

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 22

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO PROVIDE FOR CERTAIN DATA SECURITY COMPLIANCE TRAINING; 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 (29) All employees, agents, and contractors of the department who have  
39 access to the source systems used by the division of motor vehicles shall be  
40 required to complete data security compliance training and to pass a federal  
41 bureau of investigation criminal background check. The department shall ad-  
42 minister access to and provide for the training required pursuant to this  
43 subsection.

44 SECTION 2. An emergency existing therefor, which emergency is hereby  
45 declared to exist, this act shall be in full force and effect on and after  
46 July 1, 2025.