

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 168

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO WEIGHT, SPEED, AND TIRE REGULATIONS; AMENDING SECTION 49-1004,  
2 IDAHO CODE, TO REVISE A PROVISION REGARDING FEES AND TO REVISE A PROVI-  
3 SION REGARDING A CERTAIN MAP; AMENDING SECTION 49-1004A, IDAHO CODE,  
4 TO PROVIDE FOR DEPARTMENT SPECIAL ROUTE DESIGNATIONS AND TO REMOVE  
5 PROVISIONS REGARDING LOCAL AUTHORITIES; REPEALING SECTION 49-1004A,  
6 IDAHO CODE, RELATING TO DEPARTMENT SPECIAL ROUTE DESIGNATIONS; AMEND-  
7 ING CHAPTER 10, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
8 49-1004A, IDAHO CODE, TO PROVIDE FOR NEW SPECIAL ROUTES; AMENDING CHAP-  
9 TER 10, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1004B,  
10 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING LOCAL AUTHORITY ROUTE  
11 DESIGNATIONS AND PERMITS, TO PROVIDE AN APPEAL PROCESS, AND TO ESTAB-  
12 LISH THE LOCAL AUTHORITY TECHNICAL ANALYSIS FUND; AMENDING SECTION  
13 49-1004B, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMI-  
14 NOLOGY; PROVIDING A SUNSET DATE; AND PROVIDING AN EFFECTIVE DATE.  
15

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

17 SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL ROUTES  
20 AND ANNUAL PERMITS. (1) Upon application in writing to the board or other  
21 proper authorities in charge of or having jurisdiction over a highway, the  
22 board or authorities may in their discretion issue a special permit to the  
23 owner or operator of any vehicle allowing vehicles or loads having a greater  
24 weight or size than permitted by law to be moved or carried over and on the  
25 highways and bridges.

26 (a) Special permits shall be in either hard copy or digital format and  
27 may limit the time of use and operation over the particular highways and  
28 bridges which may be traversed and may contain any special conditions  
29 and require any undertaking or other security as the board or other  
30 proper authority shall deem to be necessary to protect the highways and  
31 bridges from injury, or provide indemnity for any injury to highways and  
32 bridges or to persons or property resulting from such operation.

33 (b) The owner or operator of an overweight or oversize vehicle shall ob-  
34 tain a permit or shall establish intent to obtain a permit by contacting  
35 a permit office and receiving a permit number before moving the vehicle  
36 on the highways.

37 (c) All special permits or evidence of intent to obtain a permit,  
38 whether in hard copy or digital format, shall be carried in the vehicles  
39 to which they refer and shall upon demand be delivered for inspection  
40 to any peace officer, authorized agent of the board or any officer or  
41 employee charged with the care or protection of the highways.

1 (2) Nonreducible vehicles or combinations of vehicles hauling nonre-  
 2 ducible loads at weights in excess of those set forth in section 49-1001,  
 3 Idaho Code, shall pay fees as set forth in this subsection. Such fees are  
 4 based on the number of axles on the vehicle or combination of vehicles and the  
 5 total gross weight.

	Column 1	Column 2
	Gross weight of vehicle	Gross weight of vehicle
	and load in	and load in
Number of axles	pounds	pounds
10 2	40,001	-
11 3	54,001	-
12 4	68,001	-
13 5	80,001	131,001
14 6	97,001	148,001
15 7	114,001	165,001

16 (a) To determine the maximum allowable permit fee for vehicles with  
 17 more than seven (7) axles, the table can be extended by adding seventeen  
 18 thousand (17,000) pounds to the last listed weight in both columns 1 and  
 19 2 for each added axle.

20 (b) Permit fees for column 1 shall start at four cents (4¢) per mile  
 21 and increase four cents (4¢) per mile for each additional two thousand  
 22 (2,000) pound increment up to the weight indicated in column 2. Per-  
 23 mit fees for column 2 shall start at one dollar and two cents (\$1.02)  
 24 per mile and increase seven cents (7¢) per mile for each additional two  
 25 thousand (2,000) pound increment.

26 (c) Vehicles operating at weights less than the starting weights per  
 27 axle configuration listed in column 1 shall be charged four cents (4¢)  
 28 per mile.

29 (d) For vehicles operating with axles wider than eight (8) feet six (6)  
 30 inches or axles with more than four (4) tires per axle, the fee may be  
 31 reduced by the board or other proper authority having jurisdiction over  
 32 a highway.

33 (3) It shall be unlawful for any person to violate, or to cause or permit  
 34 to be violated, the limitations or conditions of special permits, and any vi-  
 35 olation shall be deemed for all purposes to be a violation of the provisions  
 36 of this chapter.

37 (4) An annual special route permit authorizing travel on designated  
 38 routes shall be issued by the board or may, in its discretion, be issued by a  
 39 local public highway agency for operation of vehicles with a legal maximum  
 40 gross weight of at least one hundred five thousand five hundred one (105,501)  
 41 pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds.  
 42 Such routes on nonstate and noninterstate highways shall be determined by  
 43 the local highway agency for those roads under its jurisdiction. No local  
 44 public highway agency shall approve a route which provides a thoroughfare  
 45 for interstate carriers to pass through the state. State routes designated

1 by the legislature and identified on a map entitled "Designated Routes up to  
2 129K" are:

- 3 (a) US-20 Montana border to its junction with SH-33; SH-33 to its junc-  
4 tion with US-20; US-20 to its junction with US-93; US-93 to its junc-  
5 tion with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction  
6 with US-30; US-30 to its junction with SH-74; SH-74 to its junction with  
7 US-93; US-93 to the Nevada border.
- 8 (b) US-91 from its junction with SH-34 to the Utah border.
- 9 (c) US-30 from its junction with I-15 to the Wyoming border.
- 10 (d) US-95 south from milepost 66 (Fruitland) to its junction with  
11 SH-55.
- 12 (e) SH-19 from its junction with US-95 (Wilder) to its junction with  
13 I-84B (Caldwell).
- 14 (f) SH-78 from its junction with SH-55 (Marsing) to its junction with  
15 SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with  
16 I-84B (Hammett).
- 17 (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction  
18 with SH-78 (Grandview).
- 19 (h) SH-55 from intersection with Farmway Road to junction with US-95.
- 20 (i) SH-25 from its junction with SH-24 to its junction with SH-27  
21 (Paul).
- 22 (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).
- 23 (k) SH-24 from intersection with US-93 to its intersection with SH-25.
- 24 (l) US-20 from its intersection with New Sweden Road to its junction  
25 with SH-22/33.
- 26 (m) SH-34 from milepost 78 to the junction with US-91.
- 27 (n) US-26 from its junction with US-91 north to its intersection with  
28 Gallatin/West 23rd Street in Idaho Falls.
- 29 (o) US-91 from the intersection with Canyon Road to the junction with  
30 US-26.
- 31 (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its  
32 junction with SH-33.
- 33 (q) SH-45 from its junction with SH-78 to its junction with I-84 busi-  
34 ness loop; I-84 business loop to its junction with exit 35 (Nampa Boule-  
35 vard/Northside Boulevard).
- 36 (r) SH-87 from Montana border to junction with US-20.
- 37 (s) SH-33 from its junction with SH-31 (Victor) to its junction with  
38 SH-33 spur; SH-33 spur to its junction with US-20.
- 39 (t) SH-28 from junction with SH-22 to junction with SH-33.
- 40 (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
- 41 (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B  
42 (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oak-  
43 ley).
- 44 (w) SH-81 from its junction with SH-77 (Malta) to its junction with  
45 US-30 (Burley).
- 46 (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at  
47 Kimberly.
- 48 (y) US-93 spur from junction with US-30 to junction with US-93 at Twin  
49 Falls.

1 (z) US-93 from junction with US-93 spur to junction with US-30 at Twin  
2 Falls.

3 (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84  
4 business loop at Bliss.

5 (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with  
6 I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its  
7 junction with I-84 exit 141 westbound ramps to its junction with US-30  
8 (Bliss).

9 (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction  
10 with I-84 exit 155 eastbound ramps.

11 (dd) SH-46 from its junction with US-20 to its junction with I-84 exit  
12 157 eastbound ramps (Wendell).

13 (ee) US-20 from junction with US-93 at Carey to junction with I-84 busi-  
14 ness loop at interchange 95; I-84 business loop from interchange 95 to  
15 junction with SH-51; SH-51 to junction with SH-67.

16 (ff) SH-51 from junction with SH-67 to junction with SH-78.

17 (gg) SH-44 from its junction with SH-55 (Eagle) to its junction with  
18 I-84 exit 25 eastbound ramps.

19 (hh) US-20/26 from its junction with US-95 (Parma) to its junction with  
20 I-84 exit 26 westbound ramps.

21 (ii) US-20 from junction with US-33 at Sugar City south to junction with  
22 US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue  
23 south to junction with US-26/Yellowstone; US-26 from intersection with  
24 US-20 business loop/Holmes Avenue south to Gallatin.

25 Additions or deletions to the approved state routes specified in this sub-  
26 section shall be made only with the approval of the state legislature.

27 (5) An annual administrative permit fee for operating on designated  
28 routes at the weights specified in subsection (4) of this section shall be  
29 set by the ~~board~~ department for travel on state routes and ~~by the local public~~  
30 ~~highway agency for travel on routes under its jurisdiction, but not to~~  
31 ~~exceed a maximum of fifty dollars (\$50.00) per vehicle. Effective July 1,~~  
32 ~~2019, until June 30, 2021, t~~The annual administrative permit fee shall cover  
33 administrative costs not exceed fifty-five dollars (\$55.00) per vehicle and  
34 such fee shall be used to defray the costs of the department to issue permits,  
35 provided however that five dollars (\$5.00) of each permit fee shall be sub-  
36 mitted to the local authority technical analysis fund. Local public highway  
37 agencies are authorized to issue special permits and such permits shall be in  
38 either hard copy or digital format. Administrative permit fees for permits  
39 issued by a local public highway agency shall be retained by the local public  
40 highway agency to cover administrative costs, and administrative permit  
41 fees for permits issued by the department shall be retained by the department  
42 to cover administrative costs. In addition to the annual administrative  
43 permit fee and the appropriate registration fee for weights up to one hun-  
44 dred five thousand five hundred (105,500) pounds, the appropriate vehicle  
45 registration fees for weights over one hundred five thousand five hundred  
46 (105,500) pounds shall be calculated and collected in accordance with the  
47 fee schedules set forth in section 49-432 or 49-434, Idaho Code.

48 (6) (a) In any action or proceeding brought for the purpose of setting  
49 aside a special permit issued pursuant to this section, in which any  
50 party seeks a stay or seeks a temporary restraining order or preliminary

1 injunction against the department, other appropriate authority, the  
 2 state of Idaho or any party requesting the permit, the court may require  
 3 bond as provided in rule 65(c) of the Idaho rules of civil procedure,  
 4 in an amount not to exceed ten percent (10%) of the shipper's or trans-  
 5 porter's insured value of the product or material to be transported  
 6 under the provisions of the permit. If any attorney's fees and/or costs  
 7 are awarded to the department or other state actor, such bond may be used  
 8 to satisfy that award and all awarded amounts shall be paid to the state  
 9 highway account established in section 40-702, Idaho Code.

10 (b) Where there is a final judgment in an action or proceeding brought  
 11 for the purpose of setting aside a special permit issued pursuant to  
 12 this section against the party or parties who brought such action or  
 13 proceeding, the court may determine the actual damages resulting from  
 14 the action or proceeding caused to the department or other state actor  
 15 and may award up to that amount to the party or parties.

16 SECTION 2. That Section 49-1004A, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18 49-1004A. ~~PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS ---~~ NEW SPECIAL  
 19 ROUTES DESIGNATIONS BY THE DEPARTMENT. (1) Notwithstanding the provision  
 20 on the addition or deletion of approved routes in section 49-1004(4), Idaho  
 21 Code, the ~~authority having jurisdiction~~ department may designate routes  
 22 within its jurisdiction for operation of vehicle combinations with a legal  
 23 maximum gross weight of at least one hundred five thousand five hundred  
 24 one (105,501) pounds but not exceeding one hundred twenty-nine thousand  
 25 (129,000) pounds, utilizing criteria established by the ~~board~~ department  
 26 based upon road and bridge structural integrity engineering standards, as  
 27 well as public safety engineering standards. ~~If the authority having ju-~~  
 28 ~~risdiction designates routes as provided herein, its governing board shall~~  
 29 ~~issue an annual special permit authorizing travel on such designated routes~~  
 30 ~~for such travel.~~ Any routes approved by the ~~authority having jurisdiction~~  
 31 department shall be included in the statewide route map provided for in sec-  
 32 tion 49-1004(4), Idaho Code, entitled "Designated Routes up to 129K."

33 (2) For all requests that new routes be designated for travel by vehicle  
 34 combinations with a maximum gross weight of up to one hundred twenty-nine  
 35 thousand (129,000) pounds, the ~~authority having jurisdiction~~ department  
 36 shall analyze the safety and feasibility of adding such routes within the  
 37 department's jurisdiction.

38 (3) ~~Nothing in this section shall limit the exclusive jurisdiction of~~  
 39 ~~a local authority in its discretion to decline to designate, to revoke or~~  
 40 ~~modify an existing designation, or to place limits upon the designation of,~~  
 41 ~~highways within its jurisdiction that it determines hereunder to have public~~  
 42 ~~safety concerns or limited structural capacity of pavement, bridges or other~~  
 43 ~~appurtenances.~~ Prior to designating, or modifying, or deleting a designa-  
 44 tion of a route under this section a local authority, the department shall  
 45 publish notice and conduct a public hearing concerning the proposed designa-  
 46 tion.

47 SECTION 3. That Section 49-1004A, Idaho Code, be, and the same is hereby  
 48 repealed.

1 SECTION 4. That Chapter 10, Title 49, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 49-1004A, Idaho Code, and to read as follows:

4 49-1004A. NEW SPECIAL ROUTE DESIGNATIONS. (1) Notwithstanding  
5 the provision on the addition or deletion of approved routes in section  
6 49-1004(4), Idaho Code, the authority having jurisdiction may designate  
7 routes within its jurisdiction for operation of vehicle combinations with a  
8 legal maximum gross weight of at least one hundred five thousand five hundred  
9 one (105,501) pounds but not exceeding one hundred twenty-nine thousand  
10 (129,000) pounds, utilizing criteria established by the board based upon  
11 road and bridge structural integrity engineering standards, as well as  
12 public safety engineering standards. If the authority having jurisdiction  
13 designates routes as provided in this section, its governing board shall  
14 issue an annual special permit authorizing travel on such designated routes  
15 for such travel. Any routes approved by the authority having jurisdiction  
16 shall be included in the map provided for in section 49-1004(4), Idaho Code.

17 (2) For all requests that new routes be designated for travel by vehi-  
18 cle combinations with a maximum gross weight of up to one hundred twenty-nine  
19 thousand (129,000) pounds, the authority having jurisdiction shall analyze  
20 the safety and feasibility of adding such routes.

21 (3) Nothing in this section shall limit the exclusive jurisdiction of a  
22 local authority in its discretion to decline to designate, to revoke, or to  
23 modify an existing designation, or to place limits upon the designation of,  
24 highways within its jurisdiction that it determines hereunder to have pub-  
25 lic safety concerns or limited structural capacity of pavement, bridges, or  
26 other appurtenances. Prior to designating or modifying a designation of a  
27 route under this section, a local authority shall publish notice and conduct  
28 a public hearing concerning the proposed designation.

29 SECTION 5. That Chapter 10, Title 49, Idaho Code, be, and the same is  
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
31 ignated as Section 49-1004B, Idaho Code, and to read as follows:

32 49-1004B. SPECIAL ROUTE DESIGNATIONS AND PERMITS BY LOCAL AUTHORI-  
33 TIES. (1) Local authorities may, by resolution on their own initiative or  
34 pursuant to written request, designate routes and revoke previously autho-  
35 rized routes within their respective jurisdictions for the operation of  
36 vehicle combinations with a legal maximum gross weight between one hundred  
37 five thousand five hundred one (105,501) pounds and one hundred twenty-nine  
38 thousand (129,000) pounds. A local authority that designates routes un-  
39 der this section shall do so pursuant to the requirements of this section.  
40 Nothing in this section shall limit the exclusive jurisdiction of local  
41 authorities to authorize or decline to designate such routes. All routes  
42 authorized by this section that are effective on July 1, 2019, shall remain  
43 in effect unless subsequently revoked pursuant to the procedures set forth  
44 in this section.

45 (a) Within one hundred fifty (150) days after receipt of a written re-  
46 quest to designate a route under this section, the governing board of a  
47 local authority shall issue a determination as to:

48 (i) Whether it designates routes under this section; and

1 (ii) If it designates routes under this section, whether to ap-  
2 prove the specific route at issue.

3 (b) In exercising jurisdiction to designate a route under this section,  
4 a local authority shall analyze the long-term physical and safety con-  
5 sequences of allowing vehicles covered by this section to use the route  
6 at issue. In conducting such analysis, the local authority shall use  
7 Idaho transportation department standards or the Idaho standards for  
8 public works construction, or a successor publication.

9 (c) A local authority that designates routes under this section shall  
10 authorize a map of designated routes by resolution of its governing  
11 board and shall update the route map within thirty (30) days after  
12 authorization or revocation of a route under this section. Upon desig-  
13 nation or update of a route map as set forth in this subsection, a local  
14 authority shall submit such designation or update to the department for  
15 inclusion in the statewide route map entitled "Designated Routes up to  
16 129K."

17 (d) A local authority may charge an applicant for reimbursement of the  
18 total cost of technical review of an application, provided that such  
19 cost does not exceed five thousand dollars (\$5,000).

20 (2) A local authority that designates routes under this section may is-  
21 sue permits for travel upon such routes and may use such permits to designate  
22 conditions for travel, including possible seasonal restrictions or other  
23 time, place, or manner limitations. A local authority shall indicate on its  
24 route map, or within the provisions of its authorizing resolution, whether  
25 a permit is required upon a designated route. Issuance of permits for use  
26 of designated routes shall be deemed an administrative action that can be  
27 carried out by the primary administrative officer of the jurisdiction, or  
28 his designee.

29 (a) Within thirty (30) days after receipt of a written request for a  
30 permit for travel upon a designated route, a local authority shall ei-  
31 ther issue a permit or issue a written denial of the permit requested.  
32 The denial shall explain why the permit was denied.

33 (b) A written permit issued under this section shall clearly state all  
34 conditions for travel upon the designated route.

35 (c) An annual administrative permit fee, not to exceed a maximum of  
36 fifty-five dollars (\$55.00) per vehicle, shall be set by the local au-  
37 thority for travel on designated routes. A local authority shall submit  
38 five dollars (\$5.00) from each administrative permit fee to the local  
39 authority technical analysis fund.

40 (3) After the issuance of the written decision, or in the event that  
41 the local authority has not acted pursuant to subsection (2) of this section  
42 within the time required, an applicant for a permit may request the opportu-  
43 nity to be heard by the governing body of the local authority. A local au-  
44 thority shall provide for the opportunity to be heard by its governing body  
45 at a public meeting within forty-five (45) days of filing such request. No  
46 fewer than fifteen (15) days after the conclusion of the public meeting at  
47 which the appeal by a permit applicant has first been heard, a local govern-  
48 ing board shall render the final decision of the local jurisdiction, setting  
49 forth the factual and legal reasons therefor, regarding such permit request.

1 (4) There is hereby created a grant fund to be known as the local au-  
2 thority technical analysis fund within the state treasury. In addition to  
3 the cost that may be charged to and paid by an applicant for technical review  
4 pursuant to paragraph (d) of subsection (1) of this section, the grant fund  
5 shall be used to provide additional funding to local authorities to cover ad-  
6 ditional costs related to the technical review of applications as described  
7 in paragraph (b) of subsection (1) of this section. Such grants shall not ex-  
8 ceed five thousand dollars (\$5,000) and shall be awarded under such terms and  
9 conditions as determined by the department or its designee. The department  
10 will maintain the local authority technical analysis fund in the state trea-  
11 sury in a separate sub-fund to ensure funds are not commingled with depart-  
12 ment funds until the money is requested by a local authority, after approval  
13 by the department or its designee. The funds will be disbursed to a local au-  
14 thority after approval of the request. All moneys in the fund are to be con-  
15 tinuously appropriated. Any interest earned on the investment of idle mon-  
16 eys in the fund shall be returned to the fund.

17 (5) Notwithstanding any other law to the contrary, the department shall  
18 perform its obligations pursuant to this section.

19 SECTION 6. That Section 49-1004B, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 49-1004BC. SPECIAL PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- INTER-  
22 STATE SYSTEM. Exclusively for the purposes of section 49-1001(1)(c), Idaho  
23 Code, the interstate system, which shall be considered to consist of I-15,  
24 I-84, I-86, I-90 and I-184, in Idaho is deemed a noninterstate highway. Ex-  
25 clusively for the purposes of section 49-1004(4), Idaho Code, the interstate  
26 system, which shall be considered to consist of I-15, I-84, I-86, I-90 and  
27 I-184, in Idaho is deemed a designated state route.

28 SECTION 7. The provisions of Section 5 of this act shall be null, void,  
29 and of no force and effect on and after June 30, 2021.

30 SECTION 8. Sections 3 and 4 of this act shall be in full force and effect  
31 on and after June 30, 2021.