

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 133

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO TRANSPORTATION FUNDING; AMENDING SECTION 63-3638, IDAHO CODE,  
2 TO INCREASE THE PERCENTAGE OF SALES TAX TO BE ALLOCATED TO TRANS-  
3 PORTATION AND TO REMOVE A PROVISION REGARDING THE ORDER OF FUNDS TO BE  
4 DISTRIBUTED; AMENDING SECTION 40-720, IDAHO CODE, TO PROVIDE FOR STATE  
5 AND LOCAL TRANSPORTATION FUNDING; AND AMENDING SECTION 49-202, IDAHO  
6 CODE, TO INCREASE THE CERTIFICATE OF TITLE FEE, TO PROVIDE FOR CERTAIN  
7 APPROPRIATION TO THE TRANSPORTATION EXPANSION AND CONGESTION MITIGA-  
8 TION FUND, AND TO MAKE TECHNICAL CORRECTIONS.  
9

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

11 SECTION 1. That Section 63-3638, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this  
14 chapter, except as may otherwise be required in sections 63-3203, 63-3620F,  
15 and 63-3709, Idaho Code, and except as provided in subsection (16) of this  
16 section, shall be distributed by the state tax commission as follows:

17 (1) An amount of money shall be distributed to the state refund account  
18 sufficient to pay current refund claims. All refunds authorized under this  
19 chapter by the state tax commission shall be paid through the state refund  
20 account, and those moneys are continuously appropriated.

21 (2) Five million dollars (\$5,000,000) per year is continuously appro-  
22 priated and shall be distributed to the permanent building fund, provided by  
23 section 57-1108, Idaho Code.

24 (3) Four million eight hundred thousand dollars (\$4,800,000) per year  
25 is continuously appropriated and shall be distributed to the water pollution  
26 control fund established by section 39-3628, Idaho Code.

27 (4) An amount equal to the sum required to be certified by the chair-  
28 man of the Idaho housing and finance association to the state tax commis-  
29 sion pursuant to section 67-6211, Idaho Code, in each year is continuously  
30 appropriated and shall be paid to any capital reserve fund established by  
31 the Idaho housing and finance association pursuant to section 67-6211, Idaho  
32 Code. Such amounts, if any, as may be appropriated hereunder to the capital  
33 reserve fund of the Idaho housing and finance association shall be repaid for  
34 distribution under the provisions of this section, subject to the provisions  
35 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-  
36 tion, as soon as possible, from any moneys available therefor and in excess  
37 of the amounts the association determines will keep it self-supporting.

38 (5) An amount equal to the sum required by the provisions of sections  
39 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated  
40 by section 63-718(3), Idaho Code, is continuously appropriated and shall be  
41 paid as provided by sections 63-709 and 63-717, Idaho Code.

1 (6) An amount required by the provisions of chapter 53, title 33, Idaho  
2 Code.

3 (7) An amount required by the provisions of chapter 87, title 67, Idaho  
4 Code.

5 (8) For fiscal year 2011 and each fiscal year thereafter, four million  
6 one hundred thousand dollars (\$4,100,000), of which two million two hundred  
7 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four  
8 (44) counties in equal amounts and one million nine hundred thousand dol-  
9 lars (\$1,900,000) shall be distributed to the forty-four (44) counties in  
10 the proportion that the population of the county bears to the population of  
11 the state. For fiscal year 2012 and for each fiscal year thereafter, the  
12 amount distributed pursuant to this subsection shall be adjusted annually  
13 by the state tax commission in accordance with the consumer price index for  
14 all urban consumers (CPI-U) as published by the U.S. department of labor,  
15 bureau of labor statistics, but in no fiscal year shall the total amount  
16 allocated for counties under this subsection be less than four million one  
17 hundred thousand dollars (\$4,100,000). Any increase resulting from the ad-  
18 justment required in this section shall be distributed to each county in the  
19 proportion that the population of the county bears to the population of the  
20 state. Each county shall establish a special election fund to which shall  
21 be deposited all revenues received from the distribution pursuant to this  
22 subsection. All such revenues shall be used exclusively to defray the costs  
23 associated with conducting elections as required of county clerks by the  
24 provisions of section 34-1401, Idaho Code.

25 (9) One dollar (\$1.00) on each application for certificate of title  
26 or initial application for registration of a motor vehicle, snowmobile,  
27 all-terrain vehicle or other vehicle processed by the county assessor or the  
28 Idaho transportation department, excepting those applications in which any  
29 sales or use taxes due have been previously collected by a retailer, shall be  
30 a fee for the services of the assessor of the county or the Idaho transporta-  
31 tion department in collecting such taxes and shall be paid into the current  
32 expense fund of the county or state highway account established in section  
33 40-702, Idaho Code.

34 (10) Eleven and five-tenths percent (11.5%) is continuously appro-  
35 priated and shall be distributed to the revenue-sharing account, which is  
36 hereby created in the state treasury, and the moneys in the revenue-sharing  
37 account will be paid in installments each calendar quarter by the state tax  
38 commission on and after July 1, 2020, as follows:

39 (a) Forty-five and two-tenths percent (45.2%) shall be paid to the var-  
40 ious cities as follows:

41 (i) The revenue-sharing amount calculated by the state tax com-  
42 mission for the various cities for each quarter of fiscal year 2020  
43 shall be the base amount for current quarterly revenue distribu-  
44 tion amounts. The state tax commission shall calculate the per  
45 capita distribution for each city resulting from the previous fis-  
46 cal year's distributions.

47 (ii) If there is no change in the amount of the revenue-sharing  
48 account from the same quarter of the previous fiscal year, then the  
49 various cities shall receive the same amount received for the same  
50 quarter of the previous fiscal year.

1 (iii) If the balance of the revenue-sharing account for the cur-  
 2 rent quarter is greater than the balance of the revenue-sharing  
 3 account for the same quarter of the previous fiscal year, then:

4 1. If the distributions made to the cities during the same  
 5 quarter of the previous fiscal year were below the base  
 6 amount established in fiscal year 2020, then the various  
 7 cities shall first receive a proportional increase up to the  
 8 base amount for each city and up to a one percent (1%) in-  
 9 crease over such base amount. Any remaining moneys shall be  
 10 distributed to cities with a below-average per capita dis-  
 11 tribution in the proportion that the population of that city  
 12 bears to the population of all cities with below-average per  
 13 capita distributions within the state.

14 2. If the distributions made to the cities during the same  
 15 quarter of the previous fiscal year were at or above the  
 16 base amount established in fiscal year 2020, then the cities  
 17 shall receive the same distribution they received during the  
 18 same quarter of the previous fiscal year plus a proportional  
 19 increase up to one percent (1%). Any remaining moneys shall  
 20 be distributed to the cities with a below-average per capita  
 21 distribution in the proportion that the population of that  
 22 city bears to the population of all cities with a below-aver-  
 23 age per capita distribution within the state.

24 (iv) If the balance of the revenue-sharing account for the cur-  
 25 rent quarter is less than the balance of the revenue-sharing ac-  
 26 count for the same quarter of the previous fiscal year, then the  
 27 cities shall first receive a proportional reduction down to the  
 28 base amount established in fiscal year 2020. If further reduc-  
 29 tions are necessary, the cities shall receive reductions based on  
 30 the proportion that each city's population bears to the population  
 31 of all cities within the state.

32 (b) Forty-seven and one-tenth percent (47.1%) shall be paid to the var-  
 33 ious counties as follows:

34 (i) Fifty-nine and eight-tenths percent (59.8%) of the amount to  
 35 be distributed under this paragraph (b) of this subsection shall  
 36 be distributed as follows:

37 1. One million three hundred twenty thousand dollars  
 38 (\$1,320,000) annually shall be distributed one forty-fourth  
 39 (1/44) to each of the various counties; and

40 2. The balance of such amount shall be paid to the various  
 41 counties, and each county shall be entitled to an amount in  
 42 the proportion that the population of that county bears to  
 43 the population of the state; and

44 (ii) Forty and two-tenths percent (40.2%) of the amount to be dis-  
 45 tributed under this paragraph (b) of this subsection shall be dis-  
 46 tributed as follows:

47 1. Each county that received a payment under the provisions  
 48 of section 63-3638(e), Idaho Code, as that subsection ex-  
 49 isted immediately prior to July 1, 2000, during the fourth

1 quarter of calendar year 1999, shall be entitled to a like  
2 amount during succeeding calendar quarters.

3 2. If the dollar amount of money available under this sub-  
4 section (10) (b) (ii) in any quarter does not equal the amount  
5 paid in the fourth quarter of calendar year 1999, each  
6 county's payment shall be reduced proportionately.

7 3. If the dollar amount of money available under this sub-  
8 section (10) (b) (ii) in any quarter exceeds the amount paid  
9 in the fourth quarter of calendar year 1999, each county  
10 shall be entitled to a proportionately increased payment,  
11 but such increase shall not exceed one hundred five percent  
12 (105%) of the total payment made in the fourth quarter of  
13 calendar year 1999.

14 4. If the dollar amount of money available under this sub-  
15 section (10) (b) (ii) in any quarter exceeds one hundred five  
16 percent (105%) of the total payment made in the fourth quar-  
17 ter of calendar year 1999, any amount over and above such  
18 one hundred five percent (105%) shall be paid to the various  
19 counties in the proportion that the population of the county  
20 bears to the population of the state; and

21 (c) Seven and seven-tenths percent (7.7%) of the amount appropriated in  
22 this subsection shall be paid to the several counties for distribution  
23 to special purpose taxing districts as follows:

24 (i) Each such district that received a payment under the provi-  
25 sions of section 63-3638(e), Idaho Code, as such subsection ex-  
26 isted immediately prior to July 1, 2000, during the fourth quarter  
27 of calendar year 1999, shall be entitled to a like amount during  
28 succeeding calendar quarters.

29 (ii) If the dollar amount of money available under this subsec-  
30 tion (10) (c) in any quarter does not equal the amount paid in the  
31 fourth quarter of calendar year 1999, each special purpose taxing  
32 district's payment shall be reduced proportionately.

33 (iii) If the dollar amount of money available under this subsec-  
34 tion (10) (c) in any quarter exceeds the amount distributed under  
35 paragraph (c) (i) of this subsection, each special purpose tax-  
36 ing district shall be entitled to a share of the excess based on  
37 the proportion each such district's current property tax budget  
38 bears to the sum of the current property tax budgets of all such  
39 districts in the state. The state tax commission shall calculate  
40 district current property tax budgets to include any unrecovered  
41 forgone amounts as determined under section 63-802(1) (e), Idaho  
42 Code. When a special purpose taxing district is situated in more  
43 than one (1) county, the state tax commission shall determine the  
44 portion attributable to the special purpose taxing district from  
45 each county in which it is situated.

46 (iv) If special purpose taxing districts are consolidated, the  
47 resulting district is entitled to a base amount equal to the sum of  
48 the base amounts received in the last calendar quarter by each dis-  
49 trict prior to the consolidation.

1 (v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

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7 (vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

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10 (vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

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13 (11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

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1 (12) Amounts necessary to pay refunds as provided in section 63-3641,  
 2 Idaho Code, to a developer of a retail complex shall be remitted to the demon-  
 3 stration pilot project fund created in section 63-3641, Idaho Code.

4 (13) Amounts calculated in accordance with subsection (4) of section  
 5 63-602KK, Idaho Code, for annual distribution to counties and other taxing  
 6 districts for replacement of property tax on personal property tax exemp-  
 7 tions pursuant to subsection (2) of section 63-602KK, Idaho Code, which  
 8 amounts are continuously appropriated unless the legislature enacts a dif-  
 9 ferent appropriation for a particular fiscal year. For purposes of the  
 10 limitation provided by section 63-802, Idaho Code, moneys received pursuant  
 11 to this section as property tax replacement for property exempt from taxa-  
 12 tion pursuant to section 63-602KK, Idaho Code, shall be treated as property  
 13 tax revenues. If taxing districts are consolidated, the resulting district  
 14 is entitled to an amount equal to the sum of the amounts that were received in  
 15 the last calendar year by each district pursuant to this subsection prior to  
 16 the consolidation. If a taxing district or revenue allocation area annexes  
 17 territory, the distribution of moneys received pursuant to this subsection  
 18 shall be unaffected. Taxing districts and revenue allocation areas formed  
 19 after January 1, 2013, are not entitled to a payment under the provisions of  
 20 this subsection.

21 (14) Amounts collected from purchasers and paid to the state of Idaho by  
 22 retailers that are not engaged in business in this state and which retailer  
 23 would not have been required to collect the sales tax, less amounts other-  
 24 wise distributed in subsections (1) and (10) of this section, shall be dis-  
 25 tributed to the tax relief fund created in section 57-811, Idaho Code. The  
 26 state tax commission will determine the amounts to be distributed under this  
 27 subsection.

28 (15) Any moneys remaining over and above those necessary to meet and  
 29 reserve for payments under other subsections of this section shall be dis-  
 30 tributed to the general fund.

31 (16) ~~One Three percent (13%), but not less than fifteen~~ forty-five  
 32 million dollars (\$1545,000,000), is continuously appropriated and shall be  
 33 distributed to the transportation expansion and congestion mitigation fund  
 34 established in section 40-720, Idaho Code. ~~The distribution provided for~~  
 35 ~~in this subsection must immediately follow the distribution provided for in~~  
 36 ~~subsection (10) of this section.~~

37 SECTION 2. That Section 40-720, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 40-720. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM  
 40 -- FUND ESTABLISHED. (1) The Idaho transportation department shall es-  
 41 tablish and maintain a transportation expansion and congestion mitigation  
 42 program.

43 (2) The fund established pursuant to this section shall finance  
 44 projects that expand the state and local systems to address and mitigate  
 45 transportation congestion. The state projects shall be evaluated by the  
 46 Idaho transportation department and shall be chosen by the Idaho transporta-  
 47 tion board based on a policy that may include mitigation of traffic times,  
 48 improvement to traffic flow and mitigation of traffic congestion. Local  
 49 projects shall be evaluated and chosen by local units of government based

1 on a policy that may include mitigation of traffic times, road maintenance,  
2 improvement of traffic flow, mitigation of traffic congestion, and bridge  
3 maintenance and repair.

4 (3) There is hereby established in the state treasury the transporta-  
5 tion expansion and congestion mitigation fund, to which shall be deposited:

6 (a) All moneys distributed pursuant to section 63-2520, Idaho Code;

7 (b) All moneys distributed pursuant to section 63-3638, Idaho Code; and

8 (c) Any other appropriated moneys for funding the transportation ex-  
9 pansion and congestion mitigation program.

10 (4) Interest earned on the investment of idle moneys in the fund shall  
11 be paid to the fund. All moneys in the fund shall be used for the transporta-  
12 tion expansion and congestion mitigation program.

13 (5) The Idaho housing and finance association is hereby authorized to  
14 issue bonds, secured by otherwise unobligated moneys in the fund established  
15 in subsection (3) of this section, for the purpose of financing state trans-  
16 portation projects approved by the Idaho transportation board and local  
17 projects approved by local units of government. The Idaho transportation  
18 board shall take into consideration the mitigation of traffic congestion  
19 from the state campus site located at 11311 West Chinden Boulevard, Boise,  
20 as a priority when approving transportation projects. Moneys from the fund  
21 established in subsection (3) of this section shall be used to pay any of  
22 the principal, interest, and other amounts for local projects approved by  
23 local units of government and state transportation projects approved by the  
24 Idaho transportation board and required for bonds issued pursuant to this  
25 subsection in accordance with the provisions of chapter 62, title 67, Idaho  
26 Code. If such bonds are issued, moneys in the fund shall first be continu-  
27 ously appropriated and used for repayment of said bonds in accordance with  
28 subsection (7) of this section.

29 (6) The authority provided in subsection (5) of this section shall be  
30 used only to issue bonds on an approved resolution by the Idaho transporta-  
31 tion board requesting that the Idaho housing and finance association issue  
32 bonds contingent upon:

33 (a) The availability of otherwise unobligated moneys in the fund, es-  
34 tablished in subsection (3) of this section, necessary to meet bond ser-  
35 vice obligations;

36 (b) The moneys disbursed being used in accordance with United States  
37 treasury regulations to ensure tax-exempt status is retained, unless  
38 tax-exempt bonds are not available; ~~and~~

39 (c) The issuance of bonds at prevailing market rates of interest; ~~and~~

40 (d) Forty percent (40%) of such moneys disbursed will be available to  
41 local units of government as provided in section 40-709, Idaho Code,  
42 for projects identified according to this section, provided that the  
43 local projects must comply with United States treasury regulations for  
44 tax-exempt bonds as determined by the Idaho transportation department.  
45 Noncompliance with such regulations may result in the loss of funds to a  
46 local project as determined by the Idaho transportation department.

47 (7) From moneys in the fund established in this section, there are  
48 hereby continuously appropriated first such amounts as from time to time  
49 shall be certified by the Idaho housing and finance association to the state  
50 controller, the state treasurer, and the Idaho transportation board as

1 necessary for payment of principal, interest, and other amounts required  
2 for transportation bonds or notes of the Idaho housing and finance associ-  
3 ation in accordance with chapter 62, title 67, Idaho Code, that are issued  
4 to finance improvements described in this section, which amounts shall not  
5 exceed the amount received and transferred from section 63-3638(16), Idaho  
6 Code, which amounts shall be transferred to the transportation expansion  
7 and congestion mitigation program debt service fund established in section  
8 40-721(2), Idaho Code.

9 SECTION 3. That Section 49-202, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's li-  
12 cense records in the office of the department shall be public records and  
13 open to inspection by the public during normal business hours, except for  
14 those records declared by law to be for the confidential use of the depart-  
15 ment, or those records containing personal information subject to restric-  
16 tions or conditions regarding disclosure. If the department has contracted  
17 for a service to be provided by another entity, an additional fee shall be  
18 charged by that contractor whether the service is rendered during normal  
19 business hours, other than normal business hours or on weekends.

20 (2) In addition to other fees required by law to be collected by the de-  
21 partment, the department shall collect the following:

- 22 (a) For certifying a copy of any record pertaining to any vehicle li-  
23 cense, any certificate of title, or any driver's license ..... \$14.00
- 24 (b) For issuing every Idaho certificate of title ..... \$142.00
- 25 (c) For furnishing a duplicate copy of any Idaho certificate  
26 of title ..... \$14.00
- 27 (d) For issuance or transfer of every certificate of title on a new or  
28 used vehicle or other titled vehicle in an expedited manner (rush ti-  
29 tles), in addition to any other fee required by this section .... \$26.00
- 30 (e) For recording a transitional ownership document, in addition to any  
31 other fee required by this section ..... \$26.00
- 32 (f) For furnishing a replacement of any receipt  
33 of registration ..... \$5.00
- 34 (g) For furnishing copies of registration or ownership of motor vehi-  
35 cles or driver's license records, per vehicle registration, accident  
36 report records, title or per driver's license record ..... \$7.00
- 37 Additional contractor fee, not to exceed ..... \$4.00
- 38 (h) For services in searching files of vehicle or other  
39 registrations, vehicle titles, or driver's licenses, per hour . \$18.00
- 40 (i) Placing "stop" cards in vehicle registration or title  
41 files, each ..... \$21.00
- 42 (j) For issuance of an assigned or replacement vehicle  
43 identification number (VIN) ..... \$18.00
- 44 (k) For a vehicle identification number (VIN) inspection whether con-  
45 ducted by a city or county peace officer or any other peace officer or  
46 designated agent of the state of Idaho, per inspection ..... \$5.00
- 47 (l) For all replacement registration stickers, each ..... \$2.00
- 48 (m) For issuing letters of temporary vehicle clearance  
49 to Idaho-based motor carriers ..... \$18.00

- 1 (n) For all sample license plates, each .....\$21.00
- 2 (o) For filing release of liability statements ..... \$3.50
- 3 (p) For safety and insurance programs for each vehicle operated
- 4 by a motor carrier ..... \$3.00

5 A lesser amount may be set by rule of the board.

6 (3) The fees required in this section shall not apply when the service  
7 is furnished to any federal, state, county or city peace officer when such  
8 service is required in the performance of their duties as peace officers.

9 (4) The department may enter into agreements with private companies or  
10 public entities to provide the services for which a fee is collected in sub-  
11 section (2) (g) of this section. Such private contractor shall collect the  
12 fee prescribed and remit the fee to the department. The contractor shall  
13 also collect and retain the additional fee charged for his services.

14 (5) (a) The department shall pay three dollars (\$3.00) of the fee col-  
15 lected by a county assessor or other authorized agent of the department  
16 as provided in subsection (2) (a) through (f) of this section, and four  
17 dollars (\$4.00) as provided in subsection (2) (g) of this section, to  
18 the county assessor or sheriff of the county or authorized agent of  
19 the department collecting such fee, which shall be deposited with the  
20 county treasurer and credited to the county current expense fund when  
21 collected by the county. When fees are collected by the department or an  
22 authorized agent of the department, such fees shall be deposited with  
23 the issuing entity. The remainder of the fees collected as provided in  
24 that subsection shall be paid by the department to the state treasurer  
25 and placed in the state highway account.

26 (b) The fee collected under subsection (2) (k) of this section for a VIN  
27 inspection shall be placed in the city general fund if conducted by a  
28 city peace officer, in the county current expense fund if conducted by  
29 a county peace officer, ~~shall be retained by the special agent~~ if so au-  
30 thorized to perform the inspection, or paid to the state treasurer and  
31 placed to the credit of the Idaho state police if conducted by the Idaho  
32 state police or ~~in~~ to the state highway account if conducted by the de-  
33 partment.

34 (c) The fee collected under subsection (2) (o) of this section for fil-  
35 ing release of liability statements shall be retained by the county as-  
36 sessor of the county collecting such fee and shall be deposited with the  
37 county treasurer and credited to the county current expense fund. Any  
38 fees collected by the department for filing release of liability state-  
39 ments shall be retained by the department.

40 (d) The fee in subsection (2) (m) of this section shall not apply when  
41 the Idaho-based motor carrier or its representative obtains and prints  
42 the document using internet access.

43 (e) The fee collected under subsection (2) (p) of this section for mo-  
44 tor carriers shall be paid by the department to the state treasurer and  
45 placed in the state highway account. The director and the director of  
46 the Idaho state police shall jointly determine the amount to be trans-  
47 ferred from the state highway account to the law enforcement fund for  
48 motor carrier safety programs conducted by the Idaho state police pur-  
49 suant to the provisions of section 67-2901A, Idaho Code.

1        (f) Of the fees collected in subsection (2) (b) of this section, twenty-  
2        eight dollars (\$28.00) from each transaction, but not less than fifteen  
3        million dollars (\$15,000,000) per state fiscal year, is hereby contin-  
4        uously appropriated and shall be allocated to local units of government  
5        as provided in section 40-709, Idaho Code.

6        (6) The department as often as practicable may provide to law enforce-  
7        ment agencies the record of suspensions and revocations of driver licenses  
8        via the public safety and security information system (ILETS).

9        (7) The department shall provide the forms prescribed in chapter 5 of  
10       this title, shall receive and file in its office in Ada county all instru-  
11       ments required in chapter 5 of this title to be filed with the department,  
12       shall prescribe a uniform method of numbering certificates of title, and  
13       shall maintain in the department indices for such certificates of title. All  
14       indices shall be by motor or identification number and alphabetical by name  
15       of the owner.

16       (8) The department shall file each registration received under a  
17       distinctive registration number assigned to the vehicle and to the owner  
18       thereof.

19       (9) The department shall not renew a driver's license or identification  
20       card when fees required by law have not been paid or where fees for past pe-  
21       riods are due, owing and unpaid, including insufficient fund checks, until  
22       those fees have been paid.

23       (10) The department shall not grant the registration of a vehicle when:

24       (a) The applicant is not entitled to registration under the provisions  
25       of this title; or

26       (b) The applicant has neglected or refused to furnish the department  
27       with the information required in the appropriate form or reasonable ad-  
28       ditional information required by the department; or

29       (c) The fees required by law have not been paid, or where fees for past  
30       registration periods are due, owing and unpaid, including insufficient  
31       fund checks.

32       (11) The department or its authorized agents have the authority to re-  
33       quest any person to submit to medical, vision, highway, or written examina-  
34       tions, to protect the safety of the public upon the highways. The depart-  
35       ment or its authorized agents may exercise such authority based upon evi-  
36       dence which may include, but is not limited to, observations made.

37       (12) The department shall revoke the registration of any vehicle:

38       (a) ~~Which~~ ~~the~~ department ~~shall~~ determines is unsafe or unfit to be op-  
39       erated or is not equipped as required by law;

40       (b) Whenever the person to whom the registration card or registration  
41       plate has been issued ~~shall~~ makes or permits to be made any unlawful use  
42       of the same or permits their use by a person not entitled thereto;

43       (c) For any violation of vehicle registration requirements by the owner  
44       or operator in the current or past registration periods;

45       (d) Whenever a motor carrier requests revocation, or whenever an inter-  
46       state carrier's federal operating authority has been revoked;

47       (e) For failure of the owner or operator to file the reports required  
48       or nonpayment of audit assessments or fees assessed against the owner by  
49       the department or the state tax commission pursuant to audit under the  
50       provisions of section 49-439, Idaho Code;

1 (f) Identified by any city or county administering a program estab-  
2 lished by ordinance for the inspection and readjustment of motor vehi-  
3 cles (which program is part of an approved state implementation plan  
4 adopted by both the state and federal governments under 42 U.S.C. 7410)  
5 as having failed to comply with an ordinance requiring motor vehicle  
6 emission inspection and readjustment; provided that no vehicle shall be  
7 identified to the department under this subsection unless:

8 (i) The city or county certifies to the department that the owner  
9 of the motor vehicle has been given notice and had the opportunity  
10 for a hearing concerning compliance with the ordinance and has ex-  
11 hausted all remedies and appeals from any determination made at  
12 such hearing; and

13 (ii) The city or county reimburses the department for all direct  
14 costs associated with the registration revocation procedure.

15 (13) The department shall not reregister or permit a vehicle to oper-  
16 ate on a special trip permit until all fees, penalties and interest have been  
17 paid.

18 (14) The department shall institute educational programs, demonstra-  
19 tions, exhibits and displays.

20 (15) The department shall cancel a driver's license or identification  
21 card when fees required by law have not been paid or where fees are due, owing  
22 and unpaid, including insufficient fund checks, until those fees have been  
23 paid.

24 (16) The department shall examine persons and vehicles by written,  
25 oral, vision and skills tests without compulsion except as provided by law.

26 (17) The department shall employ expert and special help as needed in  
27 the department.

28 (18) The department shall compile accident statistics and disseminate  
29 information relating to those statistics.

30 (19) The department shall cooperate with the United States in the elimi-  
31 nation of road hazards, whether of a physical, visual or mental character.

32 (20) The department shall place and maintain traffic-control devices,  
33 conforming to the board's manual and specifications, upon all state highways  
34 as it shall deem necessary to indicate and to carry out the provisions of this  
35 title or to regulate, warn, or guide traffic. No local authority shall place  
36 or maintain any traffic-control device upon any highway under the jurisdic-  
37 tion of the department except by the latter's permission. The placement and  
38 maintenance of such a traffic-control device by a local authority shall be  
39 made according to the board's manual and specifications for a uniform system  
40 of traffic-control devices.

41 (21) The department may conduct an investigation of any bridge or other  
42 elevated structure constituting a part of a highway, and, if it shall find  
43 that the structure cannot with safety to itself withstand vehicles travel-  
44 ing at a speed otherwise permissible under this title, shall determine and  
45 declare the maximum speed of vehicles which the structure can safely with-  
46 stand, and shall cause or permit suitable signs stating the maximum speed to  
47 be erected and maintained before each end of the structure.

48 (22) Whenever the department shall determine on the basis of an engi-  
49 neering and traffic investigation that slow speeds on any highway or part of  
50 a highway impede the normal and reasonable movement of traffic, the depart-

1 ment may determine and declare a minimum speed limit below which no person  
2 shall drive a vehicle except when necessary for safe operation or in compli-  
3 ance with law, and that limit shall be effective when posted upon appropriate  
4 fixed or variable signs.

5 (23) The department shall regulate or prohibit the use of any con-  
6 trolled-access highway by any class or kind of traffic ~~which is~~ found to be  
7 incompatible with the normal and safe movement of traffic.

8 (24) The department shall erect and maintain traffic-control devices on  
9 controlled-access highways on which any prohibitions are applicable.

10 (25) The department and local authorities are authorized to determine  
11 those portions of any highway under their respective jurisdictions where  
12 overtaking and passing or driving on the left side of the roadway would be  
13 especially hazardous and may by appropriate signs or markings on the roadway  
14 indicate the beginning and end of those zones and when signs or markings are  
15 in place and clearly visible to an ordinarily observant person, every driver  
16 of a vehicle shall obey those directions.

17 (26) The department and local authorities in their respective juris-  
18 dictions may in their discretion issue special permits authorizing the  
19 operation upon a highway of traction engines or tractors having movable  
20 tracks with transverse corrugations upon the periphery of the movable tracks  
21 or farm tractors or other farm machinery, the operation of which upon a high-  
22 way would otherwise be prohibited under this title or title 40, Idaho Code.

23 (27) The department and local highway authorities within their respec-  
24 tive jurisdictions may place official traffic-control devices prohibiting,  
25 limiting or restricting the stopping, standing or parking of vehicles on any  
26 highway where such stopping, standing or parking is dangerous to those using  
27 the highway or where the stopping, standing or parking of vehicles unduly in-  
28 terferes with the free movement of traffic thereon.

29 (28) On any informational material printed after July 1, 1995, by or at  
30 the order of the department and distributed to counties, school districts  
31 or individuals for the purpose of assisting a person to successfully pass  
32 a driver's license test, the department shall include material about the  
33 state's open range law and responsibilities, liabilities and obligations of  
34 drivers driving in the open range.