

TITLE 49
MOTOR VEHICLES

CHAPTER 2
GENERAL

49-201. DUTIES OF BOARD. (1) With the exception of requirements for sections [49-217](#) and [49-218](#) and chapters 6 and 9, [title 49](#), Idaho Code, which shall be the responsibility of the director of the Idaho state police, and section [49-447](#), Idaho Code, which shall be the responsibility of the director of the department of parks and recreation, the board shall adopt and enforce administrative rules and may designate agencies or enter into agreements with private companies or public entities as may be necessary to carry out the provisions of this title. It shall also provide suitable forms for applications, registration cards, vehicle licenses, and all other forms requisite for the purpose of the provisions of this title, and shall prepay all transportation charges.

(2) The board may enter into agreements, compacts or arrangements with other jurisdictions on behalf of Idaho for the purpose of conforming procedures for proportional registration of commercial vehicles and other types of reciprocal agreements. Copies of agreements, compacts or arrangements shall be placed on file in the department and the board shall, as to all filings and adoption, conform with the provisions of [chapter 52, title 67](#), Idaho Code. The board may approve, on a case-by-case basis, exemption from operating fees for private nonprofit entities who are bringing public interest programs into the state. These entities may not be in competition with companies who transport goods and services for hire.

(3) The board shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this title for use upon highways within the state. The uniform system shall correlate with and, so far as possible, conform to the system set forth in the most recent edition of the manual on uniform traffic-control devices for streets and highways and other standards issued or endorsed by the federal highway administrator.

(4) Whenever the board shall determine upon the basis of an engineering and traffic investigation that any maximum speed is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway or interstate highway system, the board may determine and declare a reasonable and safe maximum limit, thereat, not exceeding a maximum limit of seventy-five (75) miles per hour on interstate highways provided that this speed may be increased to eighty (80) miles per hour if the department completes an engineering and traffic study on the interstate highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion and sixty-five (65) miles per hour on state highways provided that this speed may be increased to seventy (70) miles per hour if the department completes an engineering and traffic study on the state highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion, which shall be effective when appropriate signs giving notice are erected. The speed limit may be declared to be effective at all times or at the times as indicated upon the signs. Differing limits may be established for different times of day, different types of vehicles, varying

weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) The board shall adopt and enforce rules as may be consistent with and necessary to determine the classification of and the basis on which fees shall be computed.

[49-201, added 1988, ch. 265, sec. 4, p. 571; am. 1990, ch. 45, sec. 11, p. 85; am. 1992, ch. 35, sec. 5, p. 108; am. 1993, ch. 299, sec. 1, p. 1100; am. 1996, ch. 270, sec. 2, p. 876; am. 1997, ch. 155, sec. 2, p. 442; am. 2000, ch. 469, sec. 111, p. 1570; am. 2012, ch. 325, sec. 2, p. 897; am. 2014, ch. 126, sec. 2, p. 358.]

49-201B. BASE STATE AGREEMENTS. Pursuant to federal law, the Idaho transportation department is hereby authorized to enter into reciprocal agreements with the regulatory agencies of other states having jurisdiction and authority over motor carriers to provide for base state agreements in which the registration of interstate carriers operating in participating states may be accomplished by registration in one (1) base state. Carriers electing to register under base state agreements shall be subject to the jurisdiction and authority of the Idaho transportation department to the same extent as they would if they did not participate in the base state agreement. The fees authorized by federal law, or such lesser fees as the participating states agree to, may be collected, and the base state may require further filings of certificates of insurance, surety bonds, et cetera, to show the carrier's qualifications to operate. Participating carriers shall register their authority directly with the transportation department and not with other state or local agencies.

[49-201B, added 1999, ch. 383, sec. 5, p. 1057.]

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

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

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

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

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

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

(c) The fee collected under subsection (2) (o) of this section for filing release of liability statements shall be retained by the county assessor of the county collecting such fee and shall be deposited with the county treasurer and credited to the county current expense fund. Any

fees collected by the department for filing release of liability statements shall be retained by the department.

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

(e) The fee collected under subsection (2) (p) of this section for motor carriers shall be paid by the department to the state treasurer and placed in the state highway account. The director and the director of the Idaho state police shall jointly determine the amount to be transferred from the state highway account to the law enforcement fund for motor carrier safety programs conducted by the Idaho state police pursuant to the provisions of section [67-2901A](#), Idaho Code.

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

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

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

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

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

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

(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department; or

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

(11) The department or its authorized agents have the authority to request any person to submit to medical, vision, highway, or written examinations, to protect the safety of the public upon the highways. The department or its authorized agents may exercise such authority based upon evidence which may include, but is not limited to, observations made.

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

(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;

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

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

(d) Whenever a motor carrier requests revocation, or whenever an interstate carrier's federal operating authority has been revoked;

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

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

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

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

(13) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(14) The department shall institute educational programs, demonstrations, exhibits and displays.

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

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

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

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

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

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

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

(22) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of

a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

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

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

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

(26) The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or [title 40](#), Idaho Code.

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

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

[49-202, added 1988, ch. 265, sec. 5, p. 572; am. 1989, ch. 88, sec. 13, p. 167; am. 1989, ch. 310, sec. 8, p. 779; am. 1990, ch. 45, sec. 12, p. 86; am. 1991, ch. 143, sec. 1, p. 337; am. 1991, ch. 214, sec. 1, p. 511; am. 1992, ch. 35, sec. 6, p. 109; am. 1992, ch. 115, sec. 5, p. 354; am. 1992, ch. 173, sec. 1, p. 542; am. 1993, ch. 299, sec. 2, p. 1101; am. 1994, ch. 315, sec. 1, p. 1001; am. 1995, ch. 116, sec. 26, p. 407; am. 1995, ch. 209, sec. 1, p. 710; am. 1996, ch. 271, sec. 1, p. 879; am. 1997, ch. 80, sec. 7, p. 181; am. 1997, ch. 155, sec. 3, p. 443; am. 1998, ch. 110, sec. 9, p. 387; am. 1999, ch. 81, sec. 4, p. 242; am. 1999, ch. 383, sec. 6, p. 1057; am. 2000, ch. 320, sec. 3, p. 1082; am. 2000, ch. 418, sec. 6, p. 1335; am. 2000, ch. 469, sec. 112, p. 1571; am. 2001, ch. 183, sec. 20, p. 629; am. 2004, ch. 234, sec. 1, p. 687; am. 2007, ch. 21, sec. 1, p. 34; am. 2008, ch. 55, sec. 1, p. 138; am. 2009, ch. 331, sec. 2, p. 947; am. 2012, ch. 325, sec. 3, p. 898; am. 2019, ch. 274, sec. 1, p. 803; am. 2020, ch. 38, sec. 1, p. 75.]

49-203. PROHIBITION ON RELEASE AND USE OF PERSONAL INFORMATION CONTAINED IN MOTOR VEHICLE AND DRIVER RECORDS. (1) Except as otherwise provided, the department and any officer, employee, agent or contractor thereof, shall not knowingly disclose to any person or entity personal information about any individual when such information was obtained from a motor vehicle or driver record.

(2) Personal information shall be disclosed, except as restricted in subsection (6) of this section, for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act (15 USC 1231 et seq.), the Motor Vehicle Information and Cost Savings Act (49 USC 32101 et seq.), the National Traffic and Motor Vehicle Safety Act of 1966, the Anti Car Theft Act of 1992, and the Clean Air Act (42 USC 7401 et seq., as amended.)

(3) Personal information may be disclosed if the requesting person demonstrates in such form and manner as the department prescribes, that he has obtained the written consent of the individual to whom the personal information pertains.

(4) Personal information may be disclosed, except as restricted in subsection (6) of this section, on proof of the identity of the person requesting a record, and representation by such person that the use of the personal information will be strictly limited to any of the following described uses:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.

(b) For use in matters of motor vehicle or driver safety and theft; motor vehicle emissions, motor vehicle product alterations, recalls or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees or contractors, but only:

(i) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees or contractors; and

(ii) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the services of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court.

(e) For use in research activities, and for use in producing statistical reports, so long as personal information is not published, redisclosed or used to contact individuals.

(f) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees or contractors, in connection with claims investigation activities, rating or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles.

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under the provisions of [title 49](#), Idaho Code.

(i) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC 31101 et seq.).

(j) For bulk distribution for surveys, marketing, or solicitations if the department has obtained the written consent of the person to whom such personal information pertains.

(k) For any other use specifically authorized under Idaho Code, if such use is related to public safety or the operation of a motor vehicle.

(l) For use in connection with the operation of private toll transportation facilities, including companies that operate parking facilities for the purpose of providing notice to the owners of vehicles who have used the facility.

(5) Personal information obtained in an individual's motor vehicle or driver record shall be disclosed, except as restricted in subsection (6) of this section, in response to requests for individual motor vehicle or driver records without regard to the intended use of such personal information if the department has obtained the written consent of the person to whom such personal information pertains.

(6) In addition to the restrictions and prohibitions on the disclosure of personal information contained in motor vehicle and driver records, an individual's photograph, digitized image of a photograph, digitized signature, social security number, and medical or disability information shall not be disclosed without the written consent of the person to whom such information pertains, except for uses permitted under subsections (4) (a) and (4) (d) of this section.

(7) Authorized recipients of personal information may redisseminate such information only for those purposes set forth in paragraphs (a) through (l) of subsection (4) of this section. For the purposes of this subsection (7), "authorized recipients" means an individual, organization or entity who receives personal information for uses permitted in paragraphs (a) through (l) of subsection (4) of this section and includes record disseminators who agree to redisseminate such information only for the purposes set forth in paragraphs (a) through (l) of subsection (4) of this section.

[49-203, added 1997, ch. 80, sec. 8, p. 185; am. 2000, ch. 51, sec. 1, p. 98; am. 2000, ch. 52, sec. 1, p. 100]

49-203A. RULES, POLICIES AND WAIVER PROCEDURES ON DISCLOSURE OF PERSONAL INFORMATION. (1) The department is authorized to adopt rules in compliance with Idaho's motor vehicle and driver record disclosure requirements. The rules may include procedures under which the department, upon receiving a request for personal information that is not subject to

disclosure as provided in section [49-203](#), Idaho Code, may mail a copy of such request to each individual who is the subject of the personal information, informing the individual of the request, together with a statement to the effect that disclosure is prohibited and will not be made unless the individual affirmatively elects to waive such individual's right to privacy in the requested personal information.

(2) Disclosure of personal information permitted under the provisions of [chapter 2, title 49](#), Idaho Code, shall be subject to payment by the requesting person to the department of all fees for the information required by statute, rule or the terms of any contract with the requesting person, on such terms for payment as may be required or agreed.

[49-203A, added 1997, ch. 80, sec. 9, p. 187.]

49-204. MISREPRESENTATION TO OBTAIN RECORDS. Any person requesting disclosure of personal information from department records who misrepresents his identity or makes a false statement to the department on any application required to be submitted to obtain records shall be guilty of perjury.

[49-204, added 1997, ch. 80, sec. 10, p. 188.]

49-205. DUTIES OF LOCAL OFFICERS. (1) The assessors of the various counties of the state shall be agents of the department and shall perform duties prescribed in this title. With the concurrence of the department, a county assessor may appoint one (1) or more agents to perform the duties prescribed in chapters 4 and 5 of [title 49](#), Idaho Code. Such agent shall post a faithful performance bond in an amount and form acceptable to the department. The assessor may negotiate for reasonable reimbursement of expenses to an agent for any duties performed by the agent under terms of agreement with the county assessor.

(2) The county assessors shall receive and file in their respective offices all instruments required by chapter 5 of this title to be filed with the county assessors.

(3) It shall be the duty of peace officers within the state of Idaho to enforce and make arrests for the violation of the provisions of this title without the necessity of procuring a warrant. It shall be the duty of authorized employees of the department to enforce compliance with the laws in accordance with section [40-511](#), Idaho Code.

[49-205, added 1988, ch. 265, sec. 6, p. 577; am. 1991, ch. 288, sec. 3, p. 744; am. 1999, ch. 85, sec. 1, p. 284; am. 2014, ch. 38, sec. 4, p. 74.]

49-206. PROVISIONS UNIFORM THROUGHOUT STATE. The provisions of this title shall be applicable and uniform throughout this state in all political subdivisions and municipalities and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.

[49-206, added 1988, ch. 265, sec. 7, p. 577.]

49-207. MUNICIPAL REGISTRATION PROHIBITED -- POWER TO ENACT REGULATORY ORDINANCES NOT ABOLISHED. (1) Authorities of counties and cities shall have

no power to pass, enforce or maintain any ordinance requiring, from any owner of a vehicle or any dealer to which this title shall be applicable, any tax, license or permit for the free use of the public highways of a county or city, or prohibiting or excluding any owner or dealer from the free use of such highways or excluding or prohibiting any vehicle registered in compliance with the provisions of this title from the free use of the highways. Powers given by general statutes to local authorities in cities to enact general ordinances applicable equally and generally to all vehicles and the use of highways to bring about the orderly passage of vehicles upon certain highways in such cities where the traffic is heavy and continuous, and powers given to cities to regulate vehicles offered to the public for hire, or processions, assemblages or parades on the highways or in public places shall remain in full force and effect, and all ordinances which may have been or which may be enacted in pursuance of those powers shall remain in full force and effect. These provisions of law shall not be construed to prevent cities from enacting and enforcing general ordinances prescribing additional requirements as to speed, manner of driving or operating vehicles on any of the highways of such cities, and prescribing other requirements pertaining to signals to be given by drivers or operators of motor vehicles, the carrying of lights on motor vehicles, the turning of motor vehicles on highways, and requirements for motor vehicles in passing other vehicles and pedestrians.

(2) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering or traffic investigation, and the residential, urban or business character of the neighborhood abutting the highway in a residential, business or urban district that the speed limit permitted under this title is greater than is reasonable and safe under the conditions found to exist upon a highway or part of a highway or because of the residential, urban or business character of the neighborhood abutting the highway in a residential, business or urban district, the local authority may determine and declare a reasonable and safe maximum limit which:

- (a) Decreases the limit within a residential, business or urban district;
- (b) Increases the limit within a nonresidential area of an urban district but not to more than seventy (70) miles per hour; or
- (c) Decreases the limit outside an urban district.

(3) Local authorities in their respective jurisdictions shall determine by an engineering or traffic investigation the proper maximum speed not exceeding a maximum limit of seventy (70) miles per hour for all arterial highways and shall declare a reasonable and safe maximum limit which may be greater or less than the limit permitted under this title for an urban district.

(4) Any altered speed limit established shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice are erected upon the highway. Any alteration of maximum limits on state highways or extensions in a municipality by local authorities shall not be effective until the alteration has been approved by the department. Provided however, that any alteration of speed limits must be based upon a traffic engineering study approved by the department and completed according to department standards. The alteration of speed limits by local authorities shall be done in consultation with the department. In the event of disagreement between the department and local authorities, the department traffic study shall be adopted, unless the local government traf-

fic study is submitted to the Idaho transportation department board and the board adopts the local study in whole or in part.

[49-207, added 1988, ch. 265, sec. 8, p. 577; am. 1989, ch. 310, sec. 9, p. 783; am. 1991, ch. 100, sec. 2, p. 222; am. 1996, ch. 270, sec. 3, p. 877; am. 1997, ch. 155, sec. 4, p. 448; am. 2012, ch. 325, sec. 4, p. 902; am. 2014, ch. 126, sec. 3, p. 359.]

49-208. POWERS OF LOCAL AUTHORITIES. (1) The provisions of this title shall not be deemed to prevent local authorities with respect to highways under their jurisdiction and within the reasonable exercise of the police power from:

- (a) Regulating or prohibiting stopping, standing or parking;
- (b) Regulating traffic by means of peace officers or traffic-control devices;
- (c) Regulating or prohibiting processions or assemblages on the highways;
- (d) Designating particular highways for use by traffic moving in one (1) direction;
- (e) Establishing speed limits for vehicles in public parks;
- (f) Designating any highway as a through highway or designating any intersection or junction of highways as a stop or yield intersection or junction;
- (g) Restricting the use of highways as authorized in [chapter 10, title 49](#), Idaho Code;
- (h) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- (i) Altering or establishing speed limits;
- (j) Designating no-passing zones;
- (k) Prohibiting or regulating the use of controlled-access highways by any class or kind of traffic;
- (l) Prohibiting or regulating the use of heavily traveled highways by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- (m) Establishing minimum speed limits;
- (n) Prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk;
- (o) Restricting pedestrian crossings at unmarked crosswalks;
- (p) Establishing the maximum speed of vehicles on a bridge or other elevated structure;
- (q) Requiring written accident reports;
- (r) Regulating persons propelling pushcarts;
- (s) Regulating persons upon skates, coasters, sleds and other toy vehicles;
- (t) Adopting and enforcing temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
- (u) Prohibiting drivers of ambulances from exceeding maximum speed limits;
- (v) Adopting such other traffic regulations as are specifically authorized by this title.

(2) No ordinance or regulation enacted under paragraphs (d) through (p) of subsection (1) of this section shall be effective until traffic-control devices giving notice of local traffic regulations are erected upon or at the entrances to the highway or part affected as may be most appropriate.

(3) No local authority shall erect or maintain any traffic-control device at any location so as to require traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the department.

(4) Local authorities by ordinance may adopt by reference all or any part of [title 49](#), Idaho Code, without publishing or posting in full the provisions thereof, provided that not less than one (1) copy is available for public use and examination in the office of the clerk.

(5) Local authorities may adopt an ordinance establishing procedures for the abatement and removal of abandoned, junk, dismantled or inoperative vehicles or their parts from private or public property, including highways, provided the ordinance is not in conflict with the provisions of this title.

[49-208, added 1988, ch. 265, sec. 9, p. 578; am. 1990, ch. 45, sec. 13, p. 90; am. 1997, ch. 155, sec. 5, p. 449; am. 2012, ch. 325, sec. 5, p. 903.]

49-209. LOCAL TRAFFIC-CONTROL DEVICES. Local authorities in their respective jurisdictions shall place and maintain traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this title, or local traffic ordinances, or to regulate, warn or guide traffic. All traffic-control devices erected shall conform to the state manual and specifications referred to in section [49-201](#), Idaho Code; provided, however, that any offense created hereunder shall constitute an infraction as the same is defined in section [49-3401](#)(3), Idaho Code.

[49-209, added 1988, ch. 265, sec. 10, p. 580.]

49-210. AUTHORITY TO RESTRICT PEDESTRIAN CROSSINGS. Local authorities by ordinance and the department by erecting appropriate traffic-control devices, are hereby empowered within their respective jurisdictions to prohibit pedestrians from crossing any highway except in a crosswalk.

[49-210, added 1988, ch. 265, sec. 11, p. 580.]

49-211. AUTHORITY TO CLOSE UNMARKED CROSSWALKS. The department and local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or when pedestrians must yield the right-of-way to vehicles. Restrictions shall be effective only when traffic-control devices indicating the restrictions are in place.

[49-211, added 1988, ch. 265, sec. 12, p. 581.]

49-212. AUTHORITY FOR STOP SIGNS AND YIELD SIGNS. The department and local authorities with reference to highways under their jurisdiction may erect and maintain stop signs, yield signs, or other traffic-control devices to designate through highways, or to designate intersections or other junctions at which vehicular traffic on one or more of the highways should yield, or stop and yield, before entering the intersection or junction.

[49-212, added 1988, ch. 265, sec. 13, p. 581.]

49-213. PARKING SPACES FOR PERSONS WITH A DISABILITY -- MARKING AND SIGNING -- ENFORCEMENT. (1) Local governments and owners of private property open to public use shall designate parking zones and spaces to be used exclusively by vehicles displaying a special license plate for a person with a disability, or a special placard as prescribed in section [49-410](#), Idaho Code. Any parking zones and spaces so designated shall conform to the following requirements:

(a) Parking lots will conform to the requirements of federal Public Law 101-336, Americans with disabilities act of 1990.

(b) One (1) parking space shall be designated for every thirty-five (35) spaces of on-street parking available on each downtown street block. These parking spaces shall be parallel with the sidewalk where parallel parking is required, or at an angle to the sidewalk where angle parking is required. Should angle parking be used, the parking spaces so designated for use by a person with a disability shall conform to the federal Americans with disabilities act. All accessible parking spaces shall be located on the shortest route to curb cuts and ramps for use by wheelchairs and other mobility aids and devices. For the purposes of this section, the term "downtown" means the business center of a city as designated by the city council of the city. The term "street block" means that portion of a city street between consecutive parallel intersections.

(c) For each designated parking space or area there shall be posted immediately adjacent to, and visible from each stall or space, a sign consisting of the international accessibility symbol as shown in section [49-410](#), Idaho Code.

(d) Should any city desire to modify any of the requirements of subsection (1) (a) or (b) of this section, a city council may do so by ordinance, after complying with the following requirements:

1. The city council, or any other body designated by the city council by ordinance, shall receive a recommendation from a board, commission or committee created in conformity with section [50-210](#), Idaho Code, of which at least one-half (1/2) of the members shall be persons with a disability as defined in section [49-117](#), Idaho Code; and

2. The city shall cause notice of public hearing on the proposed ordinance modifying the standards specified in subsection (1) (a) or (b) of this section, to be published in a newspaper of general circulation in the city at least fourteen (14) days before the public hearing.

(2) Parking a vehicle or the standing of a vehicle in a space reserved for a person with a disability, which space is signed in conformance with the requirements specified in subsection (1) (c) of this section, is prohibited, unless a vehicle is momentarily in the space for the purpose of allowing a person with a disability to enter or leave the vehicle, or unless special license plates or placard or temporary placard for a person with a disability is displayed on the vehicle. It is prohibited for any person to park a motor vehicle in a properly marked access aisle in a manner which prevents or reasonably could restrict a person with a disability from entering or exiting their vehicle or in such manner as it would block access to a curb cut or ramp. The registered owner of a vehicle parked in violation of the provisions of this subsection is guilty of an infraction, which is punishable by a fine of

one hundred dollars (\$100). Vehicles parked in violation of this section may be towed pursuant to provisions of state law or local ordinance.

(3) Law enforcement officials and/or their designees as authorized by a city or county are empowered to enter upon private property open to public use to enforce the provisions of this section.

[49-213, added 1988, ch. 265, sec. 14, p. 581; am. 1989, ch. 310, sec. 10, p. 784; am. 1994, ch. 264, sec. 3, p. 817; am. 2003, ch. 162, sec. 1, p. 456.]

49-217. REGULATIONS RELATIVE TO SCHOOL BUSES. Any officer or employee of any school or school district operating a school bus who violates any regulations promulgated in conformance with the provisions of section [49-201](#), Idaho Code, may be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school or school district who fails to comply with any regulations may be guilty of breach of contract and such contract may be cancelled after notice of hearing by the responsible officers of the school or school district.

[49-217, added 1988, ch. 265, sec. 15, p. 582.]

49-218. DESIGNATION OF AUTHORIZED EMERGENCY VEHICLES. The director of the Idaho state police shall designate any particular vehicle as an authorized emergency vehicle upon a finding that designation of that vehicle is necessary to the preservation of life or property, or to the execution of emergency governmental functions.

Any person who operates a motor vehicle in a manner which would lead one to reasonably believe it was an emergency vehicle without prior approval of the director of the Idaho state police, shall be guilty of a misdemeanor and shall be subject to a fine of not less than three hundred dollars (\$300) and may be incarcerated for not more than thirty (30) days in jail for each occurrence.

[49-218, added 1988, ch. 265, sec. 16, p. 582; am. 2000, ch. 469, sec. 113, p. 1576.]

49-221. REMOVAL OF TRAFFIC HAZARDS. (1) It shall be the responsibility of the owner of real property to remove from his property any hedge, shrubbery, fence, wall or other sight obstructions of any nature, except public traffic or highway signs, buildings and trees, where these sight obstructions constitute a potential traffic hazard. The above sight obstructions shall not extend more than three (3) feet, or less than ten (10) feet, in height above the existing center line highway elevation within the vision triangle of vehicle operators. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent highways forty (40) feet along each highway and connecting the two (2) points with a straight line. The sight distance obstruction restriction is also applicable to railroad-highway grade crossings with vision triangle defined by measuring forty (40) feet along the railroad property line when intersecting with a highway.

(2) When the department or any local authority determines that a traffic hazard exists, it may notify the owner and order that the hazard be removed within an appropriate time as determined by the department or local authority, considering the circumstances and conditions involved. The appro-

appropriate time may be specified in the notice. Such notice shall not obligate the department or local authorities to pursue removal or abatement until all legal remedies are exhausted.

(3) The failure of the owner to remove the traffic hazard within the appropriate specified time shall constitute a misdemeanor and every day the owner shall fail to remove the obstruction may be considered a separate and distinct offense. Civil action may also be initiated by state or local officials to enforce vision triangle restrictions.

(4) Local officials may, by resolution or ordinance, establish standards and procedures for protecting vision triangles at the intersections of local streets and roads. Such locally adopted standards or procedures, which may be more or less restrictive than the provisions hereof, shall not modify the standards established by this section concerning intersections with state maintained highways and intersections with railroads.

[49-221, added 1988, ch. 265, sec. 17, p. 583; am. 1998, ch. 408, sec. 1, p. 1265.]

49-222. RIGHTS OF OWNERS OF REAL PROPERTY. Nothing in this title shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or otherwise regulating such use as may seem best to the owner, except as provided in section [49-213](#), Idaho Code.

[49-222, added 1988, ch. 265, sec. 18, p. 583.]

49-223. SALE OF NONCONFORMING TRAFFIC-CONTROL DEVICES. A person shall not sell nor offer for sale any sign, signal, marking or other device intended to regulate, warn or guide traffic unless it conforms with the adopted state manual and specifications.

[49-223, added 1988, ch. 265, sec. 19, p. 583.]

49-226. FILING FALSE AFFIDAVIT OF THEFT OR EMBEZZLEMENT OF A VEHICLE. It shall be unlawful and a felony for the owner of any vehicle to file an affidavit as required in section [49-449](#), Idaho Code, knowing the same to be false or misleading.

[49-226, added 1988, ch. 265, sec. 20, p. 584.]

49-227. OPERATING VEHICLE WITHOUT OWNER'S CONSENT. Any person who shall operate a vehicle, not his own, without the consent of the owner, and with intent temporarily to deprive the owner of his possession of such vehicle, without intent to steal the vehicle, shall be guilty of a misdemeanor, unless the damages caused to the vehicle as a result of a violation of this section exceed one thousand dollars (\$1,000) in value, or the value of property taken from the vehicle exceeds one thousand dollars (\$1,000), or a combination of the damages caused to the vehicle and the value of property taken exceeds one thousand dollars (\$1,000), in which case such person is guilty of a felony. The consent of the owner of a vehicle to its taking or operating shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or operating of the

vehicle by the same or a different person. Any person who assists in, or is a party or accessory to or an accomplice in any unauthorized taking or operation shall also be guilty of a misdemeanor, unless the damages caused to the vehicle as a result of a violation of this section exceed one thousand dollars (\$1,000) in value, or the value of property taken from the vehicle exceeds one thousand dollars (\$1,000), or a combination of the damages caused to the vehicle and the value of property taken exceeds one thousand dollars (\$1,000), in which case such person is guilty of a felony. For the purpose of this section vehicle shall include, but is not limited to vehicles defined in section [49-123](#), Idaho Code, boats, airplanes, snowmobiles, three and four wheel all-terrain vehicles, hot air balloons, hang gliders, jet skis and motorcycles.

[49-227, added 1988, ch. 265, sec. 21, p. 584; am. 1992, ch. 75, sec. 1, p. 213; am. 2005, ch. 117, sec. 1, p. 377.]

49-228. RECEIVING OR TRANSFERRING STOLEN VEHICLES. Any person who, with intent to procure or pass title to a vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the vehicle from or to another, or who shall have in his possession any vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as an officer of the law, shall be guilty of a felony and upon conviction shall be punished as provided in section [18-112](#), Idaho Code.

[49-228, added 1988, ch. 265, sec. 22, p. 584.]

49-229. INJURING VEHICLE. Except as authorized by section [49-1806](#), Idaho Code, any person who shall individually, or in association with one (1) or more others, willfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying the vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of the vehicle, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of the vehicle shall be guilty of a misdemeanor.

[49-229, added 1988, ch. 265, sec. 23, p. 584; am. 2018, ch. 324, sec. 3, p. 755.]

49-231. FARM IMPLEMENTS -- PURCHASING OR SELLING WHEN IDENTIFYING NUMBER ALTERED OR DEFACTED A FELONY. Any person who knowingly buys, receives, disposes of, sells, offers for sale or has in his possession any tractor, trailer, or other farm implement or engine removed from a tractor or farm implement from which the manufacturer's serial or engine number or other distinguishing number or identification mark or number, has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the tractor, trailer or farm implement or engine, is guilty of a felony.

[49-231, added 1988, ch. 265, sec. 25, p. 585.]

49-232. FRAUDULENT REMOVAL OR ALTERATION OF NUMBERS PROHIBITED. No person shall with fraudulent intent deface, destroy or alter the man-

manufacturer's serial or engine number or other distinguishing number or identification mark of a vehicle or a tractor, or other farm implement; nor shall any person place or stamp any fictitious or unauthorized serial, engine or other number or distinguishing mark with the intention that the same pass for a number or mark placed thereon by the manufacturer of the vehicle or tractor or farm implement. This section shall not prohibit the restoration by an owner or repair man of an original serial, engine or other number or distinguishing mark, but is designed to prohibit and prevent the fraudulent removal or alteration of marks or numbers placed on the vehicles or tractors and other farm implements by the manufacturer.

[49-232, added 1988, ch. 265, sec. 26, p. 585.]

49-235. ENFORCEMENT BY PEACE OFFICERS. (1) The director of the Idaho state police, his officers and employees, and other peace officers as the director of the Idaho state police may authorize in writing may, upon reasonable cause, require the driver of a vehicle to stop and submit the vehicle and its equipment to an inspection and a test as may be appropriate.

(2) In the event a vehicle is found to be in an unsafe condition, or the required equipment is not present, or is not in proper repair and adjustment, the officer shall give a written notice to the driver and send a copy to the Idaho state police. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment, and a certificate of inspection and approval for the vehicle be obtained within five (5) days. Every owner or driver upon receiving such a notice shall comply with the notice and shall within the five (5) days secure an endorsement upon the notice by the person making the repair or adjustment that the vehicle is in safe condition and its equipment in proper repair and adjustment, and shall forward the notice to the Idaho state police.

(3) No person shall operate any vehicle after receiving a notice as provided in this section, until the vehicle and its equipment have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this title.

[49-235, added 1988, ch. 265, sec. 27, p. 586; am. 2000, ch. 469, sec. 114, p. 1576.]

49-236. PENALTIES. (1) It is a misdemeanor for any person to violate any of the provisions of this title except the provisions of chapter 3, other than sections [49-301](#), [49-316](#), [49-331](#) and [49-332](#), Idaho Code, chapter 4 and chapters 6 through 9 of this title, unless otherwise specifically provided.

(2) It is an infraction for any person to violate any of the provisions of chapters 3, 4 and 6 through 9 of this title unless otherwise specifically provided.

(3) Any offense punishable by imprisonment in the state penitentiary is a felony.

(4) Punishments shall be as provided in sections [18-111](#), [18-112](#), [18-113](#) and [18-113A](#), Idaho Code, unless otherwise specifically provided.

(5) Whenever a person is arrested for any violation of the provisions of this title declared to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony.

(6) It is an infraction punishable by a fine of seventy-five dollars (\$75.00) for any person to violate the provisions of either section [49-1229](#), [49-1232](#) or [49-1428](#), Idaho Code.

[49-236, added 1988, ch. 265, sec. 28, p. 586; am. 1990, ch. 432, sec. 1, p. 1198; am. 1992, ch. 115, sec. 6, p. 358; am. 2000, ch. 327, sec. 1, p. 1102.]

49-237. RECORDS TO BE SENT TO DEPARTMENT. Upon the conviction or reversal of conviction of any person for the violation of any of the provisions of this title, the judicial officer before whom the proceedings are had or the clerk of the district court shall immediately transmit the facts of the case to the department, either in paper or electronic form, including the name, address, date of birth, and the driver's license number or social security number of the party charged, and any judgment issued, including a withheld judgment. The judicial officer or the clerk of the district court shall also forward to the department information regarding the character of the punishment, and the amount of any fine imposed and paid, the ordered sentence and its terms, and the ordered suspension period, including when the suspension is to commence. The information provided to the department shall be certified if submitted in paper form; no certification is required for electronic transfers of information. The department shall enter the facts either in the records of registered vehicles, or in the records of registered dealers, or in the driver's license records, as the case may be, opposite the name of the person so convicted, and in the case of any other person, in a record of offenders, to be kept for that purpose. If an individual is reincarcerated while that person's driver's license or driving privileges are suspended, the department of correction is to notify the department that the individual is reincarcerated, as well as the terms and period of reincarceration. If the conviction be reversed on appeal, the person whose conviction has been reversed may serve on the department a certified copy of the order of reversal, and the department shall enter the reversal in the proper records.

[49-237, added 1988, ch. 265, sec. 29, p. 587; am. 1998, ch. 110, sec. 10, p. 392; am. 1998, ch. 152, sec. 1, p. 523; am. 1999, ch. 81, sec. 5, p. 246.]

49-238. CHARGING VIOLATIONS AND RULE IN CIVIL ACTIONS. (1) In every charge of violation of any speed regulation in this title, the complaint or citation shall specify the speed at which the defendant is alleged to have been driving and the speed limit applicable within the district or at the location.

(2) The provision of this title declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

(3) Upon the trial of any person charged with a violation of speed limitations, proof of determination of the maximum speed by the local jurisdictions and the existence of appropriate signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to a bridge or structure.

[49-238, added 1988, ch. 265, sec. 30, p. 587.]

49-239. DISPOSITION OF FINES, PENALTIES, FORFEITURES AND FEES. [(1)] All fines, penalties, and forfeitures collected for violations of any of the provisions of chapter 4 of this title, shall be remitted to the state treasurer and placed in the highway distribution account.

(2) All other fines, penalties and forfeitures collected by any court or judge, for violation of motor vehicle laws, for violation of state driving privilege laws or for any other provisions of this title, shall be distributed as provided in section [19-4705](#), Idaho Code.

(3) All fees collected shall be remitted to the state treasurer and placed in the highway distribution account unless otherwise provided in this title.

[49-239, added 1988, ch. 265, sec. 31, p. 588.]

49-240. CERTAIN CIRCUMSTANCES FOR FORFEITURE OF BOND FOR TRAFFIC OFFENSES. (1) Whenever a person has received a written uniform misdemeanor traffic citation, summons or complaint containing a notice to appear before a magistrate, and if the attorney prosecuting the case and the defendant concur that it is in the best interest of justice that the defendant may post and forfeit an amount of the bond agreed upon by the parties, the court shall dismiss the charge. When bond is forfeited under the provisions of this subsection, no violation points, as prescribed in section [49-326](#), Idaho Code, shall accrue. A forfeiture of bond under the provisions of this subsection shall not be recorded as a conviction, but the proceeds of the bond shall be distributed as court costs and fines as though there were a conviction.

(2) The provisions of subsection (1) of this section shall not be available when citations, summons or complaints are written for a violation of the provisions of section [18-8001](#), [18-8004](#), [18-8006](#) or [49-1401](#), Idaho Code.

(3) Whenever a person who, while operating a commercial motor vehicle or whenever a holder of a class A, B or C license, has received a written uniform traffic citation, summons or complaint containing a notice to appear before a magistrate for an offense arising out of the operation of a motor vehicle, any bond forfeiture shall be treated as though it were a conviction.

[49-240, added 1988, ch. 265, sec. 32, p. 588; am. 1992, ch. 161, sec. 1, p. 517; am. 1996, ch. 371, sec. 4, p. 1253; am. 2006, ch. 164, sec. 3, p. 492; am. 2010, ch. 49, sec. 2, p. 91.]

49-243. SEVERABILITY. The provisions of this title are declared to be severable, and if any provision of this title or the application of that provision to any person or circumstance is declared invalid for any reason, that declaration shall not affect the validity of remaining portions of this title.

[49-243, added 1988, ch. 265, sec. 33, p. 588.]

49-244. IDAHO RESIDENCY AND DOMICILE REQUIREMENTS -- INDIAN RESERVATIONS. Notwithstanding the residency and domicile requirements provided for in chapters 1, 4 and 5 of [title 49](#), Idaho Code, enrolled tribal members, residing and domiciled within the boundaries of a federally recognized Indian reservation, which boundaries are located in whole or in part within this state, shall be considered Idaho residents for purposes of vehicle registration and vehicle titling in Idaho.

[49-244, added 2013, ch. 258, sec. 2, p. 635; am. 2014, ch. 97, sec. 29, p. 289.]