	12 axles	13 axles
8	95					111,000	115,500	120,000	125,500				
9	96					111,500	116,000	121,000	126,000				
10	97					112,000	116,500	121,500	126,500				
11	98					113,000	117,000	122,000	127,000				
12	99					113,500	118,000	122,500	127,500				
13	100					114,000	118,500	123,000	128,000				
14	101					114,500	119,000	123,500	129,000				

1 (a) A public highway agency may limit the application of the weights
 2 authorized in this section as to certain highways within its jurisdic-
 3 tion which it determines have limited structural capacity of pavements,
 4 bridges, or other appurtenances. In designating such highways, it may
 5 specify a minimum wheelbase for combinations to be operated thereon. It
 6 may also designate specific highways or portions on which operation of a
 7 combination of vehicles with seven (7) through thirteen (13) axles will
 8 be subject to specified lesser allowable gross weights.

9 (b) Notwithstanding the figures shown in the table in this subsection
 10 (1), two (2) consecutive sets of tandem axles may carry a gross load of
 11 thirty-four thousand (34,000) pounds each, providing the overall dis-
 12 tance between the first and last axles of such consecutive sets of tan-
 13 dem axles is thirty-six (36) feet or more.

14 (c) Vehicles may operate with reducible loads at gross weights greater
 15 than one hundred five thousand five hundred (105,500) pounds but not
 16 exceeding one hundred twenty-nine thousand (129,000) pounds on nonin-
 17 terstate highways in accordance with the provisions of section 49-1004,
 18 Idaho Code, provided such vehicles are in compliance with the weight
 19 formula specified in this subsection (1) of this section, have reg-
 20 istered and have paid the registration fees as specified in section
 21 49-434, Idaho Code, and are in compliance with the length restrictions
 22 set forth in section 49-1010 (7), Idaho Code.

23 (2) The weight limitations set forth in the table in subsection (1) of
 24 this section shall not apply to any vehicle, or combination of vehicles when
 25 a greater allowed weight in pounds would be permitted such vehicles under the
 26 table provided in this subsection, except that with regard to transportation
 27 on the United States federal interstate and defense highways of this state,
 28 the following table of allowable weights shall apply only to vehicles en-
 29 gaged in the transportation of logs, pulp wood, stull, rough lumber, poles
 30 or piling; or to any such vehicle engaged in the transportation of ores, con-
 31 centrates, sand and gravel and aggregates thereof, in bulk; or to any such
 32 vehicle engaged in the transportation of agricultural commodities, includ-
 33 ing livestock:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Allowed Load in Pounds	
	Vehicles with Three or Four axles	Vehicles with Five or more axles
3 through 12	37,800	37,800
13	56,470	56,470
14	57,940	57,940
15	59,400	59,400
16	60,610	60,610
17	61,820	61,820
18	63,140	63,140
19	64,350	64,350
20	65,450	65,450

Distance in feet between the extremes of any group of 2 or more consecutive axles	Allowed Load in Pounds	
	Vehicles with Three or Four axles	Vehicles with Five or more axles
21	66,000	66,330
22	66,000	67,250
23	66,000	67,880
24	66,000	68,510
25	66,000	69,150
26	66,000	69,770
27	66,000	70,400
28	66,000	70,950
29	66,000	71,500
30	66,000	72,050
31		72,600
32		73,150
33		73,700
34		74,250
35		74,800
36		75,350
37		75,900
38		76,450
39		77,000
40		77,550
41		78,100
42		78,650
43 and over		79,000

The weight allowances provided in this subsection do not apply if the total gross weight of a vehicle or combination of vehicles is intended to exceed seventy-nine thousand (79,000) pounds as declared by the operator. When the provisions of this subsection are applicable to a vehicle or combination of vehicles, it shall be a violation of the provisions of this subsection if that vehicle or combination of vehicles exceeds the weights specified in this table.

(3) In determining the gross weight of a vehicle or the gross weight of any two (2) or more consecutive axles under subsection (1) or (2) or (9) of this section, the total gross weight of the vehicle or combination of vehicles or the gross weight of any two (2) or more consecutive axles shall be the sum of the axle weights.

For the purposes of this chapter the gross weight of a vehicle or the gross weight of any two (2) or more consecutive axles may be determined by accumulatively adding the separate weights of individual axles and tandem axles or groups of axles to determine gross weight. The results of any weigh-

1 ing at a temporary or permanent port of entry and the records relating to the
2 calibration and accuracy of any scale at a temporary or permanent port of en-
3 try shall be admissible in any proceeding in this state. In order to prove a
4 violation of the provisions of this section the state must show that:

5 (a) The sum of the axle weights exceeds what is allowable under the pro-
6 visions of subsection (1) or (2) or (9) of this section;

7 (b) The scale involved in the weighing was at the time of weighing cali-
8 brated in conformity with and met the accuracy requirements of the stan-
9 dards for the enforcement of traffic and highway laws as set forth in the
10 latest edition of handbook 44 of the national institute of standards and
11 technology;

12 (c) Weights of individual axles or axles within a commonly suspended
13 group of axles supported by a mechanical system designed to distribute
14 equal wheel loads to individual axles in the group were utilized only
15 to determine gross weights of that group of axles, and that any further
16 evaluation of gross weights of combinations of axles considered only
17 the accumulated gross weight of each such commonly suspended group of
18 axles.

19 (4) In applying the weight limitations imposed in this section, a vehi-
20 cle or combination of vehicles must comply exclusively with the weight limi-
21 tations in either subsection (1) or (2) or (9) of this section.

22 (5) In applying the weight limitations imposed in this section, the
23 distance between axles shall be measured to the nearest even foot. When a
24 fraction is exactly one-half (1/2) foot the next larger whole number shall
25 be used.

26 (6) The limitations imposed in this section are in addition and suppl-
27 mental to all other laws imposing limitations upon the size and weight of ve-
28 hicles. Further, single axles within groups of axles are subject to the pro-
29 visions and limitations of this chapter. Single axles within groups of axles
30 may be weighed and evaluated separately.

31 (7) Notwithstanding the other provisions of this chapter, no vehicle,
32 motor vehicle, trailer and/or semitrailer, or combination thereof, may be
33 operated on the public highways of the state under loads which would result
34 in the withholding of funds by operation of controlling federal law as pro-
35 vided in the Federal Aid Highway Act of 1956, as amended.

36 (8) Except as provided herein, no vehicle or combination of vehicles
37 may proceed past the place of weighing at temporary or permanent ports of
38 entry or checking stations when: the weight of a single axle exceeds the
39 maximum limitations set forth herein by two thousand (2,000) pounds or more;
40 the weight of a combination of axles, or gross vehicle weight exceeds the
41 maximum allowable weight as set forth herein by seven percent (7%) or more.
42 Vehicles or combinations of vehicles which exceed the weight limitations set
43 forth herein shall be required to be brought into compliance with applicable
44 weight limitations contained within this subsection at the place of weighing
45 prior to continuing, except those vehicles or combinations of vehicles which
46 are transporting loads which, in the determination of the board or other
47 proper authorities in charge of or having jurisdiction over a highway, are
48 deemed unsafe or impractical to bring into compliance at the place of weigh-
49 ing, and except those vehicles which do not exceed fifteen percent (15%) over
50 maximum axle and axle group weights set forth in this section. Vehicles or

1 combinations of vehicles transporting loads in this latter category shall
 2 obtain a travel authorization to the nearest place of safe unloading, load
 3 adjustment or other means of legalization.

4 (a) Neither the state of Idaho or its employees, nor any authority and
 5 its employees in charge of or having jurisdiction over a highway, shall
 6 be held liable for personal injury or property damage resulting from the
 7 requirements of section 49-1001(8), Idaho Code.

8 (b) The fee for a travel authorization as set forth above shall be fifty
 9 dollars (\$50.00) and shall be on a form prescribed by the board or other
 10 proper authorities, and shall not be construed as contributing to a re-
 11 duction in the penalties prescribed in section 49-1013, Idaho Code.

12 (c) The board or other proper authorities in charge of or having juris-
 13 diction over a highway shall adopt and enforce administrative rules as
 14 may be necessary to carry out the provisions of this section.

15 (9) For vehicles on all highways except the United States federal in-
 16 terstate and defense highways of this state, the following table shall ap-
 17 ply:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Allowed Load in Pounds	
	Vehicles with Three or Four axles	Vehicles with Five or more axles
3 through 12	37,800	37,800
13	56,470	56,470
14	57,940	57,940
15	59,400	59,400
16	60,610	60,610
17	61,820	61,820
18	63,140	63,140
19	64,350	64,350
20	65,450	65,450
21	66,000	66,330
22	66,000	67,250
23	66,000	67,880
24	66,000	68,510
25	66,000	69,150
26	66,000	69,770
27	66,000	70,400
28	66,000	70,950
29	66,000	71,500
30	66,000	72,050
31		72,600
32		73,150
33		73,700

Distance in feet between the extremes of any group of 2 or more consecutive axles	Allowed Load in Pounds	
	Vehicles with Three or Four axles	Vehicles with Five or more axles
34		74,250
35		74,800
36		75,350
37		75,900
38		76,450
39		77,000
40		77,550
41		78,100
42		78,650
43 and over		80,000

The weight allowances provided in this subsection do not apply if the total gross weight of a vehicle or combination of vehicles is intended to exceed eighty thousand (80,000) pounds as declared by the operator. When the provisions of this subsection are applicable to a vehicle or combination of vehicles, it shall be a violation of the provisions of this subsection if that vehicle or combination of vehicles exceeds the weights specified in this table.

~~(10) When owned by or under contract to or under authority of a city, county, or state agency, refuse/sanitation trucks transporting refuse may be operated on public highways in accordance with the weights allowed in subsection (9) of this section, except that such trucks equipped with single rear axles are allowed twenty-four thousand (24,000) pounds on that single rear axle when specifically authorized by the public highway agency governing the highways over which the refuse/sanitation truck is operating and provided the following conditions are met:~~

~~(a) The weight allowances provided for in this subsection shall not apply to the United States federal interstate and defense highways of the state; and~~

~~(b) The owner or operator has paid an annual operating fee for a permit, not to exceed fifty dollars (\$50.00) per refuse/sanitation truck to each public agency governing the public highways over which the refuse/sanitation truck operates. The permit shall be carried in the refuse/sanitation truck. The permit fee may be waived by a public agency for refuse/sanitation trucks operated over public highways under that agency's jurisdiction.~~

~~(11) Variable load suspension axles shall meet the following criteria in order to be included in the computation of gross vehicle or axle weight limits for vehicles under the provisions of this section:~~

~~(a) The deployment control switch for such axles may be located inside of the driver's compartment but the pressure regulator valve for the operation of pressure on the pavement shall be located outside of and inaccessible to the driver's compartment.~~

1 (b) The manufacturer's gross axle weight rating of each such axle must
2 not be less than the actual loading of the axle.

3 (c) All variable load suspension axles shall be designed to be
4 self-steering; provided however, variable load suspension axles that
5 are within sixty (60) inches of a drive axle or are within sixty (60)
6 inches of a trailer axle, need not be self-steering.

7 (d) The manufacturer's gross tire weight rating of each tire must not be
8 less than the actual loading of the tire.

9 (e) Variable load suspension axles must be fully deployed or fully
10 raised. For applicable definitions, see sections 49-117 and 49-123,
11 Idaho Code.

12 (121) Any person who operates a motor vehicle with a variable load sus-
13 pension axle in violation of the provisions of this section shall be subject
14 to the penalties provided in section 49-1013, Idaho Code.

15 SECTION 10. That Section 49-1011, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 49-1011. EXCEPTION TO WEIGHT AND SIZE LIMITATIONS. (1) If federal law
18 permits the several states to establish size and weight limits in excess of
19 those prescribed in sections 49-1001 and 49-1010, Idaho Code, the board,
20 as provided in subsection (2) of this section, may authorize the movement
21 on highways under its jurisdiction of vehicles, motor vehicles, trailers
22 and/or semitrailers, or combinations thereof, of a size or weight in excess
23 of the limits prescribed in sections 49-1001 and 49-1010, Idaho Code, but
24 within the limits necessary to qualify for federal-aid highway funds.

25 (2) The authority granted the board by the provisions of this section
26 shall be exercised by adoption of rules or regulations pursuant to section
27 40-312, Idaho Code, or by issuance of permits pursuant to section 49-1004,
28 Idaho Code, except that the maximum size and weight limits authorized in this
29 section apply.

30 ~~(3) Vehicles owned and operated by a farmer or designated agents trans-~~
31 ~~porting agricultural products~~ The following vehicles may be operated on any
32 highway, ~~except a highway~~ that is not part of the federal-aid interstate sys-
33 tem, up to two thousand (2,000) pounds in excess of any axle, bridge or gross
34 vehicle weight limit established in section 49-1001, Idaho Code, as deter-
35 mined by the vehicle operator:

36 (a) Farm vehicles;

37 (b) Vehicles that are operated to transport forest products; and

38 (c) Refuse or sanitation trucks that are operated by a city, county
39 or state agency, or by a designated agent of the agency, to transport
40 refuse.

41 Such extra weight shall not apply to posted bridge weights or other seasonal
42 or temporary weight limit postings.

43 SECTION 11. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after its
45 passage and approval.