

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 229, As Amended in the Senate

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO SNOWMOBILE FEES; AMENDING SECTION 67-7103, IDAHO CODE, TO RE-  
2 VISE PROVISIONS REGARDING CERTAIN FEES, TO REMOVE A REQUIREMENT REGARD-  
3 ING VALIDATION STICKER PLACEMENT, AND TO MAKE TECHNICAL CORRECTIONS;  
4 AMENDING SECTION 67-7104, IDAHO CODE, TO REVISE PROVISIONS REGARDING A  
5 FEE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7106, IDAHO  
6 CODE, TO REVISE PROVISIONS REGARDING CERTAIN FEES, TO PROVIDE FOR CER-  
7 TAIN ALLOCATIONS, TO PROVIDE FOR THE STATE SNOWMOBILE AVALANCHE FUND,  
8 AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 71, TITLE 67,  
9 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7107A, IDAHO CODE, TO  
10 PROVIDE FOR THE STATE SNOWMOBILE AVALANCHE FUND AND TO ESTABLISH PROVI-  
11 SIONS REGARDING THE STATE SNOWMOBILE AVALANCHE FUND COMMITTEE.  
12

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

14 SECTION 1. That Section 67-7103, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF VALIDATION STICKERS  
17 -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF  
18 CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) On or before November 1 of  
19 each year, the owner of each snowmobile requiring numbering by the state of  
20 Idaho shall file an application for number with the department on forms ap-  
21 proved by it. The application shall be signed by the owner and shall, except  
22 as provided in subsection (7) of this section, be accompanied by a fee of  
23 ~~thirty-one~~ forty-five dollars and fifty cents (~~\$31~~45.050). Upon receipt of  
24 the application, the department shall issue to the applicant a certificate  
25 of number stating the number assigned to the snowmobile and the name and ad-  
26 dress of the owner. The owner shall attach to the snowmobile the validation  
27 sticker in a manner as may be prescribed by rules of the department. The  
28 validation sticker shall be located on the ~~right and left side of the cowling~~  
29 ~~of the~~ snowmobile and shall be completely visible and shall be maintained in  
30 legible condition. The certificate of number shall be pocket-size and shall  
31 be available at all times for inspection on the snowmobile for which issued,  
32 wherever the snowmobile is in operation.

33 (2) The department may issue any certificate of number directly or  
34 may authorize any persons to act as vendor for the issuance. In the event a  
35 person accepts the authorization, he may be assigned a block of validation  
36 stickers and certificates of number ~~which~~ that, upon issue, in conformity  
37 with this chapter and with any rules of the department, shall be valid as if  
38 issued directly by the department.

39 (3) All records of the department made or kept pursuant to this section  
40 shall be public records.

41 (4) Each snowmobile must be numbered before it leaves the premises at  
42 the time of sale from any retail snowmobile dealer.

1 (5) The purchaser of a snowmobile shall, within fifteen (15) days im-  
 2 mediately after acquisition, make application to the department for trans-  
 3 fer to him of the certificate of number issued to the snowmobile, giving his  
 4 name, address and the number of the snowmobile and shall at the same time pay  
 5 to the department a fee of three dollars (\$3.00). Upon receipt of the appli-  
 6 cation and fee, the department shall transfer the certificate of number is-  
 7 sued for the snowmobile to the new owner or owners. Unless the application  
 8 is made and fee paid within fifteen (15) days, the snowmobile shall be con-  
 9 sidered to be without a certificate of number and it shall be unlawful for any  
 10 person to operate that snowmobile until the certificate is issued.

11 (6) No number, other than the validation stickers issued to a snowmo-  
 12 bile pursuant to this chapter, shall be painted, attached, or otherwise dis-  
 13 played on the snowmobile, except a temporary number may be attached to iden-  
 14 tify a snowmobile for the purpose of racing or other sporting events.

15 (7) Resident and nonresident owners of snowmobiles used for rental pur-  
 16 poses shall purchase validation stickers for ~~sixty-one~~ seventy-five dollars  
 17 and fifty cents (~~\$6175.050~~) and the validation stickers shall be displayed  
 18 on the machine at all times.

19 SECTION 2. That Section 67-7104, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21 67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. The owner  
 22 of a nonresident, noncommercial snowmobile shall not be required to comply  
 23 with the certificate of numbering requirements of the state of Idaho, but  
 24 shall be required to obtain a nonresident snowmobile user certificate. A  
 25 fee of ~~thirty-one~~ fifty-nine dollars and fifty cents (~~\$31.0059.50~~) shall be  
 26 imposed for the issuance of a nonresident snowmobile user certificate. The  
 27 validation stickers shall be displayed in the same manner as provided in sec-  
 28 tion 67-7103, Idaho Code. Nonresident snowmobile user certificates shall  
 29 be valid beginning November 1 through October 31 of the following year. Is-  
 30 suance and administration of nonresident snowmobile user certificates shall  
 31 be conducted in the same manner as provided in section 67-7103, Idaho Code,  
 32 for numbering of snowmobiles.

33 (1) For purposes of this section, "nonresident" shall be as defined in  
 34 section 36-202, Idaho Code.

35 (2) In the absence of a bona fide program in the area or upon the re-  
 36 quest of the bona fide county snowmobile advisory committee of the nearest  
 37 affected county in Idaho, the requirements for the nonresident snowmobile  
 38 user certificate may be waived by the parks and recreation board on specific  
 39 trails where the snowmobile trail grooming is solely supported by a state  
 40 other than Idaho.

41 SECTION 3. That Section 67-7106, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND  
 44 -- STATE SNOWMOBILE FUND -- DEPARTMENT OF LANDS ALLOCATION -- STATE SNOWMO-  
 45 BILE SEARCH AND RESCUE FUND -- STATE SNOWMOBILE AVALANCHE FUND. (1) Each ven-  
 46 dor shall, not later than the fifteenth day of each month, remit all moneys  
 47 collected under the provisions of sections 67-7103 and 67-7104, Idaho Code,

1 to the state treasurer for credit to the state snowmobile fund, established  
 2 in the dedicated fund, to be administered by the director, except that ~~one~~  
 3 ~~dollar (\$1.00) the amounts designated in this subsection~~ from each snowmo-  
 4 ~~bile certificate of number fee, one dollar (\$1.00) from each rental certifi-~~  
 5 ~~cate of number fee, and one dollar (\$1.00) from each nonresident snowmobile~~  
 6 ~~user certificate issued by the vendor shall be credited by the state trea-~~  
 7 ~~surer to each of the following funds or entities:~~

8 (a) Two dollars (\$2.00) to the state snowmobile search and rescue fund  
 9 created in section 67-2913A, Idaho Code;

10 (b) One dollar (\$1.00) to the state snowmobile avalanche fund created  
 11 in section 67-7107A, Idaho Code; and

12 (c) One dollar (\$1.00) to the Idaho department of lands to provide  
 13 snowmobile opportunities and to repair damage directly related to snow-  
 14 mobile use, provided that the Idaho department of lands shall annually  
 15 publish a report specifically identifying the uses of moneys allocated  
 16 pursuant to this subsection.

17 (2) Each county with a bona fide snowmobile program shall be entitled to  
 18 receive from the department eighty-five percent (85%) of the moneys gener-  
 19 ated for that county during that certificate of number period. Counties with  
 20 a bona fide snowmobile program may use up to fifteen percent (15%) of their  
 21 county snowmobile moneys upon recommendation by their county snowmobile ad-  
 22 visory committee for snowmobile law enforcement purposes.

23 (3) Up to fifteen percent (15%) of the revenue generated from snowmo-  
 24 bile certificates of number each year may be used by the department to defray  
 25 administrative costs. Any moneys unused at the end of the fiscal year shall  
 26 be returned to the state treasurer for deposit in the state snowmobile fund.

27 (4) Vendors shall be entitled to ~~charge an additional~~ retain a handling  
 28 fee of one dollar and fifty cents (\$1.50) handling fee per certificate of  
 29 number for the distribution of certificates of number. Handling fees col-  
 30 lected by the department shall be deposited to the state snowmobile fund.

31 (5) For those certificates of number not designated to a bona fide  
 32 county snowmobile program, the moneys generated shall be deposited to the  
 33 state snowmobile fund, and such fund shall be available to the department for  
 34 snowmobile-related expenses.

35 SECTION 4. That Chapter 71, Title 67, Idaho Code, be, and the same is  
 36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 37 ignated as Section 67-7107A, Idaho Code, and to read as follows:

38 67-7107A. STATE SNOWMOBILE AVALANCHE FUND -- STATE SNOWMOBILE  
 39 AVALANCHE FUND COMMITTEE. (1) There is hereby established in the state  
 40 treasurer's office an account to be known and designated as the "state snow-  
 41 mobile avalanche fund." This fund shall receive one dollar (\$1.00) from each  
 42 snowmobile certificate of number fee, one dollar (\$1.00) from each rental  
 43 certificate of number fee, and one dollar (\$1.00) from each nonresident  
 44 snowmobile user certificate issued by vendors, as provided for in section  
 45 67-7106, Idaho Code. This fund shall be managed by the state snowmobile  
 46 avalanche fund committee.

47 (2) The board shall appoint a state snowmobile avalanche fund committee  
 48 (SSAFC) of five (5) members. The membership of the SSAFC shall consist of the  
 49 director of the United States forest service national avalanche center, or

1 his designee, who shall chair the SSAFC, and one (1) active snowmobiler from  
2 each of the following districts: north Idaho, central Idaho, south Idaho,  
3 and east Idaho. These four (4) regional members of the SSAFC shall be ap-  
4 pointed by the board from a list of no fewer than two (2) persons nominated by  
5 the Idaho state snowmobile association, and said members shall serve a term  
6 of four (4) years, except that the term of the initial appointees shall com-  
7 mence on the date of appointment and shall be staggered such that at least  
8 one (1) position is up for appointment each year. Each member of the SSAFC  
9 must be a qualified elector of the state, maintaining a residence and domi-  
10 cile within the district of appointment. For purposes of SSAFC membership  
11 and representation, the four (4) districts shall be as follows:

12 (a) North Idaho consists of Boundary, Bonner, Kootenai, Benewah,  
13 Latah, Shoshone, Clearwater, Nez Perce, Lewis, and Idaho counties.

14 (b) Central Idaho consists of Adams, Washington, Valley, Payette, Gem,  
15 Boise, Canyon, Ada, Elmore, and Owyhee counties.

16 (c) South Idaho consists of Lemhi, Custer, Butte, Camas, Blaine, Good-  
17 ing, Lincoln, Jerome, Minidoka, Twin Falls, and Cassia counties.

18 (d) East Idaho consists of Clark, Fremont, Jefferson, Madison, Teton,  
19 Bonneville, Bingham, Power, Bannock, Caribou, Bear Lake, Franklin, and  
20 Oneida counties.

21 (3) The duties of the SSAFC include:

22 (a) Determining and directing distributions from the state snowmobile  
23 avalanche fund, at least annually, to avalanche centers within the  
24 state of Idaho or avalanche centers providing reporting services within  
25 the state of Idaho operated and administered by the national avalanche  
26 center, United States forest service, or United States department of  
27 agriculture. The SSAFC may require that applications or proposals be  
28 submitted for review and consideration from avalanche centers seeking  
29 funds from the state snowmobile avalanche fund. The SSAFC must require  
30 the funds so distributed be used for existing avalanche center oper-  
31 ations and maintenance within or for the benefit of areas within the  
32 state of Idaho, which include: avalanche forecaster labor; website  
33 and information technology improvements and maintenance; snowmobiles  
34 and related equipment; remote weather station installation and upkeep;  
35 avalanche education costs; and safety equipment;

36 (b) Representing the best interests of the snowmobile users in the dis-  
37 trict from which each member is appointed; and

38 (c) Advising existing avalanche centers in Idaho and registered non-  
39 profit organizations that support them as to whether current projects  
40 meet the needs of snowmobile users in that area.

41 (4) The SSAFC shall be compensated as provided in section 59-509(b),  
42 Idaho Code.