

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 284

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-202, IDAHO CODE, TO PROVIDE FOR A FEE WAIVER FOR CERTAIN ELECTRONIC FILINGS; AMENDING SECTION 49-1234, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ONLINE INSURANCE VERIFICATION SYSTEM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

- (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license \$14.00
- (b) For issuing every Idaho certificate of title \$14.00
- (c) For furnishing a duplicate copy of any Idaho certificate of title \$14.00
- (d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section \$26.00
- (e) For recording a transitional ownership document, in addition to any other fee required by this section \$26.00
- (f) For furnishing a replacement of any receipt of registration \$5.00
- (g) For furnishing copies of registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record \$7.00
- Additional contractor fee, not to exceed \$4.00
- (h) For services in searching files of vehicle or other registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- (i) Placing "stop" cards in vehicle registration or title files, each \$21.00
- (j) For issuance of an assigned or replacement vehicle identification number (VIN) \$18.00

- 1 (k) For a vehicle identification number (VIN) inspection whether con-
- 2 ducted by a city or county peace officer or any other peace officer or
- 3 designated agent of the state of Idaho, per inspection \$5.00
- 4 (l) For all replacement registration stickers, each \$2.00
- 5 (m) For issuing letters of temporary vehicle clearance
- 6 to Idaho-based motor carriers \$18.00
- 7 (n) For all sample license plates, each \$21.00
- 8 (o) For filing release of liability statements \$3.50
- 9 (p) For safety and insurance programs for each vehicle operated
- 10 by a motor carrier \$3.00

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

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

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

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

32 (b) The fee collected under subsection (2) (k) of this section for a VIN
33 inspection shall be placed in the city general fund if conducted by a
34 city peace officer, in the county current expense fund if conducted by a
35 county peace officer, shall be retained by the special agent authorized
36 to perform the inspection, or paid to the state treasurer and placed to
37 the credit of the Idaho state police if conducted by the Idaho state po-
38 lice or in the state highway account if conducted by the department.

39 (c) The fee collected under subsection (2) (o) of this section for fil-
40 ing release of liability statements shall be retained by the county as-
41 sessor of the county collecting such fee and shall be deposited with the
42 county treasurer and credited to the county current expense fund. Any
43 fees collected by the department for filing release of liability state-
44 ments shall be retained by the department. However, the fees provided
45 for in subsection (2) (o) of this section shall not apply when a transac-
46 tion is filed electronically with the department.

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

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

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

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

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

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

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

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

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

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

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

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

40 (a) Which the department shall determine is unsafe or unfit to be oper-
41 ated or is not equipped as required by law;

42 (b) Whenever the person to whom the registration card or registration
43 plate has been issued shall make or permit to be made any unlawful use of
44 the same or permit their use by a person not entitled thereto;

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

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

49 (e) For failure of the owner or operator to file the reports required
50 or nonpayment of audit assessments or fees assessed against the owner by

1 the department or the state tax commission pursuant to audit under the
2 provisions of section 49-439, Idaho Code;

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

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

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

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

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

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

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

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

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

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

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

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

1 (22) Whenever the department shall determine on the basis of an engi-
2 neering and traffic investigation that slow speeds on any highway or part of
3 a highway impede the normal and reasonable movement of traffic, the depart-
4 ment may determine and declare a minimum speed limit below which no person
5 shall drive a vehicle except when necessary for safe operation or in compli-
6 ance with law, and that limit shall be effective when posted upon appropriate
7 fixed or variable signs.

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

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

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

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

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

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

38 SECTION 2. That Section 49-1234, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 49-1234. ONLINE INSURANCE VERIFICATION SYSTEM -- PEACE OFFICER DUTIES
41 -- RULEMAKING. (1) The department shall establish and maintain an online in-
42 surance verification system for motor vehicle insurance coverage required
43 by the provisions of this chapter, subject to the following:

44 (a) The department shall consult with representatives of the insurance
45 industry to determine the objectives, details and deadlines relating to
46 the verification system;

47 (b) The verification system shall be accessible through the internet,
48 world wide web or a similar proprietary or common carrier electronic
49 system by authorized personnel of the department, department of in-

1 insurance, courts, law enforcement entities and of any other entity
2 authorized by the department;

3 (c) The verification system shall provide for direct inquiry and re-
4 sponse between the department and insurance carriers, or such other
5 method of inquiry and response as agreed to by the department and indi-
6 vidual insurance carriers;

7 (d) The verification system shall be capable of sending inquiries to
8 and receiving responses from insurers for the purpose of verifying cur-
9 rent motor vehicle insurance coverage via web services established by
10 insurers through the internet, world wide web or a similar proprietary
11 or common carrier electronic system, in compliance with the specifica-
12 tions and standards of the insurance industry committee on motor vehi-
13 cle administration (IICMVA), provided that the department shall pro-
14 mulgate rules to provide insurers an alternative method for verifying
15 motor vehicle insurance policy data rather than establishing web ser-
16 vices or utilizing IICMVA's insurance data transfer guide;

17 (e) With the exception of unplanned system outages, the verification
18 system shall be available twenty-four (24) hours a day to verify the
19 insurance status of any motor vehicle registered in this state through
20 the vehicle's identification number, policy number, national associ-
21 ation of insurance commissioners' (NAIC) code or registered owner's
22 name; provided that a reasonable amount of downtime may be allotted for
23 planned system outages;

24 (f) The verification system shall include appropriate provisions, con-
25 sistent with IICMVA standards, to secure its data against unauthorized
26 access and to maintain a record of all information requests; and

27 (g) All information exchanged between the department and insurance
28 companies, any database created, all information contained in the
29 verification system and all reports, responses or other information
30 generated for the purposes of the verification system shall be exempt
31 from disclosure as provided in section 74-106, Idaho Code.

32 (2) As a condition for writing motor vehicle liability insurance poli-
33 cies in this state, insurance carriers shall cooperate with the department
34 in establishing and maintaining the insurance verification system and shall
35 provide access to motor vehicle insurance policy status information as may
36 be provided in rules promulgated by the department.

37 (3) Insurers that make good faith efforts to comply with the provisions
38 of this section shall be immune from civil or administrative liability re-
39 lated to this section.

40 (4) The department shall establish a program to match information from
41 the online insurance verification system with motor vehicle registrations
42 to determine whether owners of motor vehicles have established financial re-
43 sponsibility. The department shall suspend the registration of any motor
44 vehicle identified by the department as having failed to comply with the fi-
45 nancial responsibility requirements. The program shall include:

46 (a) Insurers reporting data to the verification system ~~monthly~~ at least
47 weekly;

48 (b) The department performing a periodic match at least monthly of the
49 information from the online insurance verification system with motor

1 vehicle registrations to determine whether owners of motor vehicles
2 have established financial responsibility;

3 (c) An initial notice to an owner of a motor vehicle who is shown to
4 not have established or maintained financial responsibility for two (2)
5 consecutive months. Such notice shall provide ~~thirty (30)~~ sixty (60)
6 days for an owner to comply with the financial responsibility require-
7 ments or to notify the department of exemption ~~before suspension of an~~
8 ~~owner's registration will be effective;~~

9 (d) ~~A final notice of immediate suspension of registration shall be~~
10 ~~mailed to an owner of a motor vehicle who does not establish financial~~
11 ~~responsibility after being given thirty (30) days to comply with such~~
12 ~~requirement~~ A final notice to an owner of a motor vehicle who is shown
13 not to have established or maintained financial responsibility subse-
14 quent to the notice issued pursuant to paragraph (c) of this subsection.
15 Such notice shall provide ten (10) days for an owner to comply with the
16 financial responsibility requirements or to notify the department of
17 exemption before suspension of an owner's registration will be effec-
18 tive;

19 (e) That the department may offer, and that an owner may consent to, the
20 sending of all eligible notices by e-mail in lieu of sending such no-
21 tices through the mail;

22 (f) The opportunity for an owner to provide a certificate or proof of
23 liability insurance prior to any action taken against the registration;

24 (g) That a registration may not be reinstated unless evidence of in-
25 surance is provided to the department and a reinstatement fee of sev-
26 enty-five dollars (\$75.00) is paid to the department. These fees shall
27 be deposited into the state highway account. These fees are in addition
28 to any other applicable fines, penalties, and fees;

29 (h) That an owner may lawfully suspend vehicle insurance pursuant to
30 section 41-2516, Idaho Code; and

31 (i) That an insurance company shall, if it has such capability, report
32 data indicating that a vehicle's insurance has been lawfully suspended
33 because such vehicle has been placed into storage by the owner; and

34 ~~(i)~~ (j) That an owner may notify the department when exempt from the re-
35 quirement to possess proof of vehicle financial responsibility for rea-
36 sons allowed by Idaho Code or pursuant to rules promulgated by the de-
37 partment. If an exemption applies, the department shall mark the regis-
38 tration record as exempt and such registration shall not be suspended.

39 (5) Peace officers shall access information from the online insurance
40 verification system to verify the current validity of motor vehicle liabil-
41 ity insurance. If insurance is verified, then the peace officer shall not
42 issue a citation for an infraction violation of the provisions of section
43 49-1232, Idaho Code.

44 (6) If an Idaho uniform citation is issued to a person for an infraction
45 violation of the provisions of section 49-1232, Idaho Code, and it is sub-
46 sequently found that the legally required motor vehicle insurance coverage
47 was in force at the time of the issuance of the citation, then the court shall
48 dismiss the citation without penalty and such citation shall not appear on
49 the person's record.

1 (7) This section shall not apply to any vehicle insured under commer-
2 cial motor vehicle coverage and shall not apply to implements of husbandry
3 and golf carts. As used in this section, "commercial motor vehicle coverage"
4 means an insurance policy that covers a business's vehicles and employees.

5 (8) The department may promulgate rules in accordance with the provi-
6 sions of chapter 52, title 67, Idaho Code, to carry out the provisions of this
7 section.

8 SECTION 3. An emergency existing therefor, which emergency is hereby
9 declared to exist, this act shall be in full force and effect on and after
10 July 1, 2023.