

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 116

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO TITLING AND REGISTRATION; AMENDING SECTION 49-105, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-120, IDAHO CODE, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-302, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-402, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO REVISE CODE REFERENCES; AMENDING SECTION 49-426, IDAHO CODE, TO REVISE CODE REFERENCES AND TO PROVIDE AN EXCEPTION TO SPECIFIED REGISTRATION NUMBER REQUIREMENTS AND REGISTRATION PROVISIONS; AMENDING SECTION 49-456, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-460, IDAHO CODE, TO PROVIDE FOR HULL IDENTIFICATION NUMBERS; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-461, IDAHO CODE, TO PROVIDE FOR EXEMPTIONS FROM NUMBERING PROVISIONS; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-462, IDAHO CODE, TO PROVIDE FOR APPLICATIONS FOR REGISTRATION OF CERTAIN VESSELS, TO PROVIDE FOR FEES, TO PROVIDE FOR ISSUANCE OF VALIDATION STICKERS AND CERTIFICATES OF REGISTRATION BY COUNTY ASSESSORS, TO PROVIDE REQUIREMENTS RELATING TO VALIDATION STICKERS AND CERTIFICATES OF REGISTRATION, TO PROVIDE REQUIREMENTS RELATING TO CERTIFICATES OF REGISTRATION FOR CERTAIN VESSELS WITH CURRENT CERTIFICATES OF REGISTRATION ISSUED PURSUANT TO FEDERAL LAW OR A FEDERALLY APPROVED NUMBERING SYSTEM OF ANOTHER STATE, TO REQUIRE CERTAIN RECORDKEEPING BY COUNTY ASSESSORS, TO PROVIDE EFFECTIVE DATES, TO PROVIDE FOR RENEWAL, TO PROVIDE FOR RELEASE OF LIABILITY STATEMENTS UPON SALE, TO PROVIDE FOR CHANGE OF ADDRESS, TO PROVIDE FOR TRANSFERS OF CERTIFICATES OF REGISTRATION AND TRANSFER FEES, TO PROHIBIT THE DISPLAY OF NUMBERS ON VESSELS OTHER THAN AN ISSUED REGISTRATION NUMBER, TO PROVIDE FOR REPLACEMENT CERTIFICATES OF REGISTRATION AND VALIDATION STICKERS AND ASSOCIATED FEES, TO PROVIDE FOR CERTIFICATES OF REGISTRATION AND FEES FOR USE IN TESTING OR DEMONSTRATION OF A VESSEL FOR CERTAIN PERSONS, TO PROVIDE FOR REGISTRATION FEES, TO PROVIDE FOR AN ADDITIONAL FEE, TO PROVIDE FOR DEPOSIT OF SUCH FEE INTO THE INVASIVE SPECIES FUND, TO PROVIDE FOR PROTECTION AGAINST INVASIVE SPECIES STICKERS, TO PROVIDE FOR EXEMPTIONS TO THE IMPOSITION OF FEES AND TO PROVIDE THAT CERTAIN VESSELS SHALL NOT BE ASSESSED AND TAXED AS PERSONAL PROPERTY; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-464, IDAHO CODE, TO ESTABLISH THE STATE VESSEL FUND, TO PROVIDE FOR THE REMITTANCE AND DEPOSIT OF FEES, TO PROVIDE FOR THE APPROPRIATION AND USE OF CERTAIN MONEYS, TO PROVIDE FOR THE APPORTIONMENT OF CERTAIN MONEYS, TO PROVIDE REQUIREMENTS FOR ELIGIBILITY FOR THE RECEIPT OF CERTAIN MONEYS, TO PROVIDE FOR THE PLACEMENT AND CREDIT OF APPORTIONED MONEYS INTO COUNTY VESSEL FUNDS, TO PROVIDE FOR THE USE OF APPORTIONED MONEYS BY ELIGIBLE COUNTIES, TO REQUIRE COUNTY CLERKS TO CALCULATE THE ENDING FUND BALANCE OF COUNTY VESSEL FUNDS WITHIN A DESIGNATED TIME, TO PROVIDE A PROCEDURE RELATING TO CER-

1 TAIN FUND BALANCES, TO PROVIDE AN EXCEPTION TO PROCEDURES RELATING TO
2 FUND BALANCES FOR CERTAIN MONEYS AND TO PROVIDE FOR INTEREST EARNED;
3 AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
4 TION 49-465, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT, COLLECTION,
5 PAYMENT AND USE OF HANDLING FEES FOR VESSELS; AMENDING CHAPTER 4, TITLE
6 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-470, IDAHO CODE, TO
7 PROVIDE FOR APPLICATIONS FOR REGISTRATION NUMBERS FOR SNOWMOBILES, TO
8 PROVIDE FOR FEES, TO PROVIDE FOR THE ISSUANCE OF REGISTRATION AND NUMBER
9 DECALS, TO PROVIDE REQUIREMENTS RELATING TO REGISTRATION AND NUMBER
10 DECALS, TO PROVIDE FOR ISSUANCE BY THE DEPARTMENT AND TO PROVIDE THAT
11 CERTAIN COUNTY ASSESSORS MAY BE AUTHORIZED TO ISSUE VALID REGISTRATION
12 AND NUMBER DECALS, TO PROVIDE FOR THE TRANSFER OF REGISTRATION NUMBERS
13 AND TO PROVIDE FOR FEES, TO PROVIDE TITLING REQUIREMENTS, TO PROHIBIT
14 THE DISPLAY OF NUMBERS ON SNOWMOBILES OTHER THAN AN ISSUED REGISTRATION
15 NUMBER, TO PROVIDE FOR THE PURCHASE AND DISPLAY OF REGISTRATION NUMBERS
16 FOR RENTAL PURPOSES AND TO PROVIDE FOR THE DEPOSIT AND DISTRIBUTION OF
17 MONEYS COLLECTED; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDI-
18 TION OF A NEW SECTION 49-471, IDAHO CODE, TO CLARIFY EXCLUSIVE AUTHORITY
19 OF SPECIFIED LAW AND TO PROHIBIT POLITICAL SUBDIVISIONS FROM NUMBERING
20 OR REGISTERING SNOWMOBILES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE,
21 BY THE ADDITION OF A NEW SECTION 49-472, IDAHO CODE, TO PROVIDE FOR OP-
22 ERATION OF CERTAIN REGISTERED VEHICLES ON GROOMED SNOWMOBILE TRAILS AND
23 TO PROVIDE FOR VIOLATIONS; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE,
24 BY THE ADDITION OF A NEW SECTION 49-473, IDAHO CODE, TO PROVIDE FOR
25 VIOLATIONS AND PENALTIES AND TO PROVIDE FOR RESPONSIBILITY FOR PROP-
26 erty DAMAGE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION
27 OF A NEW SECTION 49-480, IDAHO CODE, TO PROVIDE FOR APPLICATIONS FOR
28 REGISTRATION OF CERTAIN ALL-TERRAIN VEHICLES, MOTORBIKES, SPECIALTY
29 OFF-HIGHWAY VEHICLES, UTILITY TYPE VEHICLES AND MOTORCYCLES, TO PRO-
30 VIDE FOR FEES, TO PROVIDE FOR REGISTRATION STICKERS, TO PROVIDE FOR
31 EFFECTIVE DATES, TO PROVIDE FOR RENEWAL, TO PROVIDE ADDITIONAL REGIS-
32 TRATION REQUIREMENTS FOR CERTAIN MOTORBIKES, TO PROVIDE CERTAIN EXCEP-
33 TIONS RELATING TO REQUIREMENTS FOR RESTRICTED VEHICLE LICENSE PLATES,
34 TO PROVIDE FOR THE PURCHASE OF RESTRICTED VEHICLE LICENSE PLATES BY
35 NONRESIDENTS AND TO PROVIDE FOR THE DISTRIBUTION OF MONEYS; AMENDING
36 CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-481,
37 IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF REGISTRATION STICKERS AND
38 RESTRICTED VEHICLE LICENSE PLATES UPON PURCHASE OF A PREVIOUSLY REG-
39 ISTERED ALL-TERRAIN VEHICLE, UTILITY TYPE VEHICLE OR MOTORBIKE AND TO
40 PROVIDE FOR FEES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE AD-
41 DITION OF A NEW SECTION 49-482, IDAHO CODE, TO PROVIDE THAT SPECIFIED
42 REGISTRATION REQUIREMENTS SHALL NOT APPLY TO CERTAIN NONRESIDENTS AND
43 TO CLARIFY THAT USE PRIVILEGES AND RESPONSIBILITIES APPLY TO NONRESI-
44 DENTS; AMENDING SECTION 49-501, IDAHO CODE, TO PROVIDE FOR APPLICABIL-
45 ITY OF DESIGNATED TITLING REQUIREMENTS, TO REMOVE TITLING REQUIREMENTS
46 FOR CERTAIN VEHICLES, TO PROVIDE FOR THE DURATION OF A TITLED VESSEL
47 DESIGNATION, TO PROVIDE FOR THE APPLICABILITY OF SPECIFIED REQUIRE-
48 MENTS AND TO PROVIDE THAT CERTAIN VEHICLES ARE EXEMPT FROM SPECIFIED
49 TITLING REQUIREMENTS; REPEALING SECTION 49-501A, IDAHO CODE, RELATING
50 TO THE APPLICABILITY OF SPECIFIED VESSEL TITLING PROVISIONS; AMENDING

SECTION 49-1606, IDAHO CODE, TO CLARIFY APPLICABILITY OF PROVISIONS RELATING TO CLASSES OF LICENSES; REPEALING SECTION 67-7004, IDAHO CODE, RELATING TO HULL IDENTIFICATION NUMBERS; REPEALING SECTION 67-7008, IDAHO CODE, RELATING TO CERTIFICATES OF REGISTRATION; REPEALING SECTION 67-7009, IDAHO CODE, RELATING TO EXEMPTION FROM NUMBERING PROVISIONS; REPEALING SECTION 67-7013, IDAHO CODE, RELATING TO REMITTANCE OF FEES; REPEALING SECTION 67-7014, IDAHO CODE, RELATING TO ADMINISTRATIVE FEES FOR VESSELS; REPEALING SECTION 67-7029, IDAHO CODE, RELATING TO AGENTS OF THE DEPARTMENT; REPEALING SECTION 67-7039, IDAHO CODE, RELATING TO THE VESSEL TITLING ACT; REPEALING SECTION 67-7040, IDAHO CODE, RELATING TO THE APPLICATION TO CERTAIN VESSELS; REPEALING SECTION 67-7041, IDAHO CODE, RELATING TO LIENS AND ENCUMBRANCES; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-7102, IDAHO CODE, TO REQUIRE REGISTRATION NUMBERS FOR SNOWMOBILES AND TO REFERENCE SPECIFIED LAW; REPEALING SECTION 67-7103, IDAHO CODE, RELATING TO APPLICATIONS FOR NUMBERING REGARDING SNOWMOBILES; AMENDING SECTION 67-7104, IDAHO CODE, TO REQUIRE RENTAL CERTIFICATES FOR NONRESIDENT OWNERS OF SNOWMOBILES USED FOR RENTAL PURPOSES, TO REMOVE REFERENCE TO THE DISPLAY OF CERTAIN CERTIFICATES OF NUMBER, TO PROVIDE A FEE, TO PROVIDE FOR DISPLAY, TO PROVIDE THAT CERTIFICATES OF NUMBER SHALL BE AVAILABLE FOR INSPECTION, TO REMOVE REFERENCE TO SPECIFIED LAW RELATING TO ISSUANCE AND ADMINISTRATION, TO PROVIDE FOR ISSUANCE BY THE DEPARTMENT OR DEPARTMENT AUTHORIZED VENDORS AND TO PROVIDE FOR THE WAIVER OF CERTAIN REQUIREMENTS FOR NONRESIDENT RENTAL CERTIFICATES; REPEALING SECTION 67-7105, IDAHO CODE, RELATING TO EXEMPTION FROM REGISTRATION AND NUMBERING FOR CERTAIN GOVERNMENT OWNED VEHICLES; AMENDING SECTION 67-7106, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REMITTANCE, DISTRIBUTION AND USE OF MONEYS COLLECTED FOR SNOWMOBILE REGISTRATION AND RENTAL CERTIFICATES AND TO REVISE PROVISIONS RELATING TO HANDLING FEES; REPEALING SECTION 67-7108, IDAHO CODE, RELATING TO PROHIBITION OF NUMBERING BY POLITICAL SUBDIVISIONS; REPEALING SECTION 67-7112, IDAHO CODE, RELATING TO GROOMED SNOWMOBILE TRAILS; AMENDING SECTION 67-7113, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 67-7122, IDAHO CODE, RELATING TO REGISTRATION OF ALL-TERRAIN VEHICLES, MOTORBIKES, SPECIALTY OFF-HIGHWAY VEHICLES, UTILITY TYPE VEHICLES AND MOTORCYCLES; REPEALING SECTION 67-7123, IDAHO CODE, RELATING TO THE TRANSFER OF REGISTRATION STICKERS AND RESTRICTED VEHICLE LICENSE PLATES; REPEALING SECTION 67-7124, IDAHO CODE, RELATING TO EXEMPTIONS FROM REGISTRATION FOR CERTAIN NONRESIDENTS; AMENDING SECTION 67-7125, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7126, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ALLOCATION AND DISTRIBUTION OF FEES COLLECTED FOR OFF-HIGHWAY VEHICLE REGISTRATION STICKERS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby amended to read as follows:

1 49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the busi-
 2 ness of buying, selling or exchanging five (5) or more new or used vehicles,
 3 new or used neighborhood electric vehicles, new or used motorcycles, motor-
 4 driven cycles, snow machines or motorbikes, travel trailers, truck campers,
 5 all-terrain vehicles, utility type vehicles, vessels required to be titled
 6 pursuant to chapter 5, title 49, Idaho Code, or motor homes in any calendar
 7 year, either outright or on conditional sale, bailment, lease, chattel mort-
 8 gage, or otherwise, or who has an established place of business for the sale,
 9 lease, trade, or display of these vehicles. No insurance company, bank, fi-
 10 nance company, public utilities company, or other person coming into posses-
 11 sion of any vehicle, as an incident to its regular business, who shall sell
 12 that vehicle under any contractual rights it may have, shall be considered a
 13 dealer. See also "salvage pool," section 49-120, Idaho Code.

14 (2) "Dealer's selling agreement." (See "Franchise," section 49-107,
 15 Idaho Code)

16 (3) "Department" means the Idaho transportation department acting di-
 17 rectly or through its duly authorized officers and agents, except in chap-
 18 ters 6 and 9, title 49, Idaho Code, where the term means the Idaho state po-
 19 lice, except as otherwise specifically provided.

20 (4) "Designated family member" means the spouse, child, grandchild,
 21 parent, brother or sister of the owner of a vehicle dealership who, in the
 22 event of the owner's death, is entitled to inherit the ownership interest in
 23 the dealership under the same terms of the owner's will, or who has been nom-
 24 inated in any other written instrument, or who, in the case of an incapaciti-
 25 tated owner of a dealership, has been appointed by a court as the legal repre-
 26 sentative of the dealer's property.

27 (5) "Director" means the director of the Idaho transportation depart-
 28 ment, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term
 29 means the director of the Idaho state police.

30 (6) "Disclose" means to engage in any practice or conduct to make avail-
 31 able and make known personal information contained in records of the depart-
 32 ment about a person to any other person, organization or entity, by any means
 33 of communication.

34 (7) "Disqualification" as defined in 49 CFR part 383, means withdrawal
 35 by the department of commercial vehicle driving privileges.

36 (8) "Distributor" means any person, firm, association, corporation or
 37 trust, resident or nonresident, who has a franchise from a manufacturer of
 38 vehicles to distribute vehicles in this state, and who in whole or in part
 39 sells or distributes new vehicles to dealers or who maintains distributor
 40 representatives.

41 (9) "Distributor branch" means a branch office similarly maintained by
 42 a distributor for the same purposes a factory branch is maintained.

43 (10) "Distributor representative" means any person, firm, association,
 44 corporation or trust, and each officer and employee thereof engaged as a rep-
 45 resentative of a distributor or distributor branch of vehicles for the pur-
 46 pose of making or promoting the sale of vehicles, or for supervising or con-
 47 tacting dealers or prospective dealers.

48 (11) "District" means:

49 (a) Business district. The territory contiguous to and including a
 50 highway when within any six hundred (600) feet along the highway there

1 are buildings in use for business or industrial purposes, including ho-
2 tels, banks or office buildings, railroad stations and public buildings
3 which occupy at least three hundred (300) feet of frontage on one side or
4 three hundred (300) feet collectively on both sides of the highway.

5 (b) Residential district. The territory contiguous to and including
6 a highway not comprising a business district when the property on the
7 highway for a distance of three hundred (300) feet or more is in the main
8 improved with residences, or residences and buildings in use for busi-
9 ness.

10 (c) Urban district. The territory contiguous to and including any
11 highway which is built up with structures devoted to business, indus-
12 try or dwelling houses. For purposes of establishing speed limits in
13 accordance with the provisions of section 49-654, Idaho Code, no state
14 highway or any portion thereof lying within the boundaries of an urban
15 district is subject to the limitations which otherwise apply to non-
16 state highways within an urban district.

17 (12) "Documented vessel" means a vessel having a valid marine document
18 as a vessel of the United States.

19 (13) "Downgrade" as it pertains to commercial drivers licensing shall
20 mean either:

21 (a) The driver has changed his or her medical requirement self-certifi-
22 cation to interstate but operates exclusively in transportation or op-
23 erations excepted from part 391 of the federal motor carrier safety reg-
24 ulations; or

25 (b) The driver has changed his or her medical requirement self-certifi-
26 cation to intrastate and operates exclusively in transportation or op-
27 erations as listed in section 67-2901B(2), Idaho Code; or

28 (c) The driver no longer has commercial motor vehicle driving privi-
29 leges, but has retained privileges to drive noncommercial motor vehi-
30 cles.

31 (14) "Drag race" means the operation of two (2) or more vehicles from a
32 point side by side at accelerating speeds in a competitive attempt to out-
33 distance each other, or the operation of one (1) or more vehicles over a com-
34 mon selected course, from the same point to the same point, for the purpose
35 of comparing the relative speeds or power of acceleration of the vehicles
36 within a certain distance or time limit.

37 (15) "Driver" means every person who drives or is in actual physical
38 control of a vehicle.

39 (16) "Driver's license" means a license or permit issued by the depart-
40 ment or by any other jurisdiction to an individual which authorizes the indi-
41 vidual to operate a motor vehicle or commercial motor vehicle on the highways
42 in accordance with the requirements of title 49, Idaho Code.

43 (17) "Driver's license -- Classes of" are issued for the operation of a
44 vehicle based on the size of the vehicle or the type of load and mean:

45 (a) Class A. This license shall be issued and valid for the operation
46 of any combination of motor vehicles with a manufacturer's gross combi-
47 nation weight rating (GCWR) in excess of twenty-six thousand (26,000)
48 pounds, provided the manufacturer's gross vehicle weight rating (GVWR)
49 of the vehicle(s) being towed is in excess of ten thousand (10,000)

1 pounds. Persons holding a valid class A license may also operate vehi-
2 cles requiring a class B, C or D license.

3 (b) Class B. This license shall be issued and valid for the operation
4 of any single vehicle with a manufacturer's gross vehicle weight rat-
5 ing (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such
6 vehicle towing a vehicle not in excess of ten thousand (10,000) pounds
7 manufacturer's gross vehicle weight rating (GVWR). Persons holding a
8 valid class B license may also operate vehicles requiring a class C li-
9 cense or a class D license.

10 (c) Class C. This license shall be issued and valid for the operation
11 of any single vehicle or combination of vehicles that does not meet the
12 definition of class A or class B, as defined in this section, but that
13 either is designed to transport sixteen (16) or more people including
14 the driver, or is of any size which does not meet the definition of class
15 A or class B and is used in the transportation of materials found to be
16 hazardous according to the hazardous material transportation act and
17 which requires the motor vehicle to be placarded under the federal haz-
18 ardous materials regulations 49 CFR part 172, subpart F. Persons hold-
19 ing a valid class C license may also operate vehicles requiring a class D
20 license.

21 (d) Class D. This license shall be issued and valid for the operation of
22 a motor vehicle that is not a commercial vehicle as defined in section
23 49-123, Idaho Code.

24 (e) "Seasonal driver's license" means a special restricted class B or
25 C driver's license to operate certain commercial vehicles in farm-re-
26 lated industries under restrictions imposed by the department. As used
27 in this definition, "farm-related industry" shall mean custom har-
28 vesters, farm retail outlets and suppliers, agri-chemical businesses
29 and livestock feeders. Seasonal driver's licenses are not valid for
30 driving vehicles carrying any quantities of hazardous material requir-
31 ing placarding, except for diesel fuel in quantities of one thousand
32 (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients,
33 in vehicles or implements of husbandry with total capacities of three
34 thousand (3,000) gallons or less, and solid fertilizers, i.e., solid
35 plant nutrients, that are not mixed with any organic substance.

36 (18) "Driver record" means any record that pertains to an individual's
37 driver's license, driving permit, driving privileges, driving history,
38 identification documents or other similar credentials issued by the depart-
39 ment.

40 (19) "Driver's license endorsements" means special authorizations that
41 are required to be displayed on a driver's license which permit the driver to
42 operate certain types of commercial vehicles or commercial vehicles hauling
43 certain types of cargo, or to operate a motorcycle or a school bus.

44 (a) "Endorsement T -- Double/Triple trailer" means this endorsement is
45 required on a class A, B or C license to permit the licensee to operate a
46 vehicle authorized to tow more than one (1) trailer.

47 (b) "Endorsement H -- Hazardous material" means this endorsement is re-
48 quired on a class A, B or C license if the driver is operating a vehicle
49 used in the transportation of materials found to be hazardous according
50 to the hazardous material transportation act and which requires the mo-

tor vehicle to be placarded under the federal hazardous materials regulations 49 CFR part 172, subpart F.

(c) "Endorsement P -- Passenger" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle designed to transport sixteen (16) or more people including the driver.

(d) "Endorsement N -- Tank vehicle" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle which is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in federal regulations 49 CFR part 171. This definition does not include portable tanks having a rated capacity under one thousand (1,000) gallons.

(e) "Endorsement M -- Motorcycle" means this endorsement is required on a driver's license to permit the driver to operate a motorcycle or motor-driven cycle.

(f) "Endorsement S -- School bus" means this endorsement is required on a class A, B or C license to permit the licensee to operate a school bus in accordance with 49 CFR part 383, to transport preprimary, primary or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(20) "Driveway" means a private road giving access from a public way to a building on abutting grounds.

(21) "Dromedary tractor" means every motor vehicle designed and used primarily for drawing a semitrailer and so constructed as to carry manifested cargo in addition to a part of the weight of the semitrailer.

SECTION 2. That Section 49-120, Idaho Code, be, and the same is hereby amended to read as follows:

49-120. DEFINITIONS -- S. (1) "Saddlemount combination" means a combination of vehicles in which a truck or truck tractor tows one (1), two (2) or three (3) trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. A smaller vehicle mounted completely on the frame of either the first or last vehicle may be used in a saddlemount combination.

(2) "Safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) "Safety zone" means the area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(4) "Salvage pool" means a licensed vehicle dealer engaged primarily in the business of disposing of salvage vehicles, recovered stolen vehicles, or both.

(5) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school approved activities and includes buses operated by contract carriers.

(6) "Secretary" means the secretary of transportation of the United States.

(7) "Security agreement." (See section 28-9-102, Idaho Code)

(8) "Security interest." (See section 28-1-201, Idaho Code)

(9) "Sell," "sold," "buy," and "purchase," mean and include, as used in sections 49-2401 through 49-2406, Idaho Code, exchange, barter, gift, and offer or contract to sell or buy.

(10) "Semitrailer." (See "Trailer," section 49-121, Idaho Code)

(11) "Serious traffic violation" means conviction of an offense specified in 49 CFR part 383 and including any subsequent amendments thereto, while operating a commercial motor vehicle, and shall include driving a commercial motor vehicle:

(a) Without obtaining a commercial driver's license; or

(b) Without having a commercial driver's license in the driver's possession; or

(c) Without the proper license class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

(12) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

(13) "Signal." (See "Railroad sign," section 49-119, Idaho Code)

(14) "Skills test" means an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(15) "Slow moving vehicle" means any vehicle not normally operated upon the highways.

(16) "Snow tire." (See "Tires," section 49-121, Idaho Code)

(17) "Snowmobile." (See "Snowmobile," section 67-7101, Idaho Code)

(18) "Sold." (See "Sell," "buy," and "purchase," this section)

~~(189)~~ "Solid rubber tire." (See "Tires," section 49-121, Idaho Code)

~~(1920)~~ "Special license plate" means a license plate that is made available to the public as a personal alternative to the standard issue license plate. No special program fee shall be charged for the registration or plates issued under sections 49-403, 49-403A, 49-404, 49-405, 49-410, 49-415, 49-415A and 49-415B, Idaho Code.

~~(201)~~ "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes, and earth moving equipment. The term does not include travel trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles

1 designed for the transportation of persons or property to which machinery
2 has been attached.

3 (212) "Specially constructed vehicle." (See "Vehicle," section 49-123,
4 Idaho Code)

5 (223) "Specialty off-highway vehicle." (See "Vehicle," section 49-123,
6 Idaho Code)

7 (234) "Stand" or "standing" means the halting of a vehicle, whether oc-
8 cupied or not, otherwise than temporarily for the purpose of and while actu-
9 ally engaged in receiving or discharging passengers.

10 (245) "State" means a state, territory or possession of the United
11 States, the District of Columbia, the Commonwealth of Puerto Rico or a
12 province of Canada.

13 (256) "Stop" means the act of or complete cessation from movement.

14 (267) "Stopping" means the act of any halting even momentarily of a ve-
15 hicle.

16 (278) "Street." (See "Highways," section 49-109, Idaho Code)

17 (289) "Street rod" means any pre-1949 vehicle which has had a signifi-
18 cant drive train update from a more modern vehicle. Changes may include en-
19 gine, transmission, rear axle, and other suspension components. The body
20 will be, or resemble the same as the manufacturer's original issue after its
21 first sale after manufacture.

22 (2930) "Studded tire." (See "Tires," section 49-121, Idaho Code)

23 (301) "Substandard width lane" means a lane that is too narrow for a bi-
24 cycle and a motor vehicle to travel safely side by side within the lane.

25 (312) "Supplemental lot" means a physically separate location owned and
26 maintained by a licensed dealer or manufacturer within the same or adjacent
27 county as the principal place of business which meets all the requirements
28 for a principal place of business.

29 (323) "Suspension of driver's license" means the temporary withdrawal
30 by formal action of the department or as otherwise provided in this title of a
31 person's driver's license or privilege to operate a motor vehicle on the pub-
32 lic highways, which temporary withdrawal shall be for a period specifically
33 designated by the department.

34 (334) "Suspension of vehicle registration" means the temporary with-
35 drawal by formal action of the department or as otherwise provided in this
36 title of a person's vehicle registration or, in the case of fleets of vehi-
37 cles, all vehicle registrations in each fleet operated by a company. Upon
38 suspension, the privileges of operating the vehicle or vehicles on Idaho
39 highways is terminated until the difficulty that caused the suspension is
40 corrected and notification is provided that the suspension has been lifted.

41 SECTION 3. That Section 49-302, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons
44 are exempt from licensing if driving privileges are not suspended, canceled,
45 revoked, disqualified, denied or refused:

46 (1) Any person while driving or operating any farm tractor or implement
47 of husbandry when incidentally operated on a highway.

48 (2) Farmers are exempt from obtaining a class A, B or C driver's license
49 to operate a commercial motor vehicle which is:

1 (a) Controlled and operated by a farmer, including operation by employ-
2 ees or family members; and

3 (b) Used to transport ~~either~~ agricultural products, farm machinery, or
4 farm supplies, ~~or both~~, to or from a farm; and

5 (c) Not used in the operations of a common or contract motor carrier;
6 and

7 (d) Used within one hundred fifty (150) miles of the person's farm.

8 (3) Any person is exempt from obtaining a class A, B or C driver's li-
9 cense for the operation of commercial motor vehicles which are necessary to
10 the preservation of life or property or the execution of emergency govern-
11 mental functions, are equipped with audible and visual signals, and are not
12 subject to normal traffic regulations.

13 (4) Any person is exempt from obtaining a class A, B or C license to op-
14 erate a commercial vehicle which is exclusively used to transport personal
15 possessions or family members for nonbusiness or recreational purposes.

16 (5) A nonresident who is at least fifteen (15) years of age and who has
17 in his immediate possession a valid driver's license issued to him in his
18 home state or country may operate a motor vehicle in Idaho only as a class D
19 operator with driving privileges restricted to daylight hours only except as
20 provided in section 49-307(9), Idaho Code, and with full privileges at six-
21 teen (16) years of age, and only if Idaho residency is not established.

22 (6) A nonresident who is at least fifteen (15) years of age and who has
23 in his possession a valid driver's license with a motorcycle endorsement or
24 who has a valid motorcycle driver's license issued to him in his home state or
25 country may operate a motorcycle in Idaho with driving privileges restricted
26 to daylight hours only, and with full privileges at sixteen (16) years of
27 age.

28 (7) A nonresident who has in his immediate possession a valid commer-
29 cial driver's license issued to him in his home state or country may operate a
30 motor vehicle in Idaho.

31 (8) A nonresident on active duty in the armed forces of the United
32 States who has a valid driver's license issued by his home jurisdiction,
33 and such nonresident's spouse or dependent son or daughter who has a valid
34 driver's license issued by such person's home jurisdiction.

35 (9) Any active duty military personnel, active duty U.S. coast guard
36 personnel, and members of the reserves and national guard on active duty in-
37 cluding personnel on full-time national guard duty, personnel on part-time
38 training and national guard military technicians who as civilians are re-
39 quired to wear military uniforms and are subject to the code of military
40 justice, are exempt from obtaining a commercial driver's license to operate
41 military vehicles. This exemption does not apply to U.S. reserve techni-
42 cians.

43 (10) Any person with a valid driver's license issued in their name is ex-
44 empt from the requirement to obtain a motorcycle endorsement on the license
45 when operating a motorcycle on highways or sections of highways designated
46 for unregistered motorcycle use under section 49-426(31)(c), Idaho Code.

47 (11) Any person under the age of sixteen (16) years when operating an
48 ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal
49 or state land where the road is not part of the highway system of the state
50 of Idaho or local road management authority and is supervised by a licensed

1 adult operator eighteen (18) years of age or older, and the road is open for
2 such use, subject to the following:

3 (a) Any unlicensed operators under the age of sixteen (16) years, on
4 national forest roads must have completed a motorbike or ATV safety
5 course approved by the Idaho department of parks and recreation, and a
6 certificate or other proof of completion of such safety course shall be
7 in the possession of the unlicensed operator of any ATV, UTV, specialty
8 off-highway vehicle or motorbike, or shall be present in the vehicle at
9 all times when the vehicle is operated on national forest roads. The
10 certificate or proof of completion shall be provided for inspection to
11 any peace officer upon request. No person shall be convicted of violat-
12 ing the provisions of this subsection if that person produces, at any
13 time prior to conviction, the certificate or proof of completion of the
14 approved safety course where the certificate shows completion of the
15 course prior to the violation. In the event of a violation of the provi-
16 sions of this subsection, the supervising adult may be charged with an
17 infraction.

18 (b) For purposes of this subsection, "supervised" means that the su-
19 pervising adult must be in a position, on another ATV, UTV, specialty
20 off-highway vehicle or motorbike, or if on the ground, within three hun-
21 dred (300) feet of the unlicensed operator, to provide close support,
22 assistance or direction to the unlicensed operator.

23 SECTION 4. That Section 49-402, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each
26 pickup truck, each neighborhood electric vehicle and each other motor ve-
27 hicle having a maximum gross weight not in excess of eight thousand (8,000)
28 pounds and that complies with the federal motor vehicle safety standards as
29 defined in section 49-107, Idaho Code, shall be:

30 Vehicles one (1) and two (2) years old\$48.00
31 Vehicles three (3) and four (4) years old\$36.00
32 Vehicles five (5) and six (6) years old\$36.00
33 Vehicles seven (7) and eight (8) years old\$24.00
34 Vehicles over eight (8) years old\$24.00

35 There shall be twelve (12) registration periods, starting in January
36 for holders of validation registration stickers numbered 1, and proceed-
37 ing consecutively through December for holders of validation registration
38 stickers numbered 12, each of which shall start on the first day of a calendar
39 month and end on the last day of the twelfth month from the first day of the
40 beginning month. Registration periods shall expire midnight on the last day
41 of the registration period in the year designated by the validation regis-
42 tration sticker. The numeral digit on the validation registration stickers
43 shall, as does the registration card, fix the registration period under the
44 staggered plate system of Idaho for the purpose of reregistration and notice
45 of expiration.

46 A vehicle that has once been registered for any of the above designated
47 periods shall, upon reregistration, be registered for the period bearing the
48 same number, and the registration card shall show and be the exclusive proof
49 of the expiration date of registration and licensing. Vehicles may be ini-

1 tially registered for less than a twelve (12) month period, or for more than a
 2 twelve (12) month period, and the fee prorated on a monthly basis if the frac-
 3 tional registration tends to fulfill the purpose of the monthly series reg-
 4 istration system.

5 (2) For all school buses operated either by a nonprofit, nonpublic
 6 school or operated pursuant to a service contract with a school district
 7 for transporting children to or from school or in connection with school
 8 approved activities, the annual fee shall be twenty-four dollars (\$24.00).

9 (3) For all motorcycles and motor-driven cycles which comply with the
 10 federal motor vehicle safety standards, operated upon the public highways
 11 the annual fee shall be nine dollars (\$9.00).

12 (4) For operation of an all-terrain vehicle, utility type vehicle or
 13 motorbike, excluding a motorbike with an engine displacement of fifty (50)
 14 cubic centimeters or less, on city, county or highway district roads or high-
 15 ways open to such use, a restricted vehicle license plate fee pursuant to
 16 section 49-450, Idaho Code, shall be paid. In addition, the registration
 17 fee specified in section ~~67-7122~~ 49-480, Idaho Code, shall be paid ~~as pre-~~
 18 ~~vided in section 67-7122, Idaho Code.~~ The registration and restricted vehi-
 19 cle license plate exemption provided in section 49-426 (21) (b), Idaho Code,
 20 applies to all-terrain vehicles, utility type vehicles, motorbikes and mo-
 21 torcycles used for the purposes described in subsection (21) (b) of section
 22 49-426, Idaho Code. Nonresidents shall be allowed to purchase a restricted
 23 vehicle license plate and sticker for an all-terrain vehicle, utility type
 24 vehicle or motorbike.

25 (5) For all motor homes the fee shall be as specified in subsection (1)
 26 of this section and shall be in addition to the fees provided for in section
 27 49-445, Idaho Code.

28 (6) Registration fees shall not be subject to refund.

29 (7) A financial institution or repossession service contracted to
 30 a financial institution repossessing vehicles under the terms of a secu-
 31 rity agreement shall move the vehicle from the place of repossession to the
 32 financial institution's place of business on a repossession plate. The
 33 repossession plate shall also be used for demonstrating the vehicle to a
 34 prospective purchaser for a period not to exceed ninety-six (96) hours. The
 35 registration fees for repossession plates shall be as required in subsection
 36 (1) of this section for a vehicle one (1) and two (2) years old. All other
 37 fees required under chapter 4, title 49, Idaho Code, shall be in addition to
 38 the registration fee. The repossession plate shall be issued on an annual
 39 basis by the department.

40 (8) A wrecker or towing business engaged in the process of towing motor-
 41 ized vehicles, which have been wrecked, abandoned, salvaged or may be dis-
 42 abled, may apply for a wrecker plate to be displayed on those vehicles being
 43 towed, provided the power unit is properly registered under this chapter.
 44 The registration fees for wrecker plates shall be as required in subsection
 45 (1) of this section for a vehicle one (1) and two (2) years old. All other
 46 fees required under chapter 4, title 49, Idaho Code, shall be in addition to
 47 the registration fee. The wrecker plate shall be issued on an annual basis by
 48 the department.

49 (9) In addition to the annual registration fee in this section, there
 50 shall be an initial program fee of twenty-five dollars (\$25.00) and an an-

1 nual program fee of fifteen dollars (\$15.00) for all special license plate
 2 programs for those license plates issued pursuant to sections 49-404A,
 3 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code.
 4 For special plates issued pursuant to sections 49-406 and 49-406A, Idaho
 5 Code, there shall be an initial program fee of twenty-five dollars (\$25.00)
 6 but there shall be no annual renewal fee. For special plates issued pur-
 7 suant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C,
 8 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E,
 9 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C,
 10 49-419D, 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E,
 11 49-420G, 49-420H, 49-420I, 49-420J, 49-420K and 49-420L, Idaho Code, and
 12 any new special plate program effective on and after January 1, 2013, pur-
 13 suant to section 49-402D, Idaho Code, there shall be an initial program fee
 14 of thirty-five dollars (\$35.00) and an annual program fee of twenty-five
 15 dollars (\$25.00). The fees contained in this subsection shall be applicable
 16 to all new special plate programs. The initial program fee and the annual
 17 program fee shall be deposited in the state highway account and shall be used
 18 to fund the cost of administration of special license plate programs, unless
 19 otherwise specified by law.

20 (10) Any vehicle that does not meet federal motor vehicle safety stan-
 21 dards shall not be registered and shall not be permitted to operate on public
 22 highways of the state, as defined in section 40-117, Idaho Code, unless oth-
 23 erwise specifically authorized.

24 (11) In addition to annual registration fees as provided in this sec-
 25 tion, registrants may pay a fee to purchase an Idaho state parks passport
 26 authorizing resident motor vehicle entry into all Idaho state parks. Reg-
 27 istrants may pay the fee for a one (1) year or two (2) year period of time.
 28 The fee shall be ten dollars (\$10.00) for one (1) year and twenty dollars
 29 (\$20.00) for two (2) years. All fees collected pursuant to this subsection
 30 shall be deposited into the park and recreation fund and shall be subject to
 31 appropriation. Fees collected pursuant to this subsection shall not be con-
 32 sidered a motor vehicle registration fee as provided in section 17, article
 33 VII, of the constitution of the state of Idaho.

34 SECTION 5. That Section 49-426, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 49-426. EXEMPTIONS FROM OPERATING FEES. (1) The provisions of this
 37 chapter with respect to operating fees shall not apply to:

38 ~~(1a)~~ Motor vehicles owned or leased by the United States, the state, a
 39 city, a county, any department thereof, any political subdivision or
 40 municipal corporation of the state, any taxing district of the state,
 41 any state registered nonprofit subscription fire protection unit, or
 42 any organization, whether incorporated or unincorporated, organized
 43 for the operation, maintenance, or management of an irrigation project
 44 or irrigation works or system or for the purpose of furnishing water to
 45 its members or shareholders, but in other respects shall be applicable.

46 ~~(2b)~~ Farm tractors, implements of husbandry, those manufactured
 47 homes which qualify for an exemption under the provisions of section
 48 49-422, Idaho Code, road rollers, wheel mounted tar buckets, portable
 49 concrete and/or mortar mixers, wheel mounted compressors, tow dol-

lies, portable toilet trailers, street sweepers, other construction equipment, forestry equipment, lawn and grounds equipment and similar devices as determined by the department which are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in section 49-108(2), Idaho Code. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn mowers, and scooters operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles need not be licensed under the provisions of this chapter or registered pursuant to the provisions of section ~~67-7122~~ 49-480, Idaho Code, if they are being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations or used exclusively for snow removal purposes. Travel upon the public highways shall be limited to travel between farm or ranch locations. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles used for this purpose shall meet the emblem requirements of section 49-619, Idaho Code.

(3c) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances or resolutions designating highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this chapter and registered pursuant to section ~~67-7122~~ 49-480, Idaho Code. The operation of licensed and registered all-terrain vehicles, utility type vehicles and motorbikes and those vehicles exempt from licensing and registration pursuant to subsection (21)(b) of this section shall not be permitted on controlled access highways. The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of any all-terrain vehicle, utility type vehicle or motorbike upon highways. Costs related to the posting of signs on highways or sections of highways that are closed to such vehicles, indicating the ordinance, are eligible for reimbursement through the motorbike recreation account created in section 67-7126, Idaho Code.

(4d) The Idaho transportation board may designate sections of state highways over which all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may cross. The requirements of title 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes when using designated crossings on state highways.

(5e) All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may be used on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho, provided the registration requirements of section ~~67-7122~~ 49-480, Idaho Code, are met.

1 (2) Registration number requirements and registration provisions of
 2 this chapter shall not apply to snowmobiles, all-terrain vehicles, utility
 3 type vehicles, specialty off-highway vehicles and motorbikes owned and op-
 4 erated by the federal government, a state government or a political subdivi-
 5 sion thereof.

6 SECTION 6. That Section 49-456, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 49-456. VIOLATIONS OF REGISTRATION PROVISIONS. It shall be unlawful
 9 for any person:

10 (1) To operate or for the owner to permit the operation upon a highway of
 11 any motor vehicle, trailer or semitrailer which is not registered and which
 12 does not have attached and displayed the license plates assigned to it for
 13 the current registration year, subject to the exemptions allowed in sections
 14 49-426, 49-431 and 49-432, Idaho Code.

15 (2) To operate or for the owner to permit the operation on state and fed-
 16 eral lands or upon highways, or sections of highways, as permitted under sec-
 17 tion 49-426(31)(c) and (41)(d), Idaho Code, any all-terrain vehicle, util-
 18 ity type vehicle or motorbike that does not have a valid and properly dis-
 19 played restricted license plate issued pursuant to this chapter and attached
 20 registration sticker issued pursuant to section ~~67-7122~~ 49-480, Idaho Code,
 21 subject to the exemptions allowed in section 49-426(21)(b), Idaho Code.

22 (3) To display or cause or permit to be displayed, or to have in posses-
 23 sion any registration card or license plate knowing the same to be fictitious
 24 or to have been canceled, revoked, suspended or altered.

25 (4) To lend or knowingly permit the use by one not entitled to any reg-
 26 istration card or license plate issued to the person so lending or permitting
 27 that use.

28 (5) To fail or refuse to surrender to the department, upon demand, any
 29 registration card or license plate which has been suspended, canceled or re-
 30 voked.

31 (6) To use a false or fictitious name or address in any application for
 32 the registration of any vehicle or for any renewal or duplicate, or knowingly
 33 to make a false statement or conceal a material fact or otherwise commit a
 34 fraud in any application.

35 SECTION 7. That Chapter 4, Title 49, Idaho Code, be, and the same is
 36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 37 ignated as Section 49-460, Idaho Code, and to read as follows:

38 49-460. HULL IDENTIFICATION NUMBER. (1) All vessels, except sea-
 39 planes, shall have two (2) identical hull identification numbers perma-
 40 nently displayed and affixed in accordance with federal regulations.

41 (2) A person who builds or imports a vessel for his own use and not for
 42 the purposes of sale shall request a hull identification number from the di-
 43 rector and affix the number as instructed.

44 (3) No person shall destroy, remove, alter or cover a vessel hull iden-
 45 tification number.

46 (4) The director may issue a hull identification number for any vessel
 47 in violation of the provisions of this section.

1 SECTION 8. That Chapter 4, Title 49, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 49-461, Idaho Code, and to read as follows:

4 49-461. EXEMPTION FROM NUMBERING PROVISIONS. A vessel shall not be re-
5 quired to be numbered under the provisions of this chapter if it is:

6 (1) Already covered by a number in full force and effect which has been
7 issued to it pursuant to federal law or a federally approved numbering system
8 of another state, provided that such vessel shall not have been within this
9 state for a period in excess of sixty (60) consecutive days;

10 (2) A vessel from a country other than the United States using the wa-
11 ters of this state for a period of less than sixty-one (61) consecutive days;

12 (3) A vessel owned by the United States, another state or a political
13 subdivision thereof;

14 (4) A vessel's lifeboat;

15 (5) A vessel belonging to a class of vessels that has been exempted from
16 numbering by the Idaho department of parks and recreation after it has found
17 that the numbering of vessels of such class will not materially aid in their
18 identification and has further found that the vessel would also be exempt
19 from numbering if it were subject to federal law; or

20 (6) A float tube.

21 SECTION 9. That Chapter 4, Title 49, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 49-462, Idaho Code, and to read as follows:

24 49-462. CERTIFICATE OF REGISTRATION -- EXPIRATION -- FEES. (1) Upon
25 purchase or transfer of ownership, or as otherwise herein provided, the
26 owner of each vessel requiring numbering by the state of Idaho shall file
27 an application that complies with the requirements of section 49-401B,
28 Idaho Code, for registration with a county assessor on forms provided by
29 the department. The application shall be signed by the owner and shall be
30 accompanied by the fee herein designated. Upon receipt of an application in
31 approved form, and the appropriate fee, the assessor shall enter the same
32 upon the records of his office and issue to the applicant two (2) validation
33 stickers and a certificate of registration stating the number issued to the
34 vessel. The owner shall paint on or permanently attach to each side of the
35 bow of the vessel the registration number and validation sticker in a manner
36 as may be prescribed by rules of the department in order that they may be
37 completely visible, and the number shall be maintained in legible condition.
38 The certificate of registration shall be on board and available at all times
39 for inspection on the vessel for which issued whenever that vessel is in op-
40 eration, except that livery operators may have the rental agreement on board
41 rented vessels in lieu of the certificate of registration.

42 (2) The owner of any vessel for which a current certificate of registra-
43 tion has been issued pursuant to any federal law or a federally approved num-
44 bering system of another state shall, if the vessel is operated on the waters
45 of this state in excess of sixty (60) days, make application for a certifi-
46 cate of Idaho registration in the manner prescribed in this section.

1 (3) Each county assessor shall record the names of all owners of ves-
2 sels who make application for certificates of registration, together with
3 the amount of the fees paid by the owners.

4 (4) Every certificate of registration issued shall continue in full
5 force and effect through December 31 of the year of issue unless sooner
6 terminated or discontinued in accordance with law. Certificates of regis-
7 tration may be renewed by the owner in the same manner provided for in the
8 initial securing of them.

9 (5) Upon sale of a vessel, the owner shall complete a release of liabil-
10 ity statement and forward the same to the department and shall otherwise com-
11 ply with the provisions of section 49-526, Idaho Code. The owner of any ves-
12 sel shall comply with the provisions of section 49-421(3), Idaho Code, upon a
13 change of address.

14 (6) Whenever the ownership of a vessel changes, the purchaser shall,
15 prior to operation, make application to the county assessor or the depart-
16 ment for transfer to him of the certificate of registration issued for the
17 vessel, giving his name, address and number of the vessel, and shall meet the
18 requirements of section 49-401B, Idaho Code, and shall, at the same time, pay
19 to the department a transfer fee as required in section 49-202, Idaho Code.
20 Upon receipt of the application and fee, the county assessor or the depart-
21 ment shall transfer the certificate of registration issued for the vessel to
22 the new owner or owners.

23 (7) No number other than the registration number issued to a vessel or
24 granted by reciprocity pursuant to law shall be painted, attached or other-
25 wise displayed on either side of the bow of the vessel.

26 (8) If any certificate of registration becomes lost, mutilated or be-
27 comes illegible, the owner of the vessel for which the same was issued shall
28 obtain a replacement of the certificate from the county assessor or the
29 department upon application and the payment of the fee required in section
30 49-202, Idaho Code. If one (1) or both validation stickers are lost, stolen
31 or destroyed, any sticker remnants and the certificate of registration shall
32 be returned to the department along with the fee required in section 49-202,
33 Idaho Code, and an application for a replacement certificate of registration
34 and validation stickers.

35 (9) A person engaged in the manufacture or sale of vessels of a type
36 otherwise required to be numbered by law may obtain pursuant to rules duly
37 promulgated by the department, certificates of registration for use in the
38 testing or demonstration only of a vessel upon payment of thirteen dollars
39 (\$13.00) for each certificate. Certificates of registration so issued may
40 be used by the applicant in the testing or demonstration only of vessels by
41 temporary placement of the numbers assigned by the certificates on the ves-
42 sel tested or demonstrated, and shall be issued and displayed as otherwise
43 prescribed by this chapter or by rule of the department.

44 (10) The registration fees shall be: (a) Vessels 0-12 feet in length
45 twenty dollars (\$20.00); (b) Vessels over 12 feet in length twenty dollars
46 (\$20.00) plus two dollars (\$2.00) per foot for each additional foot in excess
47 of 12 feet.

48 (11) Each calendar year, in addition to any other moneys or fees col-
49 lected pursuant to the provisions of this section, or any other provisions of
50 chapter 4, title 49, Idaho Code, all motorized vessels and sailboats shall

1 pay an additional fee of ten dollars (\$10.00) per vessel registered in the
 2 state of Idaho prior to launch into the public waters of the state. The de-
 3 partment is authorized to collect such fees and shall deposit the fees in the
 4 invasive species fund established in section 22-1911, Idaho Code. Vessel
 5 registration validation stickers shall also serve as the protection against
 6 invasive species stickers for those vessels registered pursuant to this sec-
 7 tion.

8 (12) The provisions of subsection (10) of this section, with respect to
 9 the amount of payment of registration fees shall not apply to vessels owned
 10 by any charitable or religious organization, scout organization or any sim-
 11 ilar organization not used and operated for profit. All vessels currently
 12 registered by the state of Idaho and having paid the fees imposed by subsec-
 13 tion (10) of this section shall not be assessed and taxed as personal prop-
 14 erty in the state of Idaho.

15 (13) The registration fee for vessels owned by any charitable or reli-
 16 gious organization, scout organization or similar organization not used and
 17 operated for profit shall be two dollars (\$2.00) per year.

18 SECTION 10. That Chapter 4, Title 49, Idaho Code, be, and the same is
 19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 20 ignated as Section 49-464, Idaho Code, and to read as follows:

21 49-464. REMITTANCE OF FEES. (1) There is hereby established in the
 22 state treasury a fund known as the "State Vessel Fund," to which shall be
 23 credited:

24 (a) Moneys or fees collected by the county assessors or the department,
 25 under the provisions of this section and section 49-462, Idaho Code; and

26 (b) All other moneys as may be provided by law.

27 (2) All fees collected by a county assessor or the department under the
 28 provisions of section 49-462, Idaho Code, shall be forwarded to the state
 29 treasurer not later than the twentieth day of the month following the cal-
 30 endar month in which the fees were collected, and the state treasurer shall
 31 then pay the moneys collected into the state vessel fund, as provided in sub-
 32 section (3) of this section, unless otherwise provided by law.

33 (3) Moneys collected shall be deposited eighty-five percent (85%) to
 34 the state vessel fund and fifteen percent (15%) to the state highway account
 35 established pursuant to the provisions of this section and section 40-702,
 36 Idaho Code. The department of parks and recreation shall remit the moneys
 37 apportioned to county units of government from the state vessel fund not
 38 later than January 25, April 25, July 25 and October 25 of each year.

39 (4) All moneys deposited to the state highway account are to be appro-
 40 priated for the purpose of defraying administrative costs of the department,
 41 including salaries and wages of employees of the Idaho transportation de-
 42 partment.

43 (5) All moneys deposited to the state vessel fund and appropriated to
 44 the department of parks and recreation shall be apportioned among the coun-
 45 ties of the state based on the designations that the owners make on their ap-
 46 plication for a certificate of registration.

47 (a) An owner, when purchasing a certificate of registration, will be
 48 allowed to designate, on the appropriate form, a primary and secondary
 49 eligible county where his boating activity occurs. The portion of his

1 fees appropriated from the state vessel fund shall be apportioned to the
2 designated counties, with seventy percent (70%) of those fees appor-
3 tioned to the primary designated county and thirty percent (30%) appor-
4 tioned to the secondary designated county.

5 (b) Should an owner designate, on the appropriate form, only one (1) el-
6 igible county where his boating activity occurs, the full portion of his
7 fees appropriated from the state vessel fund shall be apportioned to the
8 designated county.

9 (c) Should an owner fail to designate, on the appropriate form, any
10 eligible county where his boating activity occurs, the full portion of
11 his fees appropriated from the state vessel fund shall be apportioned
12 to all counties with a boating improvement program so that the amount
13 apportioned to each eligible county will be in the same ratio as the
14 county's amount of funds received from the state vessel fund during the
15 prior sticker year period bears to the total amounts received during the
16 prior sticker year period by all eligible counties.

17 (6) Only those counties in the state with a boating improvement pro-
18 gram, as recognized by the department of parks and recreation, shall be el-
19 igible to receive moneys from the state vessel fund. A "boating improve-
20 ment program" means that one (1) or more recognized boating facilities are
21 being developed and/or maintained within the county's jurisdiction and/or
22 that the county has or is actively developing a recognized boating law en-
23 forcement program.

24 (7) Moneys apportioned to the eligible counties shall be placed in and
25 credited to an account that shall be known and designated as the county ves-
26 sel fund, which fund shall be used and expended by the board of county commis-
27 sioners for the protection and promotion of safety, waterways improvement,
28 creation and improvement of parking areas for boating purposes, making and
29 improving boat ramps and moorings, marking of waterways, search and rescue,
30 and all things incident to such purposes including the purchase of real and
31 personal property. The board of county commissioners is also authorized to
32 use and expend funds from the county vessel fund outside the county when the
33 board deems it advisable and for the public good.

34 (8) Within sixty (60) calendar days of the end of each county fiscal
35 year, the county clerk shall calculate the ending fund balance of the county
36 vessel fund for that fiscal year. If the ending fund balance is higher than
37 the amount of revenues deposited in the county vessel fund from the state
38 vessel fund during that fiscal year, then the difference shall be remitted to
39 the state vessel fund within thirty (30) calendar days of that calculation.
40 Moneys remitted to the state vessel fund in accordance with the provisions of
41 this section shall be apportioned to all counties with a boating improvement
42 program so that the amount apportioned to each eligible county will be in the
43 same ratio as the county's amount of funds received from the state vessel
44 fund during the prior county fiscal year bears to the total amounts received
45 during that prior county fiscal year by all eligible counties. The provi-
46 sions of this subsection shall not apply to specific sums of money in county
47 vessel accounts, for which the county commissioners have given written no-
48 tice, to the department of parks and recreation of an intention to retain
49 those funds for a specific purpose. The notice shall specify the amount
50 of the funds to be held, indicate the purpose for which the funds shall be

utilized and provide the date when the funds will be expended. If an amended notice is not submitted by the county commissioners, moneys not expended or contractually committed by the date stated in the original notice of the board of county commissioners shall revert to the state vessel fund for distribution as provided in this subsection. All interest earned on moneys invested from a county vessel fund shall return to the county vessel fund.

SECTION 11. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-465, Idaho Code, and to read as follows:

49-465. HANDLING FEES FOR VESSELS. (1) A handling fee of not more than one dollar and fifty cents (\$1.50) may be collected in addition to each vessel registration fee collected under the provisions of section 49-462, Idaho Code.

(2) When an assessor collects the fees, the handling fee shall be paid to the county treasurer where the vessel is registered and be placed in the county current expense fund for the purpose of defraying related administrative costs. The amount of the handling fee to be collected by an assessor for each vessel shall be set by the respective boards of county commissioners conditioned on the annual budget request of their county assessor for the administration of vessel registration fees.

(3) When the department collects the fees, the handling fee shall be retained by the department. The handling fee shall be used to defray related administrative costs.

SECTION 12. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-470, Idaho Code, and to read as follows:

49-470. APPLICATION FOR REGISTRATION NUMBER -- ATTACHMENT OF REGISTRATION NUMBER -- REGISTRATION -- APPLICATION FOR TRANSFER OF REGISTRATION -- DISTRIBUTION OF MONEYS COLLECTED -- TRANSFER OF REGISTRATION FEE -- TEMPORARY REGISTRATION NUMBER -- FEES. (1) On or before November 1 of each year the owner of each snowmobile requiring registration numbering by the state of Idaho shall file an application for registration number with the county assessor or department. The application shall be signed by the owner and shall comply with the provisions of section 49-401B, Idaho Code, and shall, except as provided in subsection (5) of this section, be accompanied by a fee of thirty-one dollars (\$31.00). Upon application, the county assessor or department shall issue to the applicant a registration and number decals stating the number assigned to the snowmobile and the name and address of the owner. The owner shall attach to the snowmobile the registration number in a manner as may be prescribed by rules of the department. The number shall be located on the right and left side of the cowl of the snowmobile, shall be completely visible and shall be maintained in legible condition. The registration and number decals shall be available at all times for inspection on the snowmobile for which issued whenever the snowmobile is in operation.

(2) The department may issue any registration number directly or may authorize county assessors to provide issuance. The county assessors shall be assigned a block of registration decals that upon issue, in conformity

1 with the provisions of this chapter and with any rules of the department,
2 shall be valid.

3 (3) The purchaser of a snowmobile shall make application to the county
4 assessor or the department prior to operation for transfer to him of the reg-
5 istration number issued to the snowmobile, giving his name, address and in-
6 formation which complies with section 49-401B, Idaho Code, and the registra-
7 tion number of the snowmobile and shall at the same time pay to the department
8 or county assessor the fee as required in section 49-202, Idaho Code. Upon
9 receipt of the application and fee, the department or county assessor shall
10 transfer the registration number issued for the snowmobile to the new owner
11 or owners. Titling of a snowmobile must be done in compliance with chapter 5,
12 title 49, Idaho Code.

13 (4) No number other than the registration number issued to a snowmobile
14 pursuant to this section shall be painted, attached or otherwise displayed
15 on the snowmobile, except a temporary number may be attached to identify a
16 snowmobile for the purpose of racing or other sporting events.

17 (5) Resident owners of snowmobiles used for rental purposes shall pur-
18 chase a registration number for sixty-one dollars (\$61.00) and the registra-
19 tion number shall be displayed on the machine at all times.

20 (6) The department shall, no later than the twentieth day of each month,
21 remit all moneys collected under the provisions of this section to the state
22 treasurer's office for credit to the state snowmobile fund. The moneys shall
23 be distributed as provided in section 67-7106, Idaho Code.

24 SECTION 13. That Chapter 4, Title 49, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 49-471, Idaho Code, and to read as follows:

27 49-471. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVISIONS. The
28 provisions of this chapter shall govern the registration numbering and reg-
29 istration of snowmobiles operated in this state. All political subdivisions
30 of the state are expressly prohibited from numbering or registering snowmo-
31 biles in any respect.

32 SECTION 14. That Chapter 4, Title 49, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 49-472, Idaho Code, and to read as follows:

35 49-472. GROOMED SNOWMOBILE TRAILS. Any all-terrain vehicle operating
36 on groomed snowmobile trails during the winter snowmobiling season when the
37 trails are groomed shall be registered as a snowmobile under the provisions
38 of section 49-470, Idaho Code. Counties shall have the option to allow all-
39 terrain vehicles, if registered, to use snowmobile trails in the county. No
40 other vehicles shall operate on groomed snowmobile trails unless specifi-
41 cally allowed by the county. Violation of the provisions of this section
42 shall be an infraction.

43 SECTION 15. That Chapter 4, Title 49, Idaho Code, be, and the same is
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
45 ignated as Section 49-473, Idaho Code, and to read as follows:

1 49-473. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. (1) Any person
 2 who violates any provisions of sections 49-470 through 49-472, Idaho Code,
 3 shall be guilty of an infraction and shall be punished by a fine of not less
 4 than ten dollars (\$10.00) nor more than one hundred dollars (\$100). In ad-
 5 dition thereto, the operator and/or owner of the snowmobile shall be respon-
 6 sible and held accountable to the owner of any lands where trees, shrubs or
 7 other property have been damaged as the result of travel over their premises.

8 SECTION 16. That Chapter 4, Title 49, Idaho Code, be, and the same is
 9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 10 ignated as Section 49-480, Idaho Code, and to read as follows:

11 49-480. REQUIREMENTS -- REGISTRATION -- PROCEDURE -- DISTRIBUTION OF
 12 FEES. (1) On or before November 1 of each year, the owner of any all-terrain
 13 vehicle, motorbike, specialty off-highway vehicle or utility type vehicle
 14 as defined in section 67-7101, Idaho Code, or any motorcycle as defined in
 15 section 49-114, Idaho Code, used off public highways, on highways located
 16 on state lands or federal lands which are not part of the highway system of
 17 the state of Idaho, or on highways as prescribed in section 49-426(1) (c) and
 18 (d), Idaho Code, but excluding those vehicles used exclusively on private
 19 land for agricultural use or used exclusively for snow removal purposes as
 20 provided in section 49-426(1) (b), Idaho Code, shall make application to reg-
 21 ister that vehicle through the department or county assessor. Such appli-
 22 cation shall comply with the requirements of section 49-401B, Idaho Code. A
 23 fee of twelve dollars (\$12.00) shall be charged for each registration, which
 24 fee includes a one dollar and fifty cent (\$1.50) fee to be retained by the de-
 25 partment or the county assessor and the remainder of which shall be remitted
 26 to the department.

27 (2) (a) Registration stickers shall be supplied by the department and
 28 the registration sticker shall be issued to the person making applica-
 29 tion for registration.

30 (b) All registration stickers that are issued shall be in force through
 31 October 31 of the year issued. All registration stickers shall be re-
 32 newed by the owner of the all-terrain vehicle, motorbike, specialty
 33 off-highway vehicle or utility type vehicle in the same manner through
 34 the department or the county assessor. Upon issuing a renewal regis-
 35 tration sticker, the department or county assessor shall retain a one
 36 dollar and fifty cent (\$1.50) fee and remit the remainder of the twelve
 37 dollar (\$12.00) renewal registration sticker fee to the department.

38 (c) The issued registration sticker shall be placed upon the restricted
 39 vehicle license plate of the all-terrain vehicle, motorbike or utility
 40 type vehicle, or upon the right fork of a vehicle registered pursuant
 41 to section 49-402(3), Idaho Code, or of a motorbike if used exclusively
 42 off-highway, or upon the rear fender of an all-terrain vehicle, spe-
 43 cialty off-highway vehicle or utility type vehicle if used exclusively
 44 off-highway. The placement shall be made in such a manner that it is
 45 completely visible, does not cover the license plate numbers or let-
 46 ters, if licensed, and shall be kept in a legible condition at all times.

47 (3) For operation of a motorbike that meets the requirements speci-
 48 fied in section 49-114(10), Idaho Code, on the public highways, the vehicle
 49 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 vehicle 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.

(4) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code, and/or a sticker for an all-terrain vehicle, motorbike or utility type vehicle.

(5) The moneys shall be distributed as provided in section 67-7126, Idaho Code.

SECTION 17. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-481, Idaho Code, and to read as follows:

49-481. TRANSFER OF REGISTRATION STICKER AND RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an all-terrain vehicle, utility type vehicle or motorbike that has been previously registered pursuant to section 49-480, Idaho Code, and issued a restricted vehicle license plate pursuant to section 49-402, Idaho Code, shall, prior to operation, make application to the department or county assessor for transfer to him of the registration and restricted vehicle license plate issued to the all-terrain vehicle, utility type vehicle or motorbike. The purchaser shall give the information as required in section 49-401B, Idaho Code, and pay the fees as required in section 49-202, Idaho Code.

SECTION 18. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-482, Idaho Code, and to read as follows:

49-482. NONRESIDENT -- EXEMPTION. (1) The provisions of section 49-480, Idaho Code, regarding registration shall not apply to any non-resident owner; provided the all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike is currently and properly registered in the state of residence. Owners of an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike from states that do not have a registration requirement shall be registered in Idaho under the provisions of section 49-480, Idaho Code, prior to operation in this state.

(2) Nonresidents with an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike registered in another state shall have the same use privileges and responsibilities as a resident of this state with a properly registered vehicle.

SECTION 19. That Section 49-501, Idaho Code, be, and the same is hereby amended to read as follows:

1 49-501. TITLING REQUIREMENTS -- EXEMPTIONS. (1) The provisions of
 2 this chapter shall apply to every vehicle required to be registered with the
 3 department in chapter 4, title 49, Idaho Code.

4 (2) In addition, the titling requirements of this chapter shall apply
 5 to the following vehicles which are not required to be registered under the
 6 provisions of chapter 4, title 49, Idaho Code:

7 ~~(a) All-terrain vehicles, motorbikes, snowmobiles and utility type ve-~~
 8 ~~hicles as defined in section 67-7101, Idaho Code, except that such ve-~~
 9 ~~hicles having an internal combustion engine with a displacement of less~~
 10 ~~than fifty (50) cubic centimeters will not be titled;~~

11 ~~(b)~~ Manufactured homes as defined in section 39-4105, Idaho Code; and

12 ~~(e)~~ Truck campers as defined in section 49-121, Idaho Code, that were
 13 originally constructed with an overall length of six (6) feet or longer.
 14 Titling is optional for truck campers acquired before January 1, 2009.
 15 Liens and encumbrances on truck campers that were filed with the office
 16 of the secretary of state in compliance with chapter 9, title 28, Idaho
 17 Code, prior to January 1, 2009, shall be in full force and effect until
 18 said lien or encumbrance is satisfied and released by the lienholder who
 19 perfected the original lien or encumbrance.

20 (3) (a) The titling requirements of this chapter shall apply to every
 21 2000 and newer model year vessel upon transfer of ownership and option-
 22 ally to all other vessels of a model year prior to 2000. The provisions
 23 of this chapter shall apply exclusively to vessels with a permanently
 24 attached mode of propulsion, such as: an inboard motor, sail, personal
 25 watercraft, or other propelling machinery, and all vessels over twelve
 26 (12) feet regardless of mode of propulsion except: rowboats, drift-
 27 boats, canoes, kayaks, inflatable vessels, rafts, barges, nonmotorized
 28 paddle vessels, sailboards, tenders, seaplanes, documented vessels
 29 and vessels owned by the United States or a foreign state or political
 30 subdivision.

31 (b) Once titled, the vessel remains a titled vessel and is subject to
 32 the requirements of chapter 5, title 49, Idaho Code.

33 (4) Certain vehicles which are required to be registered under the pro-
 34 visions of chapter 4, title 49, Idaho Code, shall be exempt from the titling
 35 requirements of this chapter as follows:

36 (a) Utility trailers whose unladen weight is less than two thousand
 37 (2,000) pounds; and

38 (b) The board may, by rule, exempt vehicles and motor vehicles regis-
 39 tered under the provisions of sections 49-434 and 49-435, Idaho Code,
 40 from the titling requirements of this chapter.

41 (c) All-terrain vehicles, motorbikes, snowmobiles and utility type ve-
 42 hicles as defined in section 67-7101, Idaho Code, having an internal
 43 combustion engine with a displacement of less than fifty (50) cubic cen-
 44 timeters.

45 (45) Vehicles exempt from registration under the provisions of section
 46 49-426, Idaho Code, are exempt from the titling requirements of this chap-
 47 ter, unless otherwise specifically required by the provisions of subsection
 48 (2) of this section.

49 SECTION 20. That Section [49-501A](#), Idaho Code, be, and the same is hereby
 50 repealed.

1 SECTION 21. That Section 49-1606, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-1606. CLASSES OF LICENSES -- NONRESIDENT DEALERS. Any reference to
4 vehicles in this chapter shall also include vessels. Licenses issued under
5 the provisions of this chapter shall be as follows:

6 (1) A dealer's license shall permit the licensee to engage in the
7 business of selling or exchanging new and used vehicles, new and used mo-
8 torcycles, motor-driven cycles and motorbikes, new and used all-terrain
9 vehicles, utility type vehicles, snow machines and travel trailers, truck
10 campers, and new and used motor homes. This form of license shall permit
11 licensees who are owners or part owners of the business of the licensee to act
12 as vehicle salesmen.

13 (2) A vehicle salesman's license shall permit the licensee to engage in
14 the activities of a vehicle salesman.

15 (3) A wholesale dealer's license shall permit the licensee to engage
16 in the business of wholesaling used vehicles to Idaho vehicle dealers. The
17 holder of this license must meet all the requirements for a principal place
18 of business, except for the requirement of display area and adequate room to
19 repair vehicles.

20 (4) A vehicle manufacturer's license shall permit the licensee to en-
21 gage in the business of constructing or assembling vehicles, of the type sub-
22 ject to registration under this title at an established place of business
23 within Idaho.

24 (5) A distributor, factory branch, or distributor branch license shall
25 permit the licensee to engage in the business of selling and distributing ve-
26 hicles, parts, and accessories to their franchised dealers.

27 (6) A representative (factory branch or distributor, etc.) license
28 shall permit the licensee to engage in the business of contacting his respec-
29 tive authorized dealers, for the purpose of making or promoting the sale of
30 his, its, or their vehicles, parts, and accessories.

31 (7) Pending the satisfaction of the department that the applicant has
32 met the requirements for licensure, it may issue a temporary permit to any
33 applicant for a license. A temporary permit shall not exceed a period of
34 ninety (90) days while the department is completing its investigation and
35 determination of facts relative to the qualifications of the applicant for
36 a license. A temporary permit shall terminate when the applicant's license
37 has been issued or refused.

38 (8) The department may issue a probationary vehicle salesman's li-
39 cense, subject to conditions to be observed in the exercise of the privilege
40 granted either upon application for issuance of a license or upon applica-
41 tion for renewal of a license. The conditions to be attached to the exercise
42 of the privilege shall not appear on the face of the license but shall, in
43 the judgment of the department, be in the public interest and suitable to the
44 qualifications of the applicant as disclosed by the application and investi-
45 gation by the department.

46 (9) A nonresident dealer who is currently authorized to do business
47 as, and has an established place of business as a vehicle dealer in another
48 state, is not subject to licensure under the provisions of this chapter as

1 long as the sales are limited to the exportation of vehicles for sale to, and
2 the importation of vehicles purchased from, licensed Idaho vehicle dealers.

3 SECTION 22. That Section [67-7004](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 23. That Section [67-7008](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 24. That Section [67-7009](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 25. That Section [67-7013](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 26. That Section [67-7014](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 27. That Section [67-7029](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 28. That Section [67-7039](#), Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 29. That Section [67-7040](#), Idaho Code, be, and the same is hereby
18 repealed.

19 SECTION 30. That Section [67-7041](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 31. That Section 67-7101, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 67-7101. DEFINITIONS. In this chapter:

24 (1) "All-terrain vehicle" or "ATV" means any recreation vehicle with
25 three (3) or more tires and fifty (50) inches or less in width, having a
26 wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat
27 designed to be straddled by the operator.

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

30 (3) "Bona fide snowmobile program" means services or facilities as ap-
31 proved by the department that will benefit snowmobilers such as snowmobile
32 trail grooming, plowing and maintaining snowmobile parking areas and facil-
33 ities, and trail signing.

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

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

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

40 (7) "Director" means the director of the department of parks and recre-
41 ation.

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

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

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

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

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

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

20 (14) "Public roadway" means all portions of any highway which are con-
21 trolled by an authority other than the Idaho transportation department.

22 (15) "Snowmobile" means any self-propelled vehicle under one thousand
23 (1,000) pounds unladen gross weight, designed primarily for travel on snow
24 or ice or over natural terrain, which may be steered by tracks, skis, or run-
25 ners.

26 (16) "Specialty off-highway vehicle" means any vehicle manufactured,
27 designed or constructed exclusively for off-highway operation that does not
28 fit the definition of an all-terrain vehicle, utility type vehicle or motor-
29 bike as defined in this section. The vehicle classification provided for in
30 this subsection shall become effective on January 1, 2010.

31 (17) "Utility type vehicle" or "UTV" means any recreational motor vehi-
32 cle other than an ATV, motorbike or snowmobile as defined in this section,
33 designed for and capable of travel over designated roads, traveling on four
34 (4) or more tires, maximum width less than seventy-four (74) inches, maximum
35 weight less than two thousand (2,000) pounds, and having a wheelbase of one
36 hundred ten (110) inches or less. A utility type vehicle must have a minimum
37 width of fifty (50) inches, a minimum weight of at least nine hundred (900)
38 pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle
39 does not include golf carts, vehicles specially designed to carry a disabled
40 person, implements of husbandry as defined in section 49-110(2), Idaho Code,
41 or vehicles otherwise registered under title 49, Idaho Code. A "utility type
42 vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

43 (18) "Vendor" means any entity authorized by the department to sell
44 ~~recreational registrations~~ nonresident snowmobile certificates.

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

48 SECTION 32. That Section 67-7102, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 67-7102. ~~REQUIREMENT THAT SNOWMOBILES BE NUMBERED -- REGISTRATION~~
 2 ~~NUMBER REQUIRED.~~ Except as otherwise provided, no snowmobile shall be op-
 3 erated within the jurisdiction of the state of Idaho unless numbered as
 4 provided in this chapter or in chapter 4, title 49, Idaho Code.

5 SECTION 33. That Section 67-7103, Idaho Code, be, and the same is hereby
 6 repealed.

7 SECTION 34. That Section 67-7104, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 67-7104. NONRESIDENT SNOWMOBILE USER AND RENTAL CERTIFICATE RE-
 10 QUIRED. The owner of a nonresident, noncommercial snowmobile shall not be
 11 required to comply with the registration requirements of the state of Idaho,
 12 but shall be required to obtain a nonresident snowmobile user certificate.
 13 A fee of thirty-one dollars (\$31.00) shall be imposed for the issuance of a
 14 nonresident snowmobile user certificate. ~~The certificate of number shall be~~
 15 ~~displayed in the same manner as provided in section 67-7103, Idaho Code. Any~~
 16 ~~nonresident owner of a snowmobile used for rental purposes shall purchase~~
 17 ~~a certificate of number for sixty-one dollars (\$61.00) and the certificate~~
 18 ~~of number shall be displayed on the machine at all times. The owner shall~~
 19 ~~attach to the snowmobile the identification number in a manner as prescribed~~
 20 ~~by the department. The number shall be located on the right and left side of~~
 21 ~~the cowling of the snowmobile and shall be completely visible and shall be~~
 22 ~~maintained in a legible condition. The certificate of number shall be avail-~~
 23 ~~able at all times for inspection on the snowmobile for which issued whenever~~
 24 ~~the snowmobile is in operation. Such certificates shall be valid beginning~~
 25 ~~November 1 through October 31 of the following year. Issuance and adminis-~~
 26 ~~tration of nonresident snowmobile user certificates shall be conducted in~~
 27 ~~the same manner as provided in section 67-7103, Idaho Code, for numbering of~~
 28 ~~snowmobiles.~~

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

31 (2) The department may issue any certificate of number directly or may
 32 authorize any persons to act as a vendor for issuance. In the event a person
 33 accepts the authorization, he may be assigned a block of numbers and certifi-
 34 cates, which, upon issue, in conformity with this chapter and with any rules
 35 of the department, will be valid as if issued directly by the department.

36 (3) In the absence of a bona fide program in the area or upon the re-
 37 quest of the bona fide county snowmobile advisory committee of the nearest
 38 affected county in Idaho, the requirements for the nonresident and nonres-
 39 ident rental certificate may be waived by the parks and recreation board on
 40 specific trails where the snowmobile trail grooming is solely supported by a
 41 state other than Idaho.

42 SECTION 35. That Section 67-7105, Idaho Code, be, and the same is hereby
 43 repealed.

44 SECTION 36. That Section 67-7106, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE FUND -- STATE SNOWMOBILE SEARCH AND RESCUE FUND. (1) The Idaho transportation department and ~~e~~Each vendor shall not later than the ~~fifteenth~~ twentieth day of each month remit all moneys collected under the provisions of sections ~~67-7103~~ 49-470 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 one dollar (\$1.00) from each snowmobile ~~certificate of registration~~ number fee, one dollar (\$1.00) from each rental ~~certificate of registration~~ number fee, and one dollar (\$1.00) from each nonresident snowmobile user and rental certificate issued by the department, Idaho transportation department or a vendor shall be credited by the state treasurer to the state snowmobile search and rescue fund created in section 67-2913A, Idaho Code.

(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 registration 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 f~~Fifteen percent (15%) of the revenue generated from resident snowmobile registrations each year ~~may~~ shall be used by the Idaho transportation department to defray administrative costs.

(4) Up to fifteen percent (15%) of revenue generated from the nonresident snowmobile certificates 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.

(45) Vendors, the Idaho transportation department and county assessors shall be entitled to charge an additional one dollar and fifty cents (\$1.50) handling fee per registration for the distribution of certificates of and registration numbers. ~~Handling fees collected by the department shall be deposited to the state snowmobile fund.~~

(56) For those registrations 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.

SECTION 37. That Section 67-7108, Idaho Code, be, and the same is hereby repealed.

SECTION 38. That Section 67-7112, Idaho Code, be, and the same is hereby repealed.

SECTION 39. That Section 67-7113, Idaho Code, be, and the same is hereby amended to read as follows:

67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. (1) Any person who violates any provision of sections 67-7102 through ~~section~~ 67-71121, Idaho Code, shall be guilty of an infraction, and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100). In addition thereto the operator and/or owner of the snowmobile

1 shall be responsible and held accountable to the owner of any lands where
2 trees, shrubs or other property have been damaged as the result of travel
3 over their premises.

4 SECTION 40. That Section [67-7122](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 41. That Section [67-7123](#), Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 42. That Section [67-7124](#), Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 43. That Section 67-7125, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-7125. NOISE ABATEMENT. (1) Except as hereinafter provided, every
13 vehicle subject to registration under section ~~67-7122~~ [49-480](#), Idaho Code,
14 shall comply with the provisions of this section. Every vehicle subject to
15 the provisions of this section shall at all times be equipped with an exhaust
16 system in good working order and in constant operation. If the vehicle was
17 originally equipped with a noise suppressing system or if the vehicle is re-
18 quired by law or regulation of this state or the federal government to have
19 a noise suppressing system, that system shall be maintained in good working
20 order. No person shall disconnect, modify or alter any part of that system in
21 any manner which will amplify or increase the vehicle's noise emission above
22 the noise limits established in subsection (3) of this section, except tem-
23 porarily in order to make repairs, replacements or adjustments. No person
24 shall operate and no owner shall cause or permit to be operated any vehicle
25 while the vehicle's noise emission exceeds the noise limits established in
26 subsection (3) of this section or while the vehicle's noise suppressing sys-
27 tem is disconnected, modified or altered in violation of the provisions of
28 this section.

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

36 (3) Any vehicle subject to the provisions of this section shall at all
37 times be equipped with a noise suppressing system or other device which lim-
38 its noise emission to a base level of not more than ninety-six (96) decibels
39 when measured on the "A" scale using standards and procedures established by
40 the society of automotive engineers (SAE), specifically SAE standard J1287,
41 June, 1988, describing a test of a stationary vehicle with sound measured
42 twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or
43 as otherwise described. The provisions of this subsection shall not apply
44 to vehicles being operated off the highway in an organized racing or com-
45 petitive event which is conducted on private land with the consent of the
46 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 the provisions of subsection (1) of this section.

SECTION 44. That Section 67-7126, Idaho Code, be, and the same is hereby amended to read as follows:

67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The twelve dollar (\$12.00) fee collected for off-highway vehicle registration stickers shall be allocated as follows:

(1) ~~Vendors~~ The Idaho transportation department or county assessors performing the transaction shall charge and retain one dollar and fifty cents (\$1.50) for a handling fee;

(2) ~~Up to fifteen percent (15%) shall be allotted to the department for administration and for the production of registration stickers, which moneys shall be placed in the motorbike recreation account. The department shall annually publish a report specifically identifying the uses of account moneys;~~

~~(3)~~ One dollar (\$1.00) shall be allocated to the department and 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

~~(43)~~ 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

(4) Fifteen percent (15%) shall be allocated to the Idaho transportation department for administration expenses and for the production of registration stickers, which moneys shall be placed in the state highway account; and

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

5 Collection of fees for off-highway vehicle registration shall not impose any
6 additional liability on the state of Idaho or any of its political subdivi-
7 sions or upon the employees of the state and of its political subdivisions,
8 and those entities and persons shall retain the limitations of liability
9 provided by section 36-1604, Idaho Code, regardless of the use of such fees.

10 SECTION 45. SEVERABILITY. The provisions of this act are hereby de-
11 clared to be severable and if any provision of this act or the application
12 of such provision to any person or circumstance is declared invalid for any
13 reason, such declaration shall not affect the validity of the remaining por-
14 tions of this act.