

Dear Senators OKUNIEWICZ, Den Hartog, Rabe, and
Representatives PALMER, Mitchell, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho Transportation Department:

IDAPA 39.02.60 - Rules Governing License Plate Provisions (ZBR Chapter Rewrite, Fee Rule) -
Proposed Rule (Docket No. 39-0260-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 12/08/2023. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 01/05/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Division Manager - Matt Drake

DATE: November 14, 2023

SUBJECT: Idaho Transportation Department

IDAPA 39.02.60 - Rules Governing License Plate Provisions (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 39-0260-2301)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0260-2301. The Department states that the rulemaking is necessary for the administration of the department's license plate programs. Although the rulemaking pertains to a fee rule, the Department states that the rulemaking will not result in any fee changes. The rulemaking revises provisions with respect to administration of the personalized license plate program. In addition, it revises language for clarity and makes several technical corrections.

Negotiated Rulemaking / Fiscal Impact

The Department states that negotiated rulemaking was conducted. There is no anticipated fiscal impact on the state general fund.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 40-312, 49-201, and 49-402 Idaho Code.

cc: Idaho Transportation Department
Brendan Floyd

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS
DOCKET NO. 39-0260-2301 (ZBR CHAPTER REWRITE, FEE RULE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule addresses details concerning various license plate allowances, special plate program provisions, and plate numbering structures that are not explicitly expressed through statute but are nonetheless necessary for managing the department's license plate programs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This proposed rule does not contain any proposed fee change. The rule provides the following fees:

1. Dealer loaner plate fees (to match plate fees prescribed in 49-402, Idaho Code)
2. Transporter plate fees (\$15)
3. Custom vehicle plate fees (\$25 initial and \$15 annually)

Additionally, the rule requires that a plate and mailing fee be applied for the renewal of personalized plates when a customer requests new plates and establishes the requirement for state and federal agencies to reimburse that department "at cost" for exempt and undercover plates.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 3, 2023, Idaho Administrative Bulletin, [Vol. 23-5, pages 174-175](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2023.

DATED this 1st Day of September 2023.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
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Boise, ID 83714
208-334-8474
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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 39-0260-2301
(ZBR Chapter Rewrite)

39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS

000. LEGAL AUTHORITY.

This rule, establishing the policies used to administer Idaho’s standard and specialized license plate programs, is adopted under the authority of Section 49-201, Idaho Code. ()

001. ~~TITLE AND SCOPE~~ PURPOSE.

01. ~~Title.~~ Title. These rules are titled IDAPA 39.02.60 “Rules Governing License Plate Provisions.” (3-21-22)

02. ~~Scope.~~ Scope. This rule governs ~~license plate~~ provisions for standard ~~license plates not otherwise detailed in Title 49, Idaho Code, and provisions for all specialty program license plates, personalized plates, and special eligibility license plates. Subchapter A further establishes provisions for administering the exempt and undercover license plate programs not otherwise detailed in Title 49, Chapter 4, Idaho Code.~~ (3-21-22) ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Authorized Employees. Authorized employee as used in this rule means any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made. ()

02. Exempt License Plate. Standard license plate issued to the entities described in Section 49-426(1), Idaho Code, which are exempt from payment of vehicle operating fees. ()

03. Exempt Personalized License Plate. An exempt plate which identifies the agency by a unique identifier specified by the agency that does not conform to the standard exempt identifier listed in Section 400; a plate wherein the serial number portion represents inventory control numbers, badge numbers, radio call signs, or other unique lettering or numbering schemes developed by the requesting agency; plates that are lettered and/or numbered to indicate a person’s position in the hierarchy of an agency. ()

04. Furtherance or Pursuance of Business. Furtherance or pursuance of business as used in this rule or in Section 49-1627, Idaho Code, means any lawful use of a dealer or loaner plate by an authorized employee of a

dealership for the movement of a vehicle to be sold, repaired or transferred from one (1) location to another. ()

05. Leased or Rented Vehicles. Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public. ()

06. Undercover License Plate. A standard license plate issued upon application to the Department from an exempt agency with law enforcement authority. Undercover license plates will be randomly issued by the Department, and appear as a standard county plate. ()

07. Vehicles Not Held in Stock. Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title. ()

08. Vehicles Sold. Vehicles which have been sold as used in Section 49-1627, Idaho Code, means vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. ()

011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.

01. Plate Numbering and Lettering. The Idaho Transportation Department is authorized to assign unique plate letter/number spacing schemes and to use specific letter/number combination schemes as needed for the purpose of ensuring unique numbering systems for all license plate programs and to administer the provisions of this rule. ()

02. Plate Life Expiration Date. License plates will be valid for the period described in 49-443 (2) and will expire on the last day of the month, consistent with the month of the registration expiration. ()

012. PROOF OF REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.

01. Proof of Registration Document. Upon receipt of payment for required registration and program fees, a proof of registration ~~receipt document may be issued, indicating "license~~ plates on order document will be issued.² This option will be used whenever license plates are manufactured after the registration transaction has been completed. The proof of registration receipt document will provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. ~~At the discretion of the Department, more than one (1) proof of registration may be issued, if needed, in order to manufacture license plates.~~ (3-21-22)()

02. Placement of Proof of Registration Document. The proof of registration receipt document will be displayed in the rear window or on the rear of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the proof of registration must be conspicuously displayed where the expiration date of the newly issued plate may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible. ()

03. Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable. Upon receipt of payment for required registration and program fees, the county department or its agent may issue a manual temporary proof of registration ~~valid for thirty (30) days, through use of a temporary on a department~~ form provided by the Department, in the event the automated system is unavailable. When the system resumes normal operation, the ~~county office will enter such~~ registration information will be entered in the system, and produce the registration form ~~and validation decals and will be mailed~~ to the registered applicant. The manual temporary proof of registration form will be displayed in accordance with IDAPA 39.02.60.12.02 ~~the rear window of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the temporary registration must be conspicuously displayed where the expiration date of the permit may be easily read at a distance of twenty five (25) feet, and where it is protected from~~

~~exposure to weather conditions, which would render it illegible.~~

~~(3-21-22)()~~

013. -- 099. (RESERVED)

100. LICENSE PLATE PROVISIONS FOR STANDARD PLATES.

01. County Designations. The county in which a vehicle is registered will be designated by a number and letter on license plates for passenger cars, pick-up trucks eight thousand (8,000) pounds and under gross weight, hearses, ambulances, wreckers, farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight, and recreational trailers. The county designators are as follows:

County Designations			
1A - Ada	2A - Adams	1B - Bannock	2B - Bear Lake
3B - Benewah	4B - Bingham	5B - Blaine	6B - Boise
7B - Bonner	8B - Bonneville	9B - Boundary	10B - Butte
1C - Camas	2C - Canyon	3C - Caribou	4C - Cassia
5C - Clark	6C - Clearwater	7C - Custer	E - Elmore
1F - Franklin	2F - Fremont	1G - Gem	2G - Gooding
I - Idaho	1J - Jefferson	2J - Jerome	K - Kootenai
1L - Latah	2L - Lemhi	3L - Lewis	4L - Lincoln
1M - Madison	2M - Minidoka	N - Nez Perce	1O - Oneida
2O - Owyhee	1P - Payette	2P - Power	S - Shoshone
1T - Teton	2T - Twin Falls	V - Valley	W - Washington

()

101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.

The Department will ~~provide~~ **produce** these plates ~~to county DMV offices and to the Idaho Department of Parks and Recreation (if needed)~~ **on demand**. Idaho Department of Parks and Recreation has the authority to issue, manage and maintain records of these plates. The plate will not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, affixed to the lower corner of the plate. Idaho restricted vehicle plates may not be personalized.

~~(3-21-22)()~~

102. -- 149. (RESERVED)

150. VEHICLE DEALER AND MANUFACTURER LICENSE PLATES FORMATS.

01. Designation for Plates. Plates issued to dealers will bear the designation “DLR” and plates issued to manufacturers will bear the designation “MFR”. The sequential license plate number will be a maximum of two (2) digits. ()

a. If a dealer or manufacturer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number. ()

b. The dealer or manufacturer number will be a maximum of four (4) digits. No dealer or manufacturer number may be preceded by a zero (0): Dealer number one (1), plate number one (1): 1-01; Dealer number one thousand one (1001), plate number one hundred (100): 1001-A1. ()

c. Dealer restricted vehicle plates will display the abbreviation “DLR” within the lower left hand box labeled “Restricted Vehicle”. The dealer validation sticker will be displayed within the box labeled “Dealer Validation Sticker”. ()

151. VEHICLE DEALER LICENSE PLATES RESTRICTIONS.

01. Restrictions. Restrictions on the use of manufacturer or dealer plates are provided for by Section 49-1627, Idaho Code. In addition, the following restrictions apply: ()

a. The authorized employee must carry an identification card issued by the dealer. The identification card will contain the employee name, dealership, date of issue, dealer number and signature of an authorized representative of the dealership and the signature of the employee. This use will be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use. ()

b. Vehicles displaying a dealer restricted vehicle plate are not required to display the Idaho Department of Parks and Recreation Off-highway registration to be valid, but are required to be validated in the same manner as are standard dealer plates and display the required annual validation sticker on the restricted plate. Use will be permitted pursuant to Section 49-426 (3) and (4), Idaho Code. ()

c. A prospective purchaser will not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. ()

152. VEHICLE DEALER LOANER PLATES.

01. Numbering. Plates will be numbered from LAA001 to LZZ999. ()

02. Surrender of Plates. If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There will be no refund of fees. ()

03. Vehicle Log. Dealerships will maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log will be available for inspection by any peace officer or agent of the Department and contain the information provided for by section 49-1628, Idaho Code. ()

04. Registration Card. The authorized issuing entity will provide a registration card for each dealer loaner plate as provided for by section 49-421, Idaho Code. ()

05. Letter of Authorization. Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired will have in their possession a letter of authorization or a document showing both the user and dealership name. The document or letter will be signed and dated by an authorized employee of the dealership. ()

06. Vehicle Use Donation for Civic and Charitable Events. Licensed dealers may authorize the use of their loaner plates when donating the use of vehicles held in their inventory for civic or charitable events. Such time period will not exceed thirty (30) days. The dealer will provide a letter of authorization to be carried in the vehicle and proof of current liability insurance, as required by Chapter 12, Title 49, Idaho Code. ()

07. Fees. The fees charged for dealer loaner plates will be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and will be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 will be charged one-twelfth (1/12) the annual fee charged for a new vehicle for each month remaining in the licensing year, including the month of application. The annual EMS and plate fees are not prorated. ()

153. VEHICLE DEALER TRANSPORTER REGISTRATION AND PLATE.

01. Purpose. Utility and boat trailers that weigh under two thousand (2,000) pounds unladen may be moved by a manufacturer, dealer, or an employee of either, or by a transporter service contracted by the vehicle's manufacturer or dealer upon registration and payment of an annual fifteen dollar (\$15) transporter plate fee to the department, or by purchase of a single trip permit. These plates may be used only on boat trailers and utility trailers for demonstration purposes, and may be used while laden for demonstration purposes. ()

02. Numbering of Plates. Transporter plates will be numbered from PA1 TO PZ9999. Transporter plates are to be displayed on the rear of the trailer. ()

03. Renewal of Plates. The transporter registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ()

04. Use of Plates. Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate are to be registered within the appropriate gross vehicle weight category for the combined load. ()

05. Possession of Registration. When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle will carry the transporter registration in the towing vehicle at all times. ()

06. Violations. Violations of this section include: ()

a. Display of a transporter plate on any vehicle not required to be registered under this Section; and ()

b. Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. ()

07. Penalties: ()

a. Violation of this section will be a misdemeanor as provided for by Section 49-236, Idaho Code; and ()

b. The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. ()

154. PROVISIONS FOR WRECKER PLATES.

01. Purpose. Wrecker plates are for the exclusive use of businesses engaged in the towing of a wrecked, abandoned, salvaged, or disabled motorized vehicle. Plates will not be used on vehicles being repossessed. ()

02. Numbering of Plates. Plates will be numbered as determined by the department and will display the abbreviation "WRKR" vertically on the left hand side of the plate. ()

03. Renewal of Plates. The wrecker registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ()

04. Use of Plates. Plates are not to be displayed on the towing power unit vehicle nor are they to be used on a vehicle not being towed. Plates are to be displayed on the rear of the towed vehicle in such a manner as to be visible to vehicles approaching from the rear. Wrecker plates may be moved from one (1) towed motorized vehicle to another vehicle under the direct lawful control of the registration holder. ()

05. Possession of Registration. When towing a motorized vehicle displaying a wrecker plate, the operator of the towing vehicle will carry the wrecker plate registration in the towing vehicle. ()

06. Acquisition/Renewal of Wrecker Plates. Wrecker plates will be issued and renewed through the department by mail or by fax using an application and renewal process determined by the department. ()

155. PROVISIONS FOR SPECIAL LICENSE PLATE PROGRAM PREQUALIFICATION AND APPLICATION PROCEDURES.

01. Special License Plate Prequalification. A Special Plate Program Application will be provided to each applicant, detailing the procedures for the prequalification and providing information regarding the steps required to successfully accomplish a special plate program. ()

02. Special License Plate Approved by the Legislature. If a special license plate program is approved by the Idaho legislature, prior to production and sale of the special license plates, the sponsor will meet the requirements outlined in sections 49-402C & 49-402D, Idaho Code. ()

03. Submission to the Legislature. For those Special License Plate Programs with enacting legislation that fail to meet the requirements of this Section, the Department will report such finding to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature, and will not proceed with production and sale of the special plates. ()

04. Annual Report. An annual report form, designed and provided by the Department, will be made available to special license plate sponsors for all special license plate programs receiving revenue in existence or passed by the legislature on or prior to July 1, 2020. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. ()

05. Appeals. The appeals process will allow the applicant for a special license plate program to appeal the Department's decision to deny the application (See Section 003 of this rule). The notice of the appeal will be sent in writing via mail, electronic mail or facsimile within twenty (20) days of the denial. ()

06. Cancellation of Plate Programs. The Department will notify the plate program sponsor ~~ninety (90) days prior to cancellation informing the sponsor~~ of the intent to cancel the program due to failure to provide an annual report or low plate sales volume. Sales volume is calculated by determining the number of current active plates for the plate program on file with the Department. ~~(3-21-22)~~()

i. The Department will notify current registrants of the special plate program of the cancellation, and advise the registrant may retain and renew the registration with the additional program fees, and retain the plates until the physical plates are required to be replaced, however replacement plates will not be available, due to loss or damage. ()

ii. The portion of canceled special plate program fees no longer deposited with the nonprofit agency (who has filed a 501 (c) (3) federal income tax status) program sponsor will be deposited in the state highway account. ()

iii. Upon mandatory replacement of physical plates as required by statute, the customer may choose another plate program or standard county plates at the customer's preference. ()

iv. The Department will include in its annual report to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature any special plate programs that have been canceled during the preceding year. ()

156. -- 198. (RESERVED)

199. LICENSE PLATE PROVISIONS FOR SPECIAL PROGRAM AND PERSONALIZED PLATES FOR TRAILERS.

Special program and personalized plates may be issued to trailers manufactured primarily for recreational vehicle uses. Such trailers will include camper, tent or fifth-wheel recreational trailers. Trailers with multiple uses such as utility, horse, or boat, with or without recreational vehicle facilities, will be excluded. ()

200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.

01. Year of Manufacture Plates. ()

a. Vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974 are eligible for this program. ()

b. The license plate must be in serviceable condition as originally manufactured, i.e., cannot be marred, bent, faded, or otherwise damaged to the point it is illegible. If the plate is repainted to bring it to a serviceable condition, the colors will match the original colors as closely as possible and will equal or exceed the original quality. The plate number cannot be a duplicate of a previously manufactured “year of manufacture” plate still in use. ()

c. The application for use of the plate will include a statement signed by the applicant attesting that the applicant understands, if the plate use is approved, the plate does not have reflectorized material which meets the requirements of Section 49-443, Idaho Code. The responsibility for any accident or injury arising out of the possible consequence of not having this reflectorized safety feature on the license plate will be borne by the registrant. ()

d. “Classic” or “Old Timer” plates may be used in conjunction with this revived plate at the option of the registrant. ()

02. **Centennial License Plates.** Personalized and regular number plates are available in the centennial format. ()

03. **Disabled Veteran License Plates.** Disabled veteran license plates may, upon the registrant's request, display the international disability symbol to ensure reciprocal parking privileges in all states and provinces. ()

04. **Custom Vehicle License Plates.** The applicant shall pay the initial program fee of \$25 and the annual program fee of \$15. ()

201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.

01. **Option to Apply.** Members of the Idaho Legislature have the option of applying to the Department for one (1) set of specially numbered license plates bearing the designation “HOUSE” or “SENATE.” ()

02. **Numbering Assignment List.** Each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. ()

202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.

01. ~~Special Characters or Marks~~ **Limitations.** No special characters, or punctuation marks, may be used for personalized messages on license plates. (3-21-22)()

~~a. Up to seven (7) letters or any combination of seven (7) letters and numbers and spaces (no half spaces) may be used for personalized messages on eligible six inch by twelve inch (6” x 12”) license plates. The department will determine how many characters are allowed on any given plate.~~ (3-21-22)()

~~b. Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on four inch by seven inch (4” x 7”) motorcycle plates.~~ (3-21-22)

~~c. Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on specialty program license plates.~~ (3-21-22)

~~d. Disability six inch by twelve inch (6” x 12”) plates will display the international disability symbol followed by up to five (5) letters, numbers, and spaces in the personalized message. Disability four inch by seven inch (4” x 7”) motorcycle plates will display the international disability symbol followed by up to four (4) letters, numbers, and spaces (no half spaces) in the personalized message.~~ (3-21-22)

02. **Issue of Personalized Plates.** Personalized plates may be issued to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but

are not limited to: ()

a. Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; ()

b. Vehicles for which the designators “PRP” are required to be printed on the plate to identify the use; and ()

c. Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. ()

03. Specific Requests. Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, ~~or fax transmission time,~~ or data entry time will prevail. If the postmarks are the same, the date stamped upon arrival ~~at the Department~~ will prevail. Applications ~~submitted~~ processed at county assessors’ offices will be considered valid when ~~date stamped in by the Department~~ entered in the system. Telephone requests will not be accepted. (3-21-22)()

04. Lack of Current Plates. When an applicant for personalized plates does not have current regular number plates: ()

a. The Department may, upon payment of all required fees, issue a proof of registration document consistent with Section 012 of this rule. ()

05. Credits. When personalized plates are issued before an applicant’s current registration is expired, credit will be given for unexpired registration fees only. ()

06. Renewing Plates. The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, ~~the a plate and mailing~~ fee will be charged in addition to all other fees that are due. Personalized plates will be reissued in accordance with Section 49-443, Idaho Code. (3-21-22)()

07. Transfer of Plates. When personalized plates are issued, the vehicle’s regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. ()

08. Acceptability of Plates Message. Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: ()

a. ~~The combination of numbers and letters~~ characters requested ~~or combinations of same~~ may not duplicate an existing combination in use, ~~pursuant to Idaho Code on the same size plate or replicate an existing law enforcement plate combination.~~ (3-21-22)()

b. The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial ~~degradation,~~ or ethnic degradation, or profanity, ~~or vulgarity,~~ as defined ~~in dictionaries of general use, including, but not limited to, Webster’s Unabridged Dictionary and the Harper & Row New Dictionary of American Slang~~ by common internet and dictionary resources. (3-21-22)()

i. The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; illegal substances or the use thereof. ()

ii. The message may not represent a ~~club, membership, or gang~~ group that is commonly known to promote violence, illegal substances or illegal acts. (3-21-22)()

c. The criteria in Paragraph 202.08.b. of ~~these rules~~ this rule is not to be considered an exhaustive list. A compilation of ~~offensive or obscene~~ words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law

enforcement agencies within or outside of Idaho.

(3-21-22)()

d. When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed. ()

e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision. ()

09. **Message Preferences.** Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail or email. ()

10. **Recalled Plates.** Personalized plates may be recalled by the Department for the following reasons: ()

a. Error in manufacturing; or ()

b. Clerical error. ()

c. Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. ()

11. **Unexpired Fees.** If a set of personalized plates is recalled, the personalized plate program fee, unexpired portion of the registration fee, E.M.S. fee, plate fee, (if plates are returned to the Department), and all other applicable special plate fees, will not be refunded ~~or~~ but may be transferred to a new issue of personalized plates. (3-21-22)()

12. **Expired Plates.** Personalized plates that have their registration expire will become immediately available for reissue to another applicant. There is no grace period. ()

203. PROVISIONS FOR FORMER PRISONER OF WAR (POW) LICENSE PLATES.

01. **Eligible Person.** Any veteran who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States during the following recognized war periods may be eligible:

WORLD WAR I	April 6, 1917 to November 11, 1918
WORLD WAR II	December 7, 1941 to December 31, 1946
KOREAN WAR	June 27, 1950 to January 31, 1955
VIETNAM WAR	August 5, 1964 to May 7, 1975
USS PUEBLO	January 23, 1968 to December 23, 1968
PERSIAN GULF	August 2, 1990 (Congress has not assigned an ending date.)

(3-21-22)()

02. **Certified Documentation.** Eligibility will be documented by a copy of the applicant's 53.55 or DD-214 Separation from Active Duty papers, or other specific documentation received from the Veterans Administration that certifies that the applicant was a prisoner of war during the recognized war periods stated above. ()

204. SURRENDER OF PLATES.

Registered owners desiring to surrender their license plate numbers may do so at any time. Upon surrender, license plate numbers shall immediately become available to be issued by the system or, if personalized, applied for use by another, upon application and payment of applicable plate, registration, and program fees. (3-21-22)()

205. -- 299. (RESERVED)

300. PROVISIONS FOR SAMPLE PLATES.

Sample plates are issued at on the “Scenic Idaho/Famous Potatoes” red, white, and blue plate or Special Program License plates as follows: ()

01. Plate Size. Plates carrying the ~~word abbreviation~~ **SAMPLE** ~~in in the lower right sticker box on~~ both passenger car ~~size (six inches by twelve inches (6" x 12"))~~ and motorcycle ~~size (four inches by seven inches (4" x 7"))~~ license plates. (3-21-22)()

02. Personalized Sample Plates. Personalized Sample plates are issued on both plate sizes, ~~passenger car with maximum of seven (7) characters and motorcycle size with a maximum of six (6).~~ (3-21-22)()

a. ~~The applicant completes an Application for Personalized Sample License Plate Form.~~ (3-21-22)

ba. The acceptability screening process used is the same as that used for regular personalized plate application. ()

eb. The Department will adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations. ()

dc. The department may include other special license plate programs for sample plate sale, when not prohibited by code, or that would not cause a compromise of a special eligibility plate program. ()

03. Penalties. There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code). ()

301. -- 399. (RESERVED)

**SUBCHAPTER A – RULES GOVERNING LICENSE PLATES
FOR GOVERNMENTAL AGENCIES AND TAXING DISTRICTS**

400. STANDARD EXEMPT PLATE DESIGNATORS.

The standard exempt license plate designators used to identify the agency, entity, or office will be assigned pursuant to Section 49-443B (2), Idaho Code. ()

401. ISSUING AGENCY.

All exempt and undercover license plates will be issued by the Idaho Transportation Department upon receipt of a request from an authorized agency. ()

402. INFORMATION TO BE PROVIDED BY AN AUTHORIZED AGENCY.

A request for exempt or undercover plates will contain: ()

01. Actual Name and Address. The name and address of the requesting agency. ()

02. Vehicle Description. The description of the vehicle(s) to be registered, including the year, the make, model, type, vehicle identification (VIN), color and title number, and truck weight if eight thousand one pounds (8,001 lbs.) or more. ()

03. Fictitious Name and Address. The name and address of the registrant to appear on the undercover plate registration, and title records of the Department. ()

04. Authorized Official. The request must be signed by an authorized official of the authorized agency. ()

403. VEHICLE TITLING.

01. For Exempt Registration and License Plates. If the vehicle is not titled, the title transaction will be ~~completed at the local county assessor's office~~ **initiated** before requesting exempt plates. The control number from the title application may be used in lieu of the title number on the exempt plate request letter. (3-21-22)()

02. Undercover Vehicle Titling. The actual name and address of the requesting agency, along with the fictitious name and address of the registrant will be provided directly to the Department on a completed application approved by the authorized official. ()

404. EXEMPT AND UNDERCOVER PLATE FEES.

01. Department Reimbursement. State and federal agencies and taxing districts will reimburse the Department the cost of providing license plates. These costs will be determined by the cost of manufacture and the cost to the Department of processing the transaction. ()

02. Adjusted Fees. Periodically, fees may be adjusted in accordance with changes in manufacturing costs, postage, employee costs and legislative mandate. ()

405. EXEMPT PLATE DISPLAY.

Exempt license plates will be displayed in accordance with Section 49-428, Idaho Code. ~~A pressure sensitive sticker with a~~ The designator "EX" will be provided with each exempt plate and be attached to the plate(s) in the space provided for this purpose. The department may have the EX designator printed in the appropriate space on the plate as an alternative to the sticker. (3-21-22)()

406. UNDERCOVER PLATE DISPLAY.

Undercover license plates will be displayed in accordance with Section 49-428, Idaho Code. A pressure-sensitive sticker displaying an expiration date matching the plate number will be attached to the plate(s) in the space provided for this purpose. There will be no discerning markings to indicate that the plate or registration record is in undercover use. ()

407. ALTERNATIVE PLATES.

If an authorized agency requests a specialized license plate format normally reserved for the general public, all the statutory special program fees for the plate will be paid, with the exception of the registration (operating) fee, in addition to the department administrative and plate manufacturing fees. Special eligibility plates will not be issued to exempt vehicles. "Special eligibility" requires the individual registrant to meet specific requirements for programs such as: Purple Heart, Disabled Veteran, Disability, Military Reservist, Former Prisoner of War, Congressional Medal of Honor, National Guard and Air National Guard, Radio Amateur, Pearl Harbor Survivor, and Legislative plates. ()

408. EXEMPT PLATE STATUS.

01. Non-Expiring Plates. Exempt plates are non-expiring and require no annual renewal. ()

02. Transfer of Plates. Exempt plates may be transferred between vehicles. If an exempt plate is transferred to another vehicle, a transfer request must be made to the Department. ()

03. Reissue of Plates. Exempt plates will also be assessed personalization and program fees upon each reissuance. ()

409. UNDERCOVER PLATE STATUS.

01. Expiration of Plates. Undercover license plates will expire annually or biennially based upon the application of the authorized agency. Registration status will appear as valid, until expiration date. Renewals must be made to the Department upon expiration of the undercover license plate. ()

02. Transfer of Plates. Undercover license plates may be transferred between vehicles. If an undercover license plate is transferred to another vehicle, a transfer request must be made to the Department's Vehicle

Services Section/Special Plates Unit. ()

03. Reissue of Plates. Undercover plates will be reissued in accordance with Section 49-443(2), Idaho Code. ()

~~**04. Emission Testing of Undercover Vehicles.** Vehicles issued undercover license plates who list an address in a county or area of required emission testing will need to check with the emission authority to be exempted from the testing requirement, or test as a typical registered vehicle. (3-21-22)~~

410. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Transportation Department _____

Agency Contact: Brendan Floyd _____ **Phone:** 208-334-8474 _____

Date: 8/7/23 _____

IDAPA, Chapter and Title Number and Chapter Name:

39.02.60 Rules Governing License Plate Provisions _____

Fee Rule Status: X _____ **Proposed** _____ **Temporary**

Rulemaking Docket Number: 39-0260-2301

STATEMENT OF ECONOMIC IMPACT:

This rule provides the following fees, all of which are consistent with statutorily prescribed plate fees and represent minimal economic impact for the department and customers.

1. Dealer loaner plate fees (to match plate fees prescribed in 49-402, Idaho Code)
2. Transporter plate fees (\$15)
3. Custom vehicle plate fees (\$25 initial and \$15 annually)

Additionally, the rule requires that a plate and mailing fee be applied for the renewal of personalized plates when a customer requests new plates and establishes the requirement for state and federal agencies to reimburse that department "at cost" for exempt and undercover plates.