

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 576

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO THE IDAHO CONSUMER ASSET RECOVERY FUND; AMENDING SECTION 49-1608E, IDAHO CODE, TO ESTABLISH PROVISIONS FOR IDAHO RESIDENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1608E, Idaho Code, be, and the same is hereby amended to read as follows:

49-1608E. SUBMISSION OF CLAIMS. (1) Except as otherwise provided in this section, whenever ~~any person~~ an Idaho resident or a person who was an Idaho resident at the time of purchase is awarded a final judgment certified in a court of competent jurisdiction in the state of Idaho for:

(a) Any actual loss or damage in connection with the purchase or lease of a motor vehicle by reason of any fraud practiced on him or fraudulent representation made to him by a licensed motor vehicle dealer; or

(b) Any actual loss or damage by reason of a violation by a dealer of any of the provisions of chapter 6, title 48, Idaho Code, chapter 5, title 49, Idaho Code, or section 49-1418, Idaho Code, in connection with the purchase or lease of a motor vehicle on or after July 1, 2014~~7~~;

the judgment creditor may file a verified claim with the board requesting payment from the fund of the amount unpaid on the judgment.

(2) Verified claims filed pursuant to subsection (1) of this section shall be subject to the following conditions:

~~(i)~~ (a) Unless the judgment has been appealed, the claim shall be filed with the department, acting on behalf of the board, no sooner than forty-five (45) days and no later than one (1) year after the judgment becomes final.

~~(ii)~~ (b) The board shall not consider claims submitted by motor vehicle dealers, financial institutions or institutions providing floorplans for motor vehicle dealers.

~~(2)~~ (3) For a person to be eligible to receive any payment from the fund, any such person must be an Idaho resident or an Idaho resident at the time of the purchase of the motor vehicle. Any action instituted by a person against a licensee that may become a claim against the fund shall be served to the board in a manner consistent with the provisions of section 48-613, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2026.