

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 71
RECREATIONAL ACTIVITIES

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" or "ATV" means any recreational motor vehicle designed for or capable of traveling off developed roadways and highways with three (3) or more tires and fifty-five (55) inches or less in width, with a wheelbase of sixty-one (61) inches or less, and with handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of section [67-4221](#), Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sale of or rental of snowmobiles, motorbikes, utility type vehicles or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

(7) "Director" means the director of the department of parks and recreation.

(8) "Highway." (See section [40-109](#), Idaho Code, but excepting public roadway as defined in this section)

(9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractors, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

(10) "Off-highway vehicle" or "OHV" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.

(11) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile.

(12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(13) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(14) "Public roadway" means all portions of any highway controlled by an authority other than the Idaho transportation department.

(15) "Snowmobile" means any self-propelled vehicle under two thousand (2,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, that may be steered by tracks, skis, or runners.

(16) "Specialty off-highway vehicle" means any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not

fit the definition of an all-terrain vehicle, utility type vehicle or motor-bike as defined in this section. The vehicle classification provided for in this subsection shall become effective on January 1, 2010.

(17) "Utility type vehicle" or "UTV" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four (4) or more tires and having a maximum width less than eighty (80) inches. A utility type vehicle must have a minimum width of fifty (50) inches and a minimum weight of at least nine hundred (900) pounds. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section [49-110\(2\)](#), Idaho Code, or vehicles otherwise registered under [title 49](#), Idaho Code. A "utility type vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

(18) "Vendor" means any entity authorized by the department to sell recreational certificates of number and nonresident user certificates.

(19) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing recreation account.

[(67-7101) 49-2603, added 1969, ch. 338, sec. 3, p. 1061; am. 1982, ch. 95, sec. 118, p. 185; am. 1983, ch. 239, sec. 1, p. 644; am. 1986, ch. 323, sec. 1, p. 790; am. and redesig. 1988, ch. 265, sec. 532, p. 843; am. 1989, ch. 106, sec. 1, p. 239; am. 1990, ch. 391, sec. 4, p. 1096; am. 2003, ch. 87, sec. 3, p. 268; am. 2006, ch. 42, sec. 1, p. 122; am. 2007, ch. 117, sec. 1, p. 361; am. 2008, ch. 409, sec. 10, p. 1136; am. 2009, ch. 157, sec. 11, p. 472; am. 2011, ch. 158, sec. 3, p. 445; am. 2014, ch. 38, sec. 21, p. 89; am. 2014, ch. 242, sec. 1, p. 610; am. 2014, ch. 338, sec. 3, p. 841; am. 2019, ch. 71, sec. 1, p. 167; am. 2019, ch. 77, sec. 1, p. 180; am. 2021, ch. 149, sec. 1, p. 403; am. 2022, ch. 33, sec. 1, p. 91.]

67-7102. SNOWMOBILES -- REQUIREMENT THAT SNOWMOBILES BE NUMBERED. Except as otherwise provided, no snowmobile shall be operated within the jurisdiction of the state of Idaho unless numbered as provided in this chapter.

[(67-7102) 49-2604, added 1969, ch. 338, sec. 4, p. 1061; am. and redesig. 1988, ch. 265, sec. 533, p. 844; am. 2021, ch. 149, sec. 2, p. 404.]

67-7103. SNOWMOBILES -- APPLICATION FOR NUMBER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) The operator of each snowmobile requiring numbering by the state of Idaho shall obtain a certificate of number for the snowmobile, which certificate of number shall be issued by season, for seasons running from November 1 through October 31. To obtain a certificate of number, the operator shall pay a fee of forty-five dollars and fifty cents (\$45.50). Upon receipt of the fee, the department shall issue to the operator a certificate of number together with a validation sticker to be attached to the snowmobile in a manner as may be prescribed by rules of the department. The validation sticker shall be located on the snowmobile and shall be completely visible and shall be maintained in legible condition whenever the snowmobile is in operation.

(2) The department may issue any certificate of number directly or may authorize any persons to act as vendor for the issuance. In the event a person accepts the authorization, he may be assigned a block of validation

stickers and certificates of number that, upon issue, in conformity with this chapter and with any rules of the department, shall be valid as if issued directly by the department.

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

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

(5) No number, other than the validation stickers issued to the operator and affixed to the snowmobile pursuant to this chapter, shall be painted, attached, or otherwise displayed on the snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.

(6) Notwithstanding the provisions of subsection (1) of this section, resident and nonresident owners of snowmobiles used for rental purposes shall purchase rental validation stickers for seventy-five dollars and fifty cents (\$75.50) and the validation stickers shall be displayed on the machine at all times.

[(67-7103) 49-2605, added 1969, ch. 338, sec. 5, p. 1061; am. 1986, ch. 323, sec. 2, p. 790; am. and redesig. 1988, ch. 265, sec. 534, p. 844; am. 1989, ch. 106, sec. 2, p. 240; am. 1992, ch. 178, sec. 1, p. 562; am. 1998, ch. 343, sec. 1, p. 1094; am. 2003, ch. 258, sec. 1, p. 680; am. 2005, ch. 141, sec. 2, p. 435; am. 2007, ch. 117, sec. 2, p. 362; am. 2014, ch. 338, sec. 4, p. 842; am. 2021, ch. 149, sec. 3, p. 404; am. 2021, ch. 295, sec. 1, p. 895; am. 2022, ch. 111, sec. 33, p. 395.]

67-7104. SNOWMOBILES -- NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. The operator of a nonresident, noncommercial snowmobile shall be required to obtain a nonresident snowmobile user certificate in the same manner and for the same seasons as described in section [67-7103](#), Idaho Code, before operating a snowmobile in Idaho. A fee of fifty-nine dollars and fifty cents (\$59.50) shall be imposed for the issuance of a nonresident snowmobile user certificate. The validation stickers shall be displayed in the same manner as provided in section [67-7103](#), Idaho Code. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in section [67-7103](#), Idaho Code, for numbering of snowmobiles.

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

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

[(67-7104) 49-2606, added 1969, ch. 338, sec. 6, p. 1061; am. and redesig. 1988, ch. 265, sec. 535, p. 845; am. 1998, ch. 342, sec. 1, p. 1093; am. 1999, ch. 368, sec. 1, p. 975; am. 2003, ch. 258, sec. 2, p. 681; am. 2005, ch. 141, sec. 3, p. 436; am. 2007, ch. 117, sec. 3, p. 363; am. 2014, ch. 338, sec. 5, p. 843; am. 2021, ch. 149, sec. 4, p. 405; am. 2021, ch. 295, sec. 2, p. 896.]

67-7105. GOVERNMENT OWNERSHIP. Certificate of number and registration portions of this chapter shall not apply to snowmobiles, all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes owned and operated by the federal government, a state government or a subdivision of it.

[(67-7105) 1969, ch. 338, sec. 7, p. 1061; am. and redesisg. 1988, ch. 265, sec. 536, p. 846; am. 2009, ch. 157, sec. 12, p. 473.]

67-7106. SNOWMOBILES -- DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE FUND -- DEPARTMENT OF LANDS ALLOCATION -- STATE SNOWMOBILE SEARCH AND RESCUE FUND -- STATE SNOWMOBILE AVALANCHE FUND. (1) Each vendor shall, not later than the fifteenth day of each month, remit all moneys collected under the provisions of sections [67-7103](#) and [67-7104](#), Idaho Code, to the state treasurer for credit to the state snowmobile fund, established in the dedicated fund, to be administered by the director, except that the amounts designated in this subsection from each snowmobile certificate of number fee, each rental certificate of number fee, and each nonresident snowmobile user certificate issued by the vendor shall be credited by the state treasurer to each of the following funds or entities:

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

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

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

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

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

(4) Vendors shall be entitled to retain a handling fee of one dollar and fifty cents (\$1.50) per certificate of number or nonresident user certificate. Handling fees collected by the department shall be deposited to the state snowmobile fund.

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

[(67-7106) 49-2608, added 1983, ch. 239, sec. 3, p. 644; am. 1986, ch. 323, sec. 3, p. 790; am. and redesisg. 1988, ch. 265, sec. 537, p. 846; am. 1989, ch. 106, sec. 3, p. 241; am. 1992, ch. 178, sec. 2, p. 563; am. 2005, ch. 141, sec. 4, p. 436; am. 2007, ch. 117, sec. 4, p. 364; am. 2014, ch.

338, sec. 6, p. 843; am. 2021, ch. 149, sec. 5, p. 405; am. 2021, ch. 295, sec. 3, p. 896.]

67-7107. SNOWMOBILES -- COUNTY ADVISORY COMMITTEE. The county commissioners of any county may appoint snowmobile advisory committees to serve without salaries and wages in an advisory capacity relating to the establishment and maintenance of parking and unloading areas on public and private property, and the expenditure of moneys deposited in the county snowmobile fund; and to serve at the pleasure of the county commissioners. The persons selected shall be active snowmobilers representing snowmobile clubs, organizations, or merchants engaged in the sale or rental of snowmobiles, or be a member of the general public actively engaged in the sport of snowmobiling.

The board of county commissioners is hereby authorized, upon advisement of the special advisory committee, to use and expend the special fund created in section [67-7106](#), Idaho Code, outside the county.

[(67-7107) I.C., sec 49-2608A, as added by 1971, ch. 256, sec. 1, p. 1031; am. and redesign. 1988, ch. 265, sec. 538, p. 847; am. 1992, ch. 178, sec. 3, p. 564; am. 2021, ch. 149, sec. 6, p. 406.]

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

(2) The board shall appoint a state snowmobile avalanche fund committee (SSAFC) of five (5) members. The membership of the SSAFC shall consist of the director of the United States forest service national avalanche center, or his designee, who shall chair the SSAFC, and one (1) active snowmobiler from each of the following districts: north Idaho, central Idaho, south Idaho, and east Idaho. These four (4) regional members of the SSAFC shall be appointed by the board from a list of no fewer than two (2) persons nominated by the Idaho state snowmobile association, and said members shall serve a term of four (4) years, except that the term of the initial appointees shall commence on the date of appointment and shall be staggered such that at least one (1) position is up for appointment each year. Each member of the SSAFC must be a qualified elector of the state, maintaining a residence and domicile within the district of appointment. For purposes of SSAFC membership and representation, the four (4) districts shall be as follows:

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

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

(c) South Idaho consists of Lemhi, Custer, Butte, Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls, and Cassia counties.

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

(3) The duties of the SSAFC include:

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

(b) Representing the best interests of the snowmobile users in the district from which each member is appointed; and

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

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

[67-7107A, added 2021, ch. 295, sec. 4, p. 897.]

67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVISIONS. The provisions of this chapter shall govern the numbering and registration of snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles operated in this state. All political subdivisions of the state are expressly prohibited from numbering or registering snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles in any respect.

[(67-7108) 49-2609, added 1969, ch. 338, sec. 9, p. 1061; am. and redesign. 1988, ch. 265, sec. 539, p. 847; am. 2014, ch. 338, sec. 7, p. 844.]

67-7109. SNOWMOBILES -- PROHIBITION AGAINST HIGHWAY OPERATION -- EXCEPTIONS. No person shall operate a snowmobile upon any highway or public roadway in this state, with the following exceptions:

(1) Properly numbered snowmobiles may cross, as directly as possible after a full and complete stop, highways and public roadways, except controlled access highways, provided that the crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on the highway or public roadway. It shall be the responsibility of the operator of the snowmobile to yield the right-of-way to all vehicular traffic upon any highway or public roadway before crossing.

(2) Loading or unloading shall be done without causing a hazard to vehicular traffic approaching from either direction on a highway or public roadway. Loading or unloading shall be accomplished with regard to safety, at the nearest possible point to the area of operation.

(3) The prohibition against operating snowmobiles upon highways and public roadways shall not apply to any highway or public roadway drifted or

covered with snow to an extent that travel on it by other motor vehicles is impractical or impossible.

(4) Snowmobiles may be operated on that portion of a highway or public roadway right-of-way that is not maintained or utilized for the operation of conventional motor vehicles.

(5) Local authorities may, by ordinance, specifically designate public roadways upon which snowmobiles may be operated.

[(67-7109) 1969, ch. 338, sec. 10, p. 1061; am. and redesig. 1988, ch. 265, sec. 540, p. 847; am. 2021, ch. 149, sec. 7, p. 406.]

67-7110. SNOWMOBILES -- RESTRICTIONS. It shall be unlawful for any person to drive or operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) In a negligent manner so as to endanger the person or property of another, or to cause injury or damage to either, or to harass, chase or annoy any wild game animals or birds or domestic animals.

(3) Without a lighted headlight and taillight between the hours of dusk and dawn, or when upon or crossing any public roadway or highway, or when otherwise required for the safety of others.

(4) Without an adequate braking device which may be operated by either hand or foot.

(5) Without an adequate muffler, except when used in conjunction with public racing events.

(6) Upon a public roadway or highway without a valid motor vehicle operator's license, unless the public roadway or highway is closed to other motor vehicle travel.

[(67-7110) 1969, ch. 338, sec. 11, p. 1061; am. and redesig. 1988, ch. 265, sec. 541, p. 848; am. 1999, ch. 359, sec. 1, p. 950; am. 2021, ch. 149, sec. 8, p. 407.]

67-7111. ACCIDENT RESULTING IN PERSONAL INJURIES OR PROPERTY DAMAGE. The operator of any snowmobile or OHV involved in any accident resulting in injuries to or death to any person or property damage to property other than the operator's snowmobile or OHV in the estimated amount of two hundred dollars (\$200) or more, or a person acting for the operator, or the owner of the snowmobile or OHV having knowledge of the accident should the operator of the snowmobile or OHV be unknown, shall immediately notify a proper law enforcement agency of the facts relating to the accident and within five (5) days file a report of the circumstances with the department on forms prescribed by the department. For any accident occurring on a highway or public roadway, the owner, the operator, or both shall be subject to the provisions of section [49-2417](#), Idaho Code.

[(67-7111) 49-2613, added 1969, ch. 338, sec. 13, p. 1061; am. 1986, ch. 323, sec. 4, p. 790; am. and redesig. 1988, ch. 265, sec. 542, p. 848; am. 2021, ch. 149, sec. 9, p. 407.]

67-7112. GROOMED SNOWMOBILE TRAILS. Counties shall have the option to allow all-terrain vehicles and snowmobiles over one thousand (1,000) pounds unladen gross weight, if numbered as a snowmobile, to use snowmobile trails in the county. No other vehicles shall operate on groomed snowmobile trails

unless specifically allowed by the county. Any all-terrain vehicle and snowmobile over one thousand (1,000) pounds unladen gross weight operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be numbered as a snowmobile under the provisions of section [67-7103](#), Idaho Code. Violation of the provisions of this section shall be an infraction.

[(67-7112) I.C. sec. 49-2616, as added by 1986, ch. 323, sec. 5, p. 790; am. and redesisg. 1988, ch. 265, sec. 543, p. 848; am. 1989, ch. 106, sec. 4, p. 242; am. 2009, ch. 138, sec. 1, p. 420; am. 2014, ch. 242, sec. 2, p. 611; am. 2014, ch. 338, sec. 8, p. 844.]

67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. (1) Unless otherwise provided in this chapter, any person who violates any provision of this chapter, or any rule promulgated by the department pursuant to this chapter, shall be guilty of an infraction and shall be punished by a fine of one hundred dollars (\$100).

(2) In addition thereto, the operator and/or owner of the snowmobile or OHV shall be responsible and held accountable to the owner of any lands where trees, shrubs or other property have been damaged as the result of travel over their premises.

[67-7113, added 1989, ch. 106, sec. 5, p. 242; am. 1992, ch. 178, sec. 4, p. 564; am. 2014, ch. 338, sec. 9, p. 844; am. 2016, ch. 120, sec. 1, p. 352; am. 2021, ch. 149, sec. 10, p. 407.]

67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCE. Any person driving or operating a snowmobile, motorbike, utility type vehicle, specialty off-highway vehicle or all-terrain vehicle under the influence of alcohol, drugs or any other intoxicating substance on a public roadway or highway or off-highway shall be guilty of a misdemeanor.

[67-7114, added 1999, ch. 359, sec. 2, p. 950; am. 2008, ch. 409, sec. 11, p. 1137; am. 2009, ch. 157, sec. 13, p. 473.]

67-7115. WINTER RECREATIONAL PARKING PERMIT -- FEE -- FINES -- PERMITS FOR SNOWMOBILE OWNERS -- EXEMPTIONS. (1) Except as hereinafter provided, no person shall, from November 15 of any year to April 30 of the next year, park a vehicle in a winter recreational parking location unless the vehicle displays an annual or temporary parking permit. The annual permit shall be permanently affixed and the temporary permit shall be temporarily affixed on the front window of the vehicle nearest the driver's seat in such a manner that they are completely visible and shall be kept in a legible condition at all times.

(2) The fee for the annual permit and the temporary permit shall be set by the board, but shall not exceed thirty dollars (\$30.00) for the annual permit or ten dollars (\$10.00) for the temporary permit.

(3) The owner of any vehicle, as defined in [chapter 1, title 49](#), Idaho Code, that violates the provisions of subsection (1) of this section has committed an infraction punishable as provided under section [18-113A](#), Idaho Code, and shall be punished with a fine of not less than twenty dollars (\$20.00) or more than fifty dollars (\$50.00). The fact that a motor vehicle which is illegally parked under the provisions of this chapter is registered

or leased in the name of a person shall be considered prima facie evidence that the person was in control of the vehicle at the time of parking.

(4) Snowmobile operators, when snowmobiling, shall be allowed to park their transportation vehicles in a designated winter recreational parking area without displaying a parking permit.

(5) No parking permit shall be required under the provisions of this section for a vehicle owned and operated by the United States, any state or a political subdivision of a state, or a vehicle registered in another state, if that vehicle displays a similar cross-country skiing permit, but only to the extent that an exception or privilege is granted under the laws of that state for permit holders from this state.

[(67-7115) 49-3104, added 1979, ch. 103, sec. 1, p. 247; am. 1981, ch. 257, sec 1, p. 548; am. 1983, ch. 3, sec. 2, p. 4; am. 1985, ch. 52, sec 1, p. 102; am. 1987, ch. 181, sec. 1, p. 358; am. and redesisg. 1988, ch. 265, sec. 544, p. 849; am. 1989, ch. 106, sec. 6, p. 243; am. 1992, ch. 244, sec. 1, p. 722; am. 2021, ch. 149, sec. 11, p. 408.]

67-7116. WINTER RECREATIONAL PARKING PERMIT -- PRINTING, DISTRIBUTION AND SALE. (1) The department shall print the parking permits and shall supervise the sale of the permits throughout the state.

(2) The department shall distribute and sell the permits directly or may authorize vendors under agreement according to rules and regulations of the department. The department may require that the authorized vendors be bonded in accordance with rules and regulations of the department. Authorized vendors will receive a stipulated commission for each permit sold.

[(67-7116) 49-3105, added 1979, ch. 103, sec. 1, p. 247; am. 1983, ch. 3, sec. 3, p. 4; am. 1985, ch. 52, sec. 2, p. 102; am. and redesisg. 1988, ch. 265, sec. 545, p. 849; am. 1989, ch. 106, sec. 7, p. 243; am. 2021, ch. 149, sec. 12, p. 408.]

67-7117. WINTER RECREATIONAL PARKING PERMIT -- CROSS-COUNTRY SKIING RECREATION ACCOUNT. There is hereby established in the state treasury an account to be known as the "cross-country skiing recreation account," into which the money specified in section [67-7118](#), Idaho Code, shall be deposited. The board is charged with the administration of the account for the purposes specified in section [67-7118](#)(3), Idaho Code. All claims against the account shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state, except that the board is empowered to enter into agreements with the counties for the disbursement of funds to them on a project-by-project basis.

[(67-7117) 49-3106, added 1979, ch. 103, sec. 1, p. 247; am. and redesisg. 1988, ch. 265, sec. 546, p. 850; am. 2021, ch. 149, sec. 13, p. 408.]

67-7118. WINTER RECREATIONAL PARKING PERMIT -- DISTRIBUTION OF FEES. The moneys collected by or for the board on the sale of each winter recreational parking permit shall be allocated as follows:

(1) The authorized vendor shall be entitled to receive a commission of one dollar (\$1.00) on each permit sold, which sum may be retained as compensation for the sale of the permit.

(2) Fifteen percent (15%) shall be allotted to the department for the production of the parking permits and necessary administration expenses incurred by the department in carrying out the provisions of section [67-7115](#)(3), Idaho Code, which moneys shall be placed in the park and recreation fund.

(3) The balance shall be transmitted to the state treasurer for deposit to the credit of the cross-country skiing recreation account to be appropriated first for the reimbursement for costs incurred in the removal of snow from winter recreational parking locations. Any remaining moneys may be appropriated to provide grants to public or nonprofit entities for the acquisition, lease, development, and maintenance of sanitation facilities, trail marking, and other facilities designed to promote the health and safety of persons engaged in cross-country skiing.

[(67-7118) 49-3107, added 1979, ch. 103, sec. 1, p. 247; am. 1983, ch. 3, sec. 4, p. 4; am. 1987, ch. 181, sec. 2, p. 358; am. and redesig. 1988, ch. 265, sec. 547, p. 850; am. 1989, ch. 106, sec. 8, p. 244; am. 2021, ch. 149, sec. 14, p. 409.]

67-7122. OFF-HIGHWAY VEHICLES -- APPLICATION FOR CERTIFICATE OF NUMBER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE -- FEES. (1) Before operating any OHV in the state of Idaho, the operator of any OHV or any motorcycle as defined in section [49-114](#), Idaho Code, used off public highways, on highways located on state lands or federal lands that are not part of the highway system of the state of Idaho, or on highways as prescribed in section [49-426](#)(3) and (4), Idaho Code, but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section [49-426](#)(2), Idaho Code, shall obtain a certificate of number for the OHV at any vendor authorized by the department, which certificate of number shall be issued by season, for seasons running from January 1 through December 31. A fee of twelve dollars (\$12.00) shall be charged for each certificate of number, of which one dollar and fifty cents (\$1.50) shall be retained by the vendor and the remainder of which shall be remitted to the department together with information noting the identity of the operator that purchased the certificate of number, the operator's designated county use area and the type of machine to which the operator will affix the certificate of number, including a motorbike, ATV of fifty (50) inches in width or less, ATV over fifty (50) inches in width, UTV of fifty (50) inches in width, UTV over fifty (50) in width, or specialty off-highway vehicle. The foregoing shall not prohibit the department from collecting such further information as it may deem necessary or helpful to its administrative duties under this chapter.

(2) At the time of sale from any dealer, each motorbike, all-terrain vehicle or utility type vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section [49-426](#)(2), Idaho Code, must obtain a certificate of number.

(3) Application forms and validation stickers shall be supplied by the department and the validation sticker shall be issued to the person making application for a certificate of number.

(4) The issued validation sticker shall be placed upon the restricted vehicle license plate of the OHV, or upon the right fork of a vehicle registered pursuant to section [49-402](#)(3), Idaho Code, or of a motorbike if used exclusively off-highway, or upon the rear fender of the OHV if used exclu-

sively off-highway. The placement shall be made in such a manner that it is completely visible, does not cover the license plate numbers or letters, if licensed, and shall be kept in a legible condition at all times.

(5) For operation of a motorbike that meets the requirements specified in section [49-114](#)(10), Idaho Code, on the public highways, the vehicle shall also be registered pursuant to the provisions of section [49-402](#)(3), Idaho Code. A motorbike that meets the requirements specified in section [49-114](#)(10), Idaho Code, and that is registered pursuant to section [49-402](#)(3), Idaho Code, shall not be required to obtain a restricted license plate pursuant to section [49-402](#)(4), Idaho Code. A motorbike, all-terrain vehicle, specialty off-highway vehicle or utility type vehicle operated exclusively off-highway or on highways located on state lands or federal lands that are not part of the highway system of the state of Idaho and that meet the registration requirements specified in this section shall not be required to obtain a restricted vehicle license plate pursuant to section [49-402](#)(4), Idaho Code.

(6) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section [49-402](#)(4), Idaho Code, and/or a certificate of number for an OHV.

(7) Certificates of number and restricted license plates as required by section [49-456](#), Idaho Code, may be purchased separately.

[(67-7122) 49-2707, added 1972, ch. 278, sec. 1, p. 684; am. 1982, ch. 95, sec. 121, p. 185; am. and redesisg. 1986, ch. 233, sec. 2, p. 641; redesisg. and am. 1988, ch. 265, sec. 549, p. 851; am. 1989, ch. 106, sec. 10, p. 245; am. 1990, ch. 391, sec. 5, p. 1097; am. 1992, ch. 238, sec. 3, p. 710; am. 1994, ch. 288, sec. 1, p. 907; am. 2000, ch. 315, sec. 4, p. 1063; am. 2006, ch. 42, sec. 2, p. 123; am. 2008, ch. 409, sec. 12, p. 1138; am. 2009, ch. 157, sec. 14, p. 473; am. 2014, ch. 338, sec. 10, p. 844; am. 2021, ch. 149, sec. 15, p. 409.]

67-7123. OFF-HIGHWAY VEHICLES -- TRANSFER OF RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an off-highway vehicle that has been previously issued a restricted vehicle license plate pursuant to section [49-402](#), Idaho Code, shall within fifteen (15) days after acquiring same make application to the county assessor or county motor vehicle office as may be designated by the county assessor for transfer to him of the restricted vehicle license plate issued to the off-highway vehicle, giving the same information as on the original application and the number of the restricted vehicle license plate and shall at the same time pay a transfer fee of one dollar and fifty cents (\$1.50).

[(67-7123) 49-2703, added 1972, ch. 278, sec. 1, p. 684; am. and redesisg. 1986, ch. 233, sec. 3, p. 641; am. and redesisg. 1988, ch. 265, sec. 550, p. 851; am. 1994, ch. 288, sec. 2, p. 908; am. 2008, ch. 409, sec. 13, p. 1139; am. 2014, ch. 338, sec. 11, p. 846; am. 2021, ch. 149, sec. 16, p. 411.]

67-7124. OFF-HIGHWAY VEHICLES -- NONRESIDENT -- OFF-HIGHWAY VEHICLE USER CERTIFICATE REQUIRED. (1) Before operating within Idaho, any nonresident operator of a noncommercial off-highway vehicle shall be required to obtain a nonresident off-highway vehicle (OHV) user certificate. A fee of twelve dollars (\$12.00) shall be imposed for the issuance of a nonresident OHV user certificate. The validation sticker shall be displayed in the same

manner as provided in section [67-7122](#), Idaho Code. Nonresident OHV user certificates shall be valid January 1 through December 31. Issuance and administration of nonresident OHV user certificates shall be conducted in the same manner as provided in section [67-7122](#), Idaho Code, for numbering off-highway vehicles.

(2) For purposes of this section, "nonresident" shall be as defined in section [36-202](#), Idaho Code.

(3) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section [49-402](#)(4), Idaho Code.

[67-7124, added 2019, ch. 73, sec. 2, p. 171; am. 2021, ch. 149, sec. 17, p. 411.]

67-7125. OFF-HIGHWAY VEHICLES -- NOISE ABATEMENT. (1) Except as hereinafter provided, every vehicle subject to numbering under sections [67-7122](#) and [67-7124](#), Idaho Code, shall comply with the provisions of this section. Every vehicle subject to the provisions of this section shall at all times be equipped with an exhaust system in good working order and in constant operation. If the vehicle was originally equipped with a noise suppressing system or if the vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect, modify or alter any part of that system in any manner that will amplify or increase the vehicle's noise emission above the noise limits established in subsection (3) of this section, except temporarily in order to make repairs, replacements or adjustments. No person shall operate and no owner shall cause or permit to be operated any vehicle while the vehicle's noise emission exceeds the noise limits established in subsection (3) of this section or while the vehicle's noise suppressing system is disconnected, modified or altered in violation of the provisions of this section.

(2) No person shall operate a vehicle subject to the provisions of this section unless that vehicle is equipped with a spark arrester device affixed to the exhaust system of a type qualified and rated by the United States forest service. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event conducted on private land with the consent of the landowner.

(3) Any vehicle subject to the provisions of this section shall at all times be equipped with a noise suppressing system or other device that limits noise emission to a base level of not more than ninety-six (96) decibels when measured on the "A" scale using standards and procedures established by the society of automotive engineers (SAE), specifically SAE standard J1287, June 1988, describing a test of a stationary vehicle with sound measured twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or as otherwise described. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event conducted on private land with the consent of the landowner or on public land under permit.

(a) The department shall adopt regulations in accordance with [chapter 52, title 67](#), Idaho Code, establishing the test procedures and instrumentation to be utilized. These procedures shall incorporate requirements for the test site environment and sound measuring equipment as set forth in SAE standard J1287, June 1988.

(b) Instrumentation shall include but not be limited to a sound level meter meeting the type 1, type S1A, type 2, or type S2A requirements

of the American national standards institute (ANSI) specification for sound level meters, S1.4-1983; a sound level calibrator, microphone wind screen, external engine speed tachometer.

(4) A showing that the noise emission level of any vehicle subject to and not otherwise exempt from the provisions of this section exceeds ninety-six (96) decibels, as described and tested in subsection (3) of this section, shall be prima facie evidence of a violation of subsection (1) of this section.

[67-7125, added 1993, ch. 136, sec. 2, p. 336; am. 2005, ch. 164, sec. 1, p. 500; am. 2014, ch. 338, sec. 13, p. 846; am. 2021, ch. 149, sec. 18, p. 411.]

67-7126. OFF-HIGHWAY VEHICLES -- ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is hereby established in the state treasurer's office an account to be known and designated as the "OHV recreation account." The fee of twelve dollars (\$12.00) collected for off-highway vehicle certificates of number and nonresident user certificates under the provisions of sections [67-7122](#) and [67-7124](#), Idaho Code, shall be allocated as follows:

(1) Vendors shall charge and retain one dollar and fifty cents (\$1.50) for a handling fee;

(2) Up to fifteen percent (15%) of the revenue generated from OHV certificates may be used by the department to defray administrative costs and the production of certificates of number, nonresident user certificates, and validation stickers. Any moneys unused at the end of the fiscal year shall be returned to the Idaho state treasurer for deposit in the OHV recreation account;

(3) One dollar (\$1.00) shall be deposited into the off-highway vehicle law enforcement fund. Moneys in said fund shall be paid and used as follows:

(a) Sheriffs of counties with a current or an actively developing off-highway vehicle law enforcement program recognized by the department shall receive moneys from the fund based upon a formula as provided in rule promulgated by the board; and

(b) Moneys from the fund shall be used only for off-highway-related law enforcement activities; and

(4) One dollar (\$1.00) shall be allocated to the Idaho department of lands to provide off-highway vehicle opportunities and to repair damage directly related to off-highway vehicle use. The department of lands shall annually publish a report specifically identifying the uses of moneys allocated pursuant to this subsection; and

(5) The remaining funds shall be transmitted to the state treasurer's office for deposit to the credit of the OHV recreation account, all such moneys to be transmitted to the state treasurer on or before the tenth day of each month.

The department shall annually publish a report specifically identifying the use of revenues generated from OHV certificates of number and nonresident user certificates. Collection of fees for off-highway vehicle certificates of number and nonresident user certificates shall not impose any additional liability on the state of Idaho or any of its political subdivisions or upon the employees of the state and of its political subdivisions, and those entities and persons shall retain the limitations of liability provided by section [36-1604](#), Idaho Code, regardless of the use of such fees.

[(67-7126) (49-2707) 49-2706, added 1972, ch. 278, sec. 1, p. 684; am. 1982, ch. 95, sec. 122, p. 185; am. 1984, ch. 195, sec. 29, p. 445; am. and redesig. 1986, ch. 233, sec. 6, p. 641; am. and redesig. 1988, ch. 265, sec. 553, p. 852; am. 1989, ch. 106, sec. 13, p. 245; am. 1994, ch. 288, sec. 3, p. 908; am. 2009, ch. 157, sec. 16, p. 475; am. 2014, ch. 338, sec. 14, p. 847; am. 2019, ch. 73, sec. 3, p. 172; am. 2021, ch. 149, sec. 19, p. 412.]

67-7127. OFF-HIGHWAY VEHICLES -- USE OF MONEYS IN ACCOUNT. The board shall administer the OHV recreation account. The moneys derived from this account shall be used as follows:

- (1) For the securing of special leases, use licenses, recreation easements or permits, or for the actual purchase of land under private, state, or federal ownership to be used for public recreational off-highway vehicle activity;
- (2) For the securing, maintenance, construction or development of trails and other public recreational facilities for off-highway vehicle use on private, state, and federal lands;
- (3) To finance the formulation and implementation under the board's direction of an off-the-road rider education program; and
- (4) To acquire applicable federal matching funds.

[(67-7127) 49-2708, 49-2707, added 1972, ch. 278, sec. 1, p. 684; am. and redesig. 1986, ch. 233, sec. 7, p. 641; am. and redesig. 1988, ch. 265, sec. 554, p. 852; am. 1989, ch. 106, sec. 14, p. 246; am. 2016, ch. 120, sec. 2, p. 352; am. 2021, ch. 149, sec. 20, p. 413.]

67-7128. OFF-ROAD MOTOR VEHICLE ADVISORY COMMITTEE -- CREATION -- SELECTION -- TERM OF OFFICE -- DUTY. (1) The park and recreation board shall appoint an off-road motor vehicle advisory committee (ORMV) of nine (9) members. The membership of the advisory committee shall consist of three (3) members each from northern Idaho, southwestern Idaho, and southeastern Idaho. Two (2) members from each area shall represent the following groups: motorbikes, ATV or UTV riders and snowmobilers. One (1) member interested in ORMV projects shall be appointed from each area without regard to the recreational activity in which that member participates and shall represent interests other than motorbike, ATV or UTV riders and snowmobilers. Each member of the advisory committee shall be chosen by the park and recreation board to serve a term of three (3) years, except that the term of the initial appointees shall commence on the date of appointment and shall be of staggered lengths. Each member of the advisory committee shall be a qualified elector of the state. Duties shall include:

- (a) Representing the best interests of the ORMV users and activities which they represent in the district from which they are appointed;
- (b) Advising the department as to whether proposed ORMV projects meet the needs of ORMV users in that area;
- (c) Advising the department as to how funds can be used to rehabilitate areas on public or private lands and how the department can assist in the enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho;
- (d) The three (3) motorbike, all-terrain vehicle or utility type vehicle representatives from the ORMV advisory committee shall advise the department on matters relating to the use of moneys in the motorbike recreation account as provided for in section [67-7127](#), Idaho Code.

(2) The committee shall be compensated as provided in section [59-509\(f\)](#), Idaho Code, and authorized by the department.

[67-7128, added 1989, ch. 106, sec. 16, p. 246; am. 2006, ch. 42, sec. 3, p. 124; am. 2006, ch. 229, sec. 3, p. 686.]

67-7130. MULTIPLE YEAR CERTIFICATES. On or before November 1, 2021, the department shall make available to Idaho residents the option to purchase certificates of number for OHVs and snowmobiles that are valid for multiple, consecutive seasons. The fee shall be multiplied by the number of seasons that the certificate of number is valid, except that portion of the fee for vendors shall be the same regardless of the duration of the certificate purchased by the operator; for example, a vendor fee for a two (2) season OHV certificate of number would be one dollar and fifty cents (\$1.50).

[67-7130, added 2021, ch. 149, sec. 21, p. 413.]

67-7131. VOLUNTARY DONATIONS TO ACCOUNTS. (1) An applicant for a certificate of number or nonresident user certificate for a snowmobile, pursuant to sections [67-7103](#) and [67-7104](#), Idaho Code, who makes application for the same directly from the department, and not through a vendor, may make a voluntary donation to support the state snowmobile fund pursuant to section [67-7106](#), Idaho Code, in conjunction with the application for certificate. The department shall include an accommodation to notify an applicant of the opportunity and to allow an applicant to designate such a donation and shall transfer all such funds received to the state snowmobile fund pursuant to section [67-7106](#), Idaho Code, at least monthly. None of the proceeds from voluntary donations pursuant to this section shall be used for administrative expenses of the department.

(2) An applicant for a certificate of number or nonresident user certificate for an off-highway vehicle pursuant to sections [67-7122](#) and [67-7124](#), Idaho Code, who makes application for the same directly from the department, and not through a vendor, may make a voluntary donation to support the OHV recreation account as established by section [67-7126](#), Idaho Code, in conjunction with the application for certificate. The department shall include an accommodation to notify an applicant of the opportunity and to allow an applicant to designate such a donation and shall transfer all such funds received to the OHV recreation account as established by section [67-7126](#), Idaho Code, at least monthly. None of the proceeds from voluntary donations pursuant to this section shall be used for administrative expenses of the department.

(3) The department may charge a convenience fee for any voluntary donation received pursuant to this section to offset any credit card processing fees or other bank fees associated with processing or receiving a voluntary donation.

[67-7131, added 2021, ch. 149, sec. 22, p. 414.]

67-7132. RULES AND REGULATIONS. The board shall adopt and enforce administrative rules and regulations under the provisions of [chapter 52, title 67](#), Idaho Code, as necessary to carry out the provisions of this chapter. Nothing in this chapter shall be construed or interpreted to require the department to validate ownership of OHVs and snowmobiles or to validate or issue certificates of number to be assigned to specifically identifiable OHVs

or snowmobiles. The department shall not be required to issue certificates of number to OHVs or snowmobiles by specific reference or to issue by a vehicle identification number, title number, or the like.

[(67-7132) I.C., sec. 49-2615, as added by 1983, ch. 239, sec. 5, p. 644; am. and redesign. 1988, ch. 265, sec. 557, p. 853; am. 2021, ch. 149, sec. 23, p. 414.]

67-7133. RESPONSIBILITY FOR ENFORCEMENT. The provisions of this chapter, and any rule promulgated by the board pursuant to this chapter, shall be enforced by the law enforcement personnel of the Idaho state police, the department of fish and game, employees of the department of parks and recreation authorized by the director of the Idaho state police, the sheriffs and their deputies of the various counties in the state, and peace officers of each city.

[(67-7133) 49-2612, added 1969, ch. 338, sec. 12. p. 1061; am. 1982, ch. 95, sec. 120, p. 185; am. 1983, ch. 239, sec. 4, p. 644; am. and redesign. 1988, ch. 265, sec. 558, p. 854; am. 2000, ch. 469, sec. 139, p. 1599; am. 2016, ch. 120, sec. 4, p. 353; am. 2021, ch. 149, sec. 24, p. 414.]