

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

AMERICAN TRUCKING ASSOCIA-	)	
TIONS, INC., <i>et al.</i> ,	)	
Plaintiffs,	)	Case No. CV OC 9700724D
	)	
-vs-	)	
	)	
STATE OF IDAHO, <i>et al.</i> ,	)	
	)	
<u>Defendants.</u>	)	

The case caption in *ATA v. State* is shown above. The American Trucking Association's complaint was that Idaho law discriminated against interstate commerce because it charged certain categories of heavy vehicles reduced fees and those classes of vehicles were primarily intrastate vehicles while interstate vehicles were more likely to pay full fees. The full fees were set out in the old version of section 43-434(8); categories of vehicles that paid reduced fees were set out in the old version of section 43-434(9). Farm vehicles, log and pulp haulers, ore haulers, sand and gravel haulers, livestock haulers, and milk haulers paid the reduced fee. The theory behind the reduced fees was that these vehicles were likely to be empty on a backhaul and would not put their maximum gross weight on the road about half of the time. The district court did not accept this legal theory and declared the difference in fees to be an unconstitutional discrimination against interstate commerce and held that interstate truckers were entitled to refunds in the tens of millions of dollars. The case settled contingent upon the Legislature enacting new fees that did not single out these categories of vehicles for favorable treatment.

Section 7 of 2000 Senate Bill 1580, which was enacted into law as Chapter 418 of the 2000 Session Laws, amended section 43-434 to eliminate the different fee schedules. Section 1 set up an ATA lawsuit settlement fund; some other sections implemented these changes while others addressed related problems. The House and Senate Transportation Committees held a joint hearing to consider SB 1580 March 28, 2000. Its minutes provide further explanation.

Prepared by Michael S. Gilmore, Deputy Attorney General, September 27, 2017.

**Compiler's notes.** Section 3 of S.L. 1996, ch. 265 repealed chapter 11, title 49, Idaho Code.

**49-433. Single trip permits — Fee. [Repealed.]**

**Compiler's notes.** This section, which 1992, ch. 35, § 20, p. 99, was repealed by S.L. comprised 1988, ch. 265, § 95, p. 549; am. 1998, ch. 265, § 2, effective July 1, 1998.

**49-434. Operating fees.** — (1) There shall be paid on all commercial vehicles, noncommercial vehicles, and on all farm vehicles having a maximum gross weight not in excess of sixty thousand (60,000) pounds, an annual registration fee in accordance with the following schedule.

Maximum Gross Weight (Pounds)	Annual Registration Fee	
	Noncommercial and Farm Vehicles	Commercial Vehicles
8,001-16,000 inc. ....	\$ 31.08	\$ 30.60
16,001-26,000 inc. ....	61.08	143.40
26,001-30,000 inc. ....	91.68	223.80
30,001-40,000 inc. ....	130.08	291.60
40,001-50,000 inc. ....	188.28	360.00
50,001-60,000 inc. ....	311.88	515.40

(2) There shall be paid on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount of one hundred twenty dollars (\$120).

(3) In addition, the annual registration fee for trailers shall be:

- (a) Trailer or semitrailer in a combination of vehicles ..... \$15.00
- (b) Rental utility trailer with a gross weight of two thousand (2,000) pounds or less ..... \$8.00
- (c) Rental utility trailer with a gross weight over two thousand (2,000) pounds ..... \$15.00

(4) As an option to the trailer and semitrailer annual registration, the department may provide extended registration.

(a) For trailers and semitrailers, the optional extended-registration period shall not extend beyond seven (7) years.

(b) The fee shall be fifteen dollars (\$15.00) for each year.

(c) The license plate originally issued shall remain on the trailer or semitrailer until the registration expires.

(d) The registration document shall be the official record of the status of the extended registration. No pressure-sensitive validation sticker shall be required.

(e) For rental utility trailers, the optional registration period shall not extend beyond five (5) years. The fee shall be as specified in subsection (3)(b) or (c) of this section. A pressure-sensitive sticker shall be used to validate the license plate. The license plate shall become void if the owner's interest in the rental utility trailer changes during the five (5) year period. If the owner fails to enter the rental utility trailer on the annual renewal application during the five (5) year period, the registra-

tion record shall be purged. Any unexpired plate shall be returned to the department if it is not entered on the renewal application.

(5) A fleet registration option is available to owners who have twenty-five (25) or more commercial or farm vehicles or any combination thereof. Such owners may register all of their company vehicles with the department in lieu of registering with a county assessor. To qualify the fleet must be owned and operated under the unified control of one (1) person and the vehicles must be physically garaged and maintained in two (2) or more counties. Fleet registration shall not include fleets of rental vehicles. The department shall provide a registration application to the owner and the owner shall provide all information that the department determines is necessary. The department shall devise a special license plate numbering system for fleet-registered vehicles as an alternative to county license plates. The fleet registration application and all subsequent registration renewals shall include the physical address where a vehicle is principally used, garaged and maintained. The fleet owner shall report the physical address to the department upon initial registration, on each renewal, and at any time a vehicle registered under this option is permanently transferred to another location.

(6) If the ownership of a vehicle changes during the registration period, the original owner may transfer the plate to another vehicle. The remaining fee shall be credited against the cost of the new registration. No refunds shall be given for any unexpired portion of the vehicle registration fee if the plate is not transferred by the owner to another vehicle. A license plate shall not be transferred to another owner when the ownership of a vehicle changes. The owner shall obtain a replacement plate, validation sticker if required, and a registration document when a plate is lost, destroyed or becomes illegible.

(7) An administrative fee of four dollars (\$4.00) shall be paid and deposited to the state highway account on all registrations completed by the department under this section.

(8) In addition to the registration and license fees provided by subsections (1) and (2) of this section, there shall be paid on all commercial vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, a use fee based upon the registered maximum gross weight in accordance with the following schedule. The use fees shall be calculated by multiplying the mills per mile, determined from the mills per mile schedule table, times the reported mileage for the vehicle, subject to the provisions of this section.

Maximum Gross Weight of Vehicle (Pounds)	Mills per Mile
60,001-62,000	30.05
62,001-64,000	31.35
64,001-66,000	32.60
66,001-68,000	33.90
68,001-70,000	35.15
70,001-72,000	36.40

Maximum Gross Weight of Vehicle (Pounds)	Mills per Mile
60,001-62,000	30.05
72,001-74,000	38.55
74,001-76,000	40.65
76,001-78,000	42.75
78,001-80,000	44.90
80,001-82,000	47.00
82,001-84,000	49.10
84,001-86,000	51.20
86,001-88,000	53.30
88,001-90,000	55.40
90,001-92,000	57.50
92,001-94,000	59.60
94,001-96,000	61.70
96,001-98,000	63.80
98,001-100,000	65.90
100,001-102,000	68.00
102,001-104,000	70.10
104,001-106,000	72.20

For each additional two thousand (2,000) pounds or fraction thereof in excess of one hundred six thousand (106,000) pounds add 2.1 mills per mile.

(9) In addition to the registration and license fees of this section, there shall be paid on all farm vehicles, and any commercial vehicle exclusively engaged in the transportation of logs, pulp wood, stull, poles, piling, rough lumber, ores, ore concentrates, sand and gravel aggregates in bulk, livestock and vehicles used for the sole purpose of transporting milk from the farm to processing plant, having a maximum gross weight in excess of sixty thousand (60,000) pounds, a use fee in accordance with the following schedule. The use fees shall be calculated by multiplying the mills per mile, determined from the mills per mile schedule table, times the reported mileage for the vehicle, subject to the provisions of this section.

Maximum Gross Weight of Vehicle (Pounds)	Mills per Mile
60,001-62,000	22.45
62,001-64,000	22.45
64,001-66,000	22.45
66,001-68,000	22.45
68,001-70,000	22.45
70,001-72,000	22.45
72,001-74,000	22.45
74,001-76,000	22.45
76,001-78,000	22.45
78,001-80,000	22.45
80,001-82,000	24.55
82,001-84,000	26.65
84,001-86,000	28.75
86,001-88,000	30.85

Maximum Gross Weight of Vehicle (Pounds)	Mills per Mile
60,001-62,000	22.45
88,001-90,000	32.95
90,001-92,000	35.05
92,001-94,000	37.15
94,001-96,000	39.25
96,001-98,000	41.35
98,001-100,000	43.45
100,001-102,000	45.55
102,001-104,000	47.65
104,001-106,000	49.75

For each additional two thousand (2,000) pounds or fraction thereof in excess of one hundred six thousand (106,000) pounds add 2.1 mills per mile.

(10) If any vehicle, or combinations of vehicles move on the highways of the state, and the vehicle or combination exceeds its registered maximum gross weight there shall be paid for that vehicle, the fees provided for in either subsection (8) or (9) of this section, as applicable, for the actual gross weight of the vehicle or combination of vehicles for the miles traveled at the heavier weight.

(11) If any vehicle or combinations of vehicles haul nonreducible loads, as authorized under the provisions of section 49-1004, Idaho Code, and weigh less than the starting weights per axle configuration listed in column 1 of subsection (2), section 49-1004, Idaho Code, then and in that event there shall be paid for that vehicle, in addition to the other fees required in this section, an additional use fee of 2.1 mills per mile for each two thousand (2,000) pounds or fraction thereof of the maximum gross weight in excess of those set forth in section 49-1001, Idaho Code.

(12) Any owner operating vehicle combinations may apply to the department for authority to report multiple weights and pay use fees based upon the maximum gross weight of each configuration in the combination being operated. The owner shall declare a maximum gross weight for each configuration being operated but not more than three (3) maximum gross weights for a vehicle combination may be declared. Any owner who receives authority to report and pay use fees at multiple maximum gross weights shall register the motor vehicle in a combination at the highest maximum gross weight of the vehicle. Any owner who reports vehicle combinations at multiple weights and fails to maintain records and furnish said records to the department upon request which show the configuration of the combination of vehicles and the trailer and unit number for all miles and trip segments traveled shall have all miles assessed at the highest maximum gross weight of the combination of vehicles.

(13) An applicant for registration of a commercial vehicle, a noncommercial vehicle or a farm vehicle shall set forth the maximum gross weight of the vehicle or combination of vehicles and the applicant shall pay any annual registration fees and any annual license fees on trailers and

semitrailers required at the time he makes application for registration subject to the provisions of subsections (1), (2), (3) and (4) of this section. No part of the registration or license fees shall be subject to refund. The use fee payment required shall be computed according to the schedule in either subsection (8) or (9) of this section on the mileage operated over the highways of the state of Idaho and the owner of any vehicle against which a use fee is assessed, shall at the time of making his next quarterly report pay the use fee, if any, for the three (3) calendar months immediately prior. In determining the mileage subject to the use fee, there shall be deducted the miles traveled on roadways maintained with private funds by agreement with the public agency or agencies having jurisdiction over them. In no event shall the total money credited to the owner for the mileage exceed the actual cost of maintenance expended by him.

(14) Any owner who operates or intends to operate non-Idaho based vehicles in Idaho that are subject to the use fee required under the provisions of this section shall apply for a use fee account before operating the vehicles in Idaho. In lieu of establishing a use fee account the owner may purchase a trip permit under the provisions of section 49-432 or 49-433, Idaho Code, as applicable. The department shall develop rules to administer the use fee account. Any owner who has not established a use fee account or has not purchased a trip permit prior to operating in Idaho shall have committed an infraction. [1988, ch. 265, § 96, p. 549; am. 1989, ch. 310, § 18, p. 769; am. 1989, ch. 318, § 6, p. 817; am. 1990, ch. 197, § 3, p. 439; am. 1991, ch. 295, § 2, p. 769; am. 1992, ch. 35, § 21, p. 99; am. 1992, ch. 253, § 1, p. 737; am. 1992, ch. 261, § 19, p. 755; am. 1993, ch. 273, § 1, p. 913; am. 1993, ch. 399, § 1, p. 1463; am. 1994, ch. 246, § 3, p. 766; am. 1994, ch. 311, § 2, p. 977; am. 1997, ch. 51, § 1, p. 85; am. 1998, ch. 108, § 1, p. 367; am. 1998, ch. 392, § 11, p. 1197.]

**Compiler's notes.** This section was amended by two 1998 acts — ch. 108, § 1, and ch. 392, § 11, both effective July 1, 1998, which do not conflict and have been compiled together.

The amendment by ch. 108, § 1, inserted "and weigh less than the starting weights per axle configuration listed in column 1 of subsection (2), section 49-1004, Idaho Code" in subsection (11).

The amendment by ch. 392, § 11 rewrote subsections (3) and (4), added subsection (5), redesignated former subsections (5) through (12) as present subsections (6) through (14), in subsection (6), substituted "vehicle" for "trailer or semitrailer" throughout the subsection, substituted "license" for "extended", deleted "A sticker validating the extended registration shall be affixed to the license plate", inserted "if required", deleted "from the department", and inserted "becomes."

Section 10 of S.L. 1998, ch. 392 is compiled as § 49-429.

Section 2 of S.L. 1997, ch. 51 provided that the act should take effect on and after January 1, 1998.

**Sec. to sec. ref.** This section is referred to in §§ 49-107, 49-404, 49-404A, 49-405, 49-406, 49-406A, 49-407, 49-408, 49-409, 49-410, 49-414, 49-415, 49-415A, 49-415B, 49-416, 49-417, 49-417A, 49-417B, 49-418, 49-418A, 49-428, 49-431, 49-436, 49-437, 49-443, 49-1004, 63-2438.

#### **Record Keeping.**

The legislative intent in enacting the 1991 amendment to subsection (2) of § 49-436 was not to indicate that the Department's record keeping requirements were contrary to earlier legislative intent, but rather to narrow the earlier delegation of authority to the agency. The mere fact of the 1991 amendment did not compel the conclusion that the Department was previously without authority to require record keeping by vehicle configuration prior to the effective date of the amendment. Because the regulations of the Transportation Regarding Multiple Weight Reporting are reasonably directed to the accomplishment of purposes of the statutes under which they are established, they are not in conflict with the pre-1991 version of sub-