

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 266

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO TRANSPORTATION; AMENDING SECTION 41-4909, IDAHO CODE, TO REVISE THE TRANSFER FEE IMPOSED ON PETROLEUM PRODUCTS AND TO PROVIDE ALTERNATE MEANS OF DISTRIBUTION OF TRANSFER FEES DEPENDENT ON THE UN-ENCUMBERED BALANCE IN THE PETROLEUM CLEAN WATER TRUST FUND; AMENDING SECTION 41-4910, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF SPECIFIED PORTIONS OF TRANSFER FEES AND TO PROVIDE FOR THE APPLICABILITY OF CERTAIN PROVISIONS OF LAW; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE REGISTRATION FEES; AMENDING SECTION 49-402A, IDAHO CODE, TO REVISE REGISTRATION FEES; AMENDING SECTION 49-432, IDAHO CODE, TO REVISE CERTAIN PERMIT FEES; AMENDING SECTION 49-434, IDAHO CODE, TO REVISE REGISTRATION FEES; REPEALING SECTION 49-434, IDAHO CODE, RELATING TO REGISTRATION FEES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-434, IDAHO CODE, TO PROVIDE FOR CRITERIA RELATING TO REGISTRATION, TO PROVIDE FOR REGISTRATION FEES AND TO PROVIDE FOR ADDITIONAL SPECIFIED FEES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-457, IDAHO CODE, TO PROVIDE FOR AN ELECTRIC VEHICLE FEE, TO PROVIDE FOR A HYBRID VEHICLE FEE AND TO PROVIDE FOR THE DEPOSIT OF FEES; AMENDING SECTION 49-1004, IDAHO CODE, TO REVISE CERTAIN PERMIT FEES; AMENDING SECTION 57-814, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF CERTAIN GENERAL FUND COLLECTIONS TO THE BUDGET STABILIZATION FUND AND THE TRANSPORTATION INFRASTRUCTURE FUND, TO PROVIDE FOR THE TRANSPORTATION INFRASTRUCTURE FUND, TO PROVIDE FOR DEPOSITS INTO THE FUND AND TO PROVIDE FOR USE OF MONEYS IN THE FUND; AMENDING SECTION 40-718, IDAHO CODE, TO PROVIDE FOR APPROPRIATION OF GENERAL FUND MONEYS INTO THE GARVEE DEBT SERVICE FUND; AMENDING 63-2402, IDAHO CODE, TO REVISE THE TAX IMPOSED ON MOTOR FUEL; AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF TAX IMPOSED ON MOTOR FUEL; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE EFFECTIVE DATES.

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

SECTION 1. That Section 41-4909, Idaho Code, be, and the same is hereby amended to read as follows:

41-4909. SOURCE OF TRUST FUND -- APPLICATION FEES -- APPLICATION FOR ENROLLMENT -- TRANSFER FEES. (1) Every owner or operator of an underground storage tank may, if he desires to apply to the trust fund to insure the underground tank, make application for and pay into the trust fund an initial application fee set by the administrator, but not to exceed twenty-five dollars (\$25.00) for each tank for which application for coverage is made.

(2) Every owner or operator of an aboveground storage tank may, if he desires to apply to the trust fund to insure the aboveground tank, make application for and pay into the trust fund an initial application fee set by

1 the administrator, but not to exceed twenty-five dollars (\$25.00) for each  
2 tank for which application for coverage is made.

3 (3) Every owner or operator of a farm tank or residential tank may, if he  
4 desires to apply to the trust fund to insure the tank, make application for  
5 and pay into the trust fund an initial application fee set by the administra-  
6 tor, but not to exceed twenty-five dollars (\$25.00) for each tank for which  
7 application for coverage is made.

8 (4) Every owner or operator of a heating tank may, if he desires to apply  
9 to the trust fund to insure the tank, make application for and pay into the  
10 trust fund an initial application fee set by the administrator, but not to  
11 exceed five dollars (\$5.00) for each tank for which application for coverage  
12 is made.

13 (5) The application for insurance shall be made to the administrator on  
14 forms furnished and prescribed by the administrator for the purpose of elic-  
15 iting reasonably available information as to the type and use of the storage  
16 tank, the type of business enterprise of the tank owner or operator, the age  
17 of the storage tank, the materials used in the construction of the tank and  
18 the inside and outside protective coatings and other corrosion protective  
19 measures, leak detection methods, spill and overfill prevention methods of  
20 the tank, the location of the tank and its proximity to roads and buildings,  
21 the foundation and type of material used as a bedding and fill for the tank,  
22 any available inspection records of the tank including the gallons of petro-  
23 leum products entered into the tank and the gallon dispersements from the  
24 tank, and other information that is reasonably prudent in order to obtain  
25 a sufficient body of statistical data to determine the relative hazards of  
26 various categories of tanks, the potential that future leaks or discharges  
27 may occur, and the conditions under which cleanup costs and personal injury  
28 and property damage costs may occur and vary in the severity of the release  
29 and the resultant costs to the trust fund.

30 (6) The administrator shall act upon the application for insurance with  
31 all reasonable promptness, and the administrator shall make such investi-  
32 gations of the applicant as the administrator deems advisable to determine  
33 if the information contained in the application for insurance is accurate  
34 and complete. The administrator shall determine if the applicant's storage  
35 tanks meet all the eligibility requirements and promptly notify the appli-  
36 cant of the acceptance or nonacceptance of the application for insurance.  
37 The absence of unknown data requested on the application shall not preclude  
38 an applicant's acceptance for coverage by the trust fund, if the applicant is  
39 otherwise eligible for insurance under this chapter.

40 (7) In addition to the application fees received by the trust fund pur-  
41 suant to this section, the trust fund shall receive the revenue produced by  
42 the imposition of a "transfer fee" of ~~one~~ three cents (13¢) per gallon on  
43 the delivery or storage of all petroleum products as defined in subsection  
44 (23) of section 41-4903, Idaho Code, delivered or stored within the state  
45 of Idaho. This transfer fee is hereby imposed upon the first licensed dis-  
46 tributor who receives, as receipt is determined in section 63-2403, Idaho  
47 Code, a petroleum product within this state for the privilege of engaging in  
48 the delivery or storage of petroleum products whose delivery or storage may  
49 present the danger of a discharge into the environment and thus create the  
50 liability to be funded. The fee imposed by this subsection shall not apply

1 to: (a) petroleum or petroleum products which are first delivered or stored  
 2 in this state in a container of fifty-five (55) gallons or less if such con-  
 3 tainer is intended to be transferred to the ultimate consumer of the petro-  
 4 leum or petroleum products; or (b) petroleum or petroleum products delivered  
 5 or stored in this state for the purpose of packaging or repackaging into con-  
 6 tainers of fifty-five (55) gallons or less if such container is intended to  
 7 be transferred to the ultimate consumer of the petroleum or petroleum prod-  
 8 ucts.

9 (8) The transfer fee shall be collected by the commission on all pe-  
 10 troleum products delivered or stored within this state after April 1, 1990.  
 11 This transfer fee shall be in addition to any excise tax imposed on motor fuel  
 12 or other petroleum products and shall be remitted to the commission with the  
 13 distributor's monthly report as required in section 63-2406, Idaho Code.  
 14 The distributor may deduct from his monthly report those gallons of petro-  
 15 leum products returned to a licensed distributor's refinery or pipeline  
 16 terminal storage or exported from the state when supported by proper docu-  
 17 ments approved by the commission. For the purpose of carrying out its duties  
 18 under the provisions of this chapter, the commission shall have the powers  
 19 and duties provided in sections 63-3038, 63-3039, 63-3042 through 63-3066,  
 20 63-3068, 63-3071, and 63-3074 through 63-3078, Idaho Code, which sections  
 21 are incorporated by reference herein as though set out verbatim.

22 (9) No person shall be excused from liability for any duty or fee im-  
 23 posed in this chapter for failure to obtain a distributor's license.

24 ~~(10) The director shall certify to the commission when the unencumbered~~  
 25 ~~balance in the trust fund equals thirty-five million dollars (\$35,000,000).~~  
 26 ~~Effective the first day of the second month following the date of such cer-~~  
 27 ~~tification, the imposition of the transfer fee shall be suspended. There-~~  
 28 ~~after, the director shall certify to the commission when the unencumbered~~  
 29 ~~balance in the trust fund equals twenty-five million dollars (\$25,000,000).~~  
 30 ~~Effective the first day of the second month following the date of such cer-~~  
 31 ~~tification, the imposition of the transfer fee shall be reinitiated~~ The  
 32 director shall certify to the commission at any time the unencumbered bal-  
 33 ance in the trust fund equals thirty-five million dollars (\$35,000,000).  
 34 Effective the first day of the second month following the date of such cer-  
 35 tification, all transfer fees collected pursuant to the provisions of this  
 36 section shall be subject to distribution pursuant to the provisions of sec-  
 37 tion 41-4910(7), Idaho Code. At any time thereafter, the director shall  
 38 certify to the commission when the unencumbered balance in the trust fund  
 39 equals twenty-five million dollars (\$25,000,000). Effective the first day  
 40 of the second month following the date of such certification, transfer fees  
 41 collected pursuant to the provisions of this section shall be subject to the  
 42 provisions of and distribution pursuant to subsections (1) through (6) of  
 43 section 41-4910, Idaho Code.

44 SECTION 2. That Section 41-4910, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 41-4910. DISTRIBUTION OF APPLICATION FEES AND TRANSFER FEES. (1) The  
 47 application fees and ~~the one cent (1¢) of every three cents (3¢) of transfer~~  
 48 fees collected as provided in this chapter shall be promptly remitted to the  
 49 state treasurer for deposit in the Idaho petroleum clean water trust fund.

1 The transfer fees and accumulated interest which accrued to the fund prior to  
 2 August 3, 1995, shall remain in the fund. The transfer fees and accumulated  
 3 interest, which have been held in a separate suspense account since August  
 4 3, 1995, shall be distributed as provided in subsection (4) of this section.  
 5 One cent (1¢) of every three cents (3¢) of tThe transfer fees and accumulated  
 6 interest which accrue to the Idaho petroleum clean water trust fund subse-  
 7 quent to April 1, 1997, shall be distributed monthly thereafter as provided  
 8 in subsection (5) of this section. Two cents (2¢) of every three cents (3¢)  
 9 of transfer fees collected as provided in this chapter shall be distributed  
 10 as provided in subsection (6) of this section.

11 (2) The provisions of this subsection shall apply to one cent (1¢) of  
 12 every three cents (3¢) of transfer fees collected as provided in this chap-  
 13 ter. An amount of money equal to the actual cost of collecting, administer-  
 14 ing and enforcing the transfer fee by the commission, as determined by it,  
 15 shall be retained by the commission. The amount retained by the commission  
 16 shall not exceed the amount authorized to be expended by appropriation by the  
 17 legislature. Any unencumbered balance in excess of the actual cost of col-  
 18 lection, administering and enforcing the transfer fee requirements by the  
 19 commission at the end of each fiscal year shall be remitted to the state trea-  
 20 surer for deposit into the Idaho petroleum clean water trust fund.

21 (3) The provisions of this subsection shall apply to one cent (1¢)  
 22 of every three cents (3¢) of transfer fees collected as provided in this  
 23 chapter. From the receipts of the transfer fee, an amount of money shall be  
 24 distributed to the state refund account established under section 63-3067,  
 25 Idaho Code, sufficient to reimburse that account for all current refund  
 26 claims under this chapter paid from that account. Any refunds due and owing  
 27 from the commission under this chapter shall be paid from the state refund  
 28 account and those moneys are hereby continuously appropriated for that pur-  
 29 pose.

30 (4) For the distribution on April 1, 1997, the balance of the transfer  
 31 fees and accumulated interest accruing to the separate suspense account es-  
 32 tablished for such fees on August 3, 1995, which remain after distributing  
 33 the amounts specified in subsections (2) and (3) of this section, shall be  
 34 distributed as follows:

35 (a) Twenty percent (20%) to the Idaho petroleum clean water trust fund  
 36 established in section 41-4905, Idaho Code;

37 (b) Three percent (3%) to the Idaho department of parks and recreation  
 38 in accordance with subparagraphs 1., 2., and 3. of paragraph (f), sub-  
 39 section (1) of section 63-2412, Idaho Code; and

40 (c) The remainder shall be distributed:

41 (i) Six million dollars (\$6,000,000) to the state highway account  
 42 for administration by the Idaho transportation department as pro-  
 43 vided in section 41-4910A, Idaho Code; and

44 (ii) The balance remaining to the highway distribution account  
 45 established in section 40-701, Idaho Code.

46 (5) The provisions of this subsection shall apply to one cent (1¢) of  
 47 every three cents (3¢) of transfer fees collected as provided in this chap-  
 48 ter. For the distribution at the end of fiscal year 1997 and monthly there-  
 49 after, the balance of the transfer fees and accumulated interest accruing to  
 50 the Idaho petroleum clean water trust fund which remain after distributing

the amounts specified in subsections (2) and (3) of this section, shall be distributed as follows:

(a) Seventy-seven percent (77%) to the highway distribution account established in section 40-701, Idaho Code; and

(b) Three percent (3%) to the Idaho department of parks and recreation in accordance with subparagraphs 1., 2., and 3. of paragraph (f), subsection (1) of section 63-2412, Idaho Code, as that section existed on July 1, 2009.

(6) Two cents (2¢) of every three cents (3¢) of all transfer fees collected as provided in this chapter shall be distributed to the highway distribution account to be apportioned, notwithstanding any other provision of section 40-701, Idaho Code, as follows:

(a) Sixty percent (60%) to the state highway account; and

(b) Forty percent (40%) to be distributed pursuant to the provisions of subsections (1) through (7) of section 40-709, Idaho Code.

(7) Notwithstanding any other provisions of this section, as provided in section 41-4909(10), Idaho Code, at such time that all transfer fees collected become subject to distribution pursuant to the provisions of this subsection, and after distributing the amounts specified in subsections (2) and (3) of this section, all transfer fees collected as provided in this chapter shall be distributed to the highway distribution account to be apportioned, notwithstanding any other provision of section 40-701, Idaho Code, as follows:

(a) Sixty percent (60%) to the state highway account; and

(b) Forty percent (40%) to be distributed pursuant to the provisions of subsections (1) through (7) of section 40-709, Idaho Code.

SECTION 3. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

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

Vehicles one (1) and two (2) years old .....	\$4860.00
Vehicles three (3) and four (4) years old .....	\$3645.00
Vehicles five (5) and six (6) years old .....	\$3645.00
Vehicles seven (7) and eight (8) years old .....	\$2430.00
Vehicles over eight (8) years old .....	\$2430.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered registration system for the purpose of reregistration and notice of expiration.

1 A vehicle that has once been registered for any of the above designated  
2 periods shall, upon reregistration, be registered for the period bearing the  
3 same number, and the registration card shall show and be the exclusive proof  
4 of the expiration date of registration and licensing. Vehicles may be ini-  
5 tially registered for less than a twelve (12) month period, or for more than a  
6 twelve (12) month period, and the fee prorated on a monthly basis if the frac-  
7 tional registration tends to fulfill the purpose of the monthly series reg-  
8 istration system.

9 (2) For all school buses operated either by a nonprofit, nonpublic  
10 school or operated pursuant to a service contract with a school district  
11 for transporting children to or from school or in connection with school  
12 approved activities, the annual fee shall be ~~twenty-four~~ thirty dollars  
13 (\$~~24~~30.00) and shall be subject to staggered registration for the purpose of  
14 reregistration and notice of expiration.

15 (3) For all motorcycles and motor-driven cycles which comply with the  
16 federal motor vehicle safety standards, operated upon the public highways,  
17 the annual fee shall be ~~nine~~ eleven dollars and ~~twenty-five~~ cents (\$~~9.00~~  
18 11.25) and shall be subject to staggered registration for the purpose of  
19 reregistration and notice of expiration.

20 (4) For operation of an all-terrain vehicle, utility type vehicle or  
21 motorbike, excluding a motorbike with an engine displacement of fifty (50)  
22 cubic centimeters or less, on city, county or highway district roads or  
23 highways open to such use, a restricted vehicle license plate fee pursuant  
24 to section 49-450, Idaho Code, shall be paid. In addition, the registration  
25 fee specified in section 67-7122, Idaho Code, shall be paid as provided in  
26 section 67-7122, Idaho Code. The registration and restricted vehicle li-  
27 cense plate exemption provided in section 49-426(2), Idaho Code, applies  
28 to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles  
29 used for the purposes described in subsection (2) of section 49-426, Idaho  
30 Code. Nonresidents shall be allowed to purchase a restricted vehicle li-  
31 cense plate and sticker for an all-terrain vehicle, utility type vehicle or  
32 motorbike.

33 (5) For all motor homes the fee shall be as specified in subsection (1)  
34 of this section and shall be in addition to the fees provided for in section  
35 49-445, Idaho Code.

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

37 (7) A financial institution or repossession service contracted to  
38 a financial institution repossessing vehicles under the terms of a secu-  
39 rity agreement shall move the vehicle from the place of repossession to the  
40 financial institution's place of business on a repossession plate. The  
41 repossession plate shall also be used for demonstrating the vehicle to a  
42 prospective purchaser for a period not to exceed ninety-six (96) hours. The  
43 registration fees for repossession plates shall be as required in subsection  
44 (1) of this section for a vehicle one (1) and two (2) years old. All other  
45 fees required under chapter 4, title 49, Idaho Code, shall be in addition to  
46 the registration fee. The repossession plate shall be subject to staggered  
47 registration for the purpose of reregistration and notice of expiration.

48 (8) A wrecker or towing business engaged in the process of towing motor-  
49 ized vehicles, which have been wrecked, abandoned, salvaged or may be dis-  
50 abled, may apply for a wrecker plate to be displayed on those vehicles being

towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, 49-420G, 49-420H, 49-420I, 49-420J, 49-420K, 49-420L and 49-420M, Idaho Code, and any new special plate program effective on and after January 1, 2013, pursuant to section 49-402D, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs and shall be subject to staggered registration for the purpose of reregistration and notice of expiration. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(10) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

(11) In addition to annual registration fees as provided in this section, registrants may pay a fee to purchase an Idaho state parks passport authorizing resident motor vehicle entry into all Idaho state parks. Registrants may pay the fee for a one (1) year or two (2) year period of time. The fee shall be ten dollars (\$10.00) for one (1) year and twenty dollars (\$20.00) for two (2) years. All fees collected pursuant to this subsection shall be deposited into the park and recreation fund and shall be subject to appropriation. Fees collected pursuant to this subsection shall not be considered a motor vehicle registration fee as provided in section 17, article VII, of the constitution of the state of Idaho.

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

49-402A. UTILITY TRAILERS -- REGISTRATION, FEES AND TRANSFERS. (1) The department shall register a utility trailer for a period of one (1) year for a fee of five six dollars and twenty-five cents (\$5.006.25).

(2) The department may register a utility trailer for a five (5) year period or for a ten (10) year period, and shall issue a license plate with the

1 year of expiration designated by a validation sticker. Five (5) year regis-  
 2 trations shall cost twenty-five dollars (\$~~20~~5.00) and ten (10) year regis-  
 3 trations shall cost thirty-seven dollars and fifty cents (\$~~30.00~~37.50) and  
 4 shall be subject to staggered registration for the purpose of reregistration  
 5 and notice of expiration.

6 (3) If ownership or interest in the trailer transfers as a result of a  
 7 sale, neither the registration card nor plate can be transferred to another  
 8 person. The registration card and plate shall remain in the possession of  
 9 the transferor and may be transferred to another utility trailer owned by the  
 10 transferor, and shall be valid until expiration of the original registra-  
 11 tion.

12 SECTION 5. That Section 49-432, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 49-432. TEMPORARY REGISTRATION FOR RESIDENTS AND NONRESIDENTS --  
 15 FEES. (1) When a vehicle or combination of vehicles subject to registration  
 16 is to be moved upon the public highways in the state of Idaho, the department  
 17 may issue a permit in lieu of registration for any vehicle or combination of  
 18 vehicles upon the payment of a fee as set forth in the following schedule:

19 (a) One hundred twenty (120) hour permit

20 Single vehicle .....\$~~60~~75.00

21 Combination of vehicles, where such combination of vehicles in-  
 22 cludes more than one (1) unregistered vehicle .....\$~~120~~150.00

23 (b) Fuel permit .....\$~~60~~75.00

24 (c) Thirty (30) day unladen weight permit .....\$~~60~~75.00

25 An owner-operator vehicle moving between lessee fleets where the vehi-  
 26 cle registration was issued in the name of the former lessee shall be el-  
 27 igible for a thirty (30) day unladen weight permit for the unladen move-  
 28 ment from the point of entry into the state to the destination of the new  
 29 lessee's place of business.

30 If an annual registration is purchased within thirty (30) calendar days of  
 31 issuance of a permit under paragraph (a) or (c) of this subsection (1), the  
 32 amount of the permit fee shall be applied to the registration fee. No portion  
 33 of a permit fee is subject to refund.

34 (2) Permits to operate a vehicle or combination of vehicles in excess  
 35 of the registered maximum gross vehicle weight up to a maximum of one hundred  
 36 twenty-nine thousand (129,000) pounds gross vehicle weight shall be:

37 (a) One hundred twenty (120) hour permit to increase gross weight .....  
 38 .....\$~~50.00~~62.50

39 (b) Thirty (30) day permit to increase gross vehicle weight:



	Maximum Registered Gross Weight of Vehicle (Pounds)	Temporary Permitted Maximum Gross Weight (Pounds)					
		80,000	86,000	96,000	106,000	116,000	129,000
	50,001-60,000	\$225	\$250	\$275	\$300	\$325	\$350
		<u>80,000</u>	<u>86,000</u>	<u>96,000</u>	<u>106,000</u>	<u>116,000</u>	<u>129,000</u>
	<u>50,001-60,000</u>	<u>\$281.25</u>	<u>\$312.50</u>	<u>\$343.75</u>	<u>\$375.00</u>	<u>\$406.25</u>	<u>\$437.50</u>

The permit issued pursuant to this subsection (2) shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable. At the time of purchasing a permit, the applicant may purchase additional permits in any combination which does not exceed a maximum of ninety (90) days.

(3) Permits issued pursuant to subsection (1) or (2) of this section shall be limited to three (3) per vehicle in a calendar year except for those permits provided for in subsection (1) (b) and (c). The provisions of this subsection (3) with respect to limiting the number of permits issued shall not apply to transporters and wreckers as defined in sections 49-121 and 49-124, Idaho Code, or to laden dealer and manufacturer plates as provided for in sections 49-411(4) and 49-1627(5), Idaho Code.

(4) A temporary permit shall be in a form, and issued under rules adopted by the board, and shall be displayed at all times while the vehicle is being operated on the highways by posting the permit upon the windshield of each vehicle or in another prominent place, where it may be readily legible.

(5) Any permit issued pursuant to subsection (2) of this section shall be purchased prior to movement of the vehicle on a highway, and such permit shall be in addition to and available only to a vehicle which is currently and validly registered in Idaho pursuant to section 49-432(1), 49-434(1), 49-434(8) (c) or 49-435, Idaho Code.

(6) The department may select vendors to serve as agents on state highways for the purpose of selling permits where fixed ports of entry do not adequately serve a respective highway entering the state. The vendor shall be remunerated at the rate of three dollars (\$3.00) per permit sold, and he shall collect the fees specified in this section and pay the fees to the department. The vendor shall guarantee payment by giving a bond to the state in a sum as shall be fixed by the board, the premium on the bond to be paid by the department.

SECTION 6. That Section 49-434, Idaho Code, be, and the same is hereby amended to read as follows:

49-434. OPERATING FEES. (1) There shall be paid on all commercial vehicles, noncommercial vehicles, and on all farm vehicles having a maximum gross weight not in excess of sixty thousand (60,000) pounds, an annual registration fee or a staggered registration fee for the purpose of reregistration and notice of expiration in accordance with the following schedule.

<del>Unladen Weight for Wreckers</del>	<del>Annual Registration Fee</del>	
<del>Maximum Gross Weight</del>	<del>Noncommercial and</del>	<del>Commercial</del>
<del>For Other Vehicles (Pounds)</del>	<del>Farm Vehicles</del>	<del>Vehicles and Wreckers</del>
<del>8,001-16,000 inc. ....</del>	<del>\$ 48.00</del>	<del>\$ 48.00</del>
<del>16,001-26,000 inc. ....</del>	<del>61.08</del>	<del>143.40</del>
<del>26,001-30,000 inc. ....</del>	<del>91.68</del>	<del>223.80</del>
<del>30,001-40,000 inc. ....</del>	<del>130.08</del>	<del>291.60</del>
<del>40,001-50,000 inc. ....</del>	<del>188.28</del>	<del>360.00</del>
<del>50,001-60,000 inc. ....</del>	<del>311.88</del>	<del>515.40</del>

<u>Unladen Weight for Wreckers</u>	<u>Annual Registration Fee</u>	
<u>Maximum Gross Weight</u>	<u>Noncommercial and</u>	<u>Commercial</u>
<u>For Other Vehicles (Pounds)</u>	<u>Farm Vehicles</u>	<u>Vehicles and Wreckers</u>
<u>8,001-16,000 inc. ....</u>	<u>\$ 50.40</u>	<u>\$ 50.40</u>
<u>16,001-26,000 inc. ....</u>	<u>64.20</u>	<u>150.60</u>
<u>26,001-30,000 inc. ....</u>	<u>96.24</u>	<u>234.96</u>
<u>30,001-40,000 inc. ....</u>	<u>136.56</u>	<u>306.24</u>
<u>40,001-50,000 inc. ....</u>	<u>197.76</u>	<u>378.00</u>
<u>50,001-60,000 inc. ....</u>	<u>327.48</u>	<u>541.20</u>

(2) There shall be paid on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount prescribed by subsection (8) of this section, as applicable.

(3) In addition, the annual registration fee for trailers shall be:

(a) Trailer or semitrailer in a combination of vehicles ... ~~\$15.00~~ 15.75

(b) Rental utility trailer with a gross weight of two thousand (2,000) pounds or less ..... ~~\$8.00~~ 8.40

(c) Rental utility trailer with a gross weight over two thousand (2,000) pounds ..... ~~\$15.00~~ 15.75

(4) As an option to the trailer and semitrailer and rental utility trailer annual registrations issued pursuant to subsection (3) of this section, the department may provide a nonexpiring plate and registration for trailers and semitrailers, and an optional, extended registration for rental utility trailers.

(a) For trailers and semitrailers, the nonexpiring registration fee shall be ninety-nine dollars (\$99.00). The license plate shall remain on the trailer or semitrailer until the registration is canceled or revoked. No part of the fee is subject to refund. However, the registrant may transfer the nonexpiring plate and registration to another trailer or semitrailer titled to the registrant if the original registration date is prior to July 1, 2009. The registration document shall be the official record of the status of the nonexpiring registration and no

1 registration fee shall be required after the initial registration is  
2 paid. No validation sticker shall be required or issued for such nonex-  
3 piring license plate.

4 (i) Registration of a trailer or semitrailer based in another ju-  
5 risdiction may be issued when the registrant provides a valid ju-  
6 risdiction title or ownership document and certification state-  
7 ment, and no title transfer will be required.

8 (ii) Periodic verification will be made to confirm ownership sta-  
9 tus. Failure of the owner to comply with the verification request  
10 to confirm ownership within thirty (30) days, shall result in can-  
11 cellation of the permanent plate registration.

12 (b) Idaho based trailer manufacturers may purchase trailer and semi-  
13 trailer registration from the department. The manufacturer may issue  
14 the annual registration to foreign-based purchasers utilizing a manu-  
15 facturer's certificate of origin or manufacturer's statement of origin  
16 as proof of ownership. If the foreign-based purchaser subsequently ob-  
17 tains an Idaho nonexpiring registration as provided in paragraph (a) of  
18 this subsection prior to annual registration expiration, the amount of  
19 the annual registration fee shall be applied to the nonexpiring regis-  
20 tration fee provided that the customer acquires a title for such vehi-  
21 cle.

22 (c) For rental utility trailers, the registrant may prepay the annual  
23 registration for an additional one (1), two (2), three (3) or four (4)  
24 years, but in no event shall the optional registration period extend be-  
25 yond five (5) years. The fee shall be as specified in subsection (3) (b)  
26 or (c) of this section. A pressure-sensitive sticker shall be used to  
27 validate the license plate. The license plate shall become void if the  
28 owner's interest in the rental utility trailer changes during the five  
29 (5) year period. If the owner fails to enter the rental utility trailer  
30 on the annual renewal application during the five (5) year period, the  
31 registration record shall be purged. Any unrenewed plate shall be re-  
32 turned to the department if it is not entered on the renewal applica-  
33 tion.

34 (5) A fleet registration option is available to owners who have  
35 twenty-five (25) or more commercial or farm vehicles or any combination  
36 thereof. Such owners may register all of their company vehicles with the  
37 department in lieu of registering with a county assessor. To qualify the  
38 fleet must be owned and operated under the unified control of one (1) person  
39 and the vehicles must be physically garaged and maintained in two (2) or more  
40 counties. Fleet registration shall not include fleets of rental vehicles.  
41 The department shall provide a registration application to the owner and the  
42 owner shall provide all information that the department determines is neces-  
43 sary. The department shall devise a special license plate numbering system  
44 for fleet-registered vehicles as an alternative to county license plates.  
45 The fleet registration application and all subsequent registration renewals  
46 shall include the physical address where a vehicle is principally used,  
47 garaged and maintained. The fleet owner shall report the physical address to  
48 the department upon initial registration, on each renewal, and at any time a  
49 vehicle registered under this option is permanently transferred to another  
50 location.

1 (6) If the ownership of a vehicle changes during the registration pe-  
2 riod, the original owner may transfer the plate to another vehicle. The re-  
3 maining fee shall be credited against the cost of the new registration. Re-  
4 funds may be given for any unexpired portion of the vehicle registration fee  
5 if the plate is not transferred by the owner to another vehicle. Any request  
6 for refund shall include surrender of the license plate, validation sticker  
7 and registration document. Owners of vehicles registered under the inter-  
8 national registration plan may request a refund of the unexpired portion of  
9 the Idaho vehicle registration fee by presenting evidence from the base ju-  
10 risdiction that the license plate, validation sticker and registration docu-  
11 ment have been surrendered. A license plate shall not be transferred to an-  
12 other owner when the ownership of a vehicle changes. The owner shall obtain a  
13 replacement plate, validation sticker if required, and a registration docu-  
14 ment when a plate is lost, destroyed or becomes illegible.

15 (7) An administrative fee of four dollars (\$4.00) shall be paid and de-  
16 posited to the state highway account on all registrations completed by the  
17 department under subsection (1) or (8) (a) of this section. Vehicles regis-  
18 tered under subsection (8) (b) of this section shall pay the fee provided in  
19 section 49-435(2), Idaho Code.

20 (8) There shall be paid on all commercial and farm vehicles having a  
21 maximum gross weight in excess of sixty thousand (60,000) pounds, a regis-  
22 tration fee based upon the maximum gross weight of a vehicle as declared by  
23 the owner and the total number of miles driven on roads and highways in the  
24 state, county, city and highway district systems in Idaho, and if registered  
25 under the international registration plan (IRP), in all other jurisdic-  
26 tions. The appropriate registration fee shall be determined as follows:

27 (a) If the owner registers vehicles under the international registra-  
28 tion plan (IRP), the appropriate mileage column shall be determined by  
29 the total miles an owner operated a fleet of vehicles on roads and high-  
30 ways in the state, county, city and highway district systems in Idaho  
31 and in all other jurisdictions in the preceding year, as defined in sec-  
32 tion 49-117, Idaho Code, and by the maximum gross weight of each vehicle  
33 within a fleet.

34 (b) If the owner registers vehicles under the international registra-  
35 tion plan and determines that the average international registration  
36 plan fleet miles, calculated by dividing the total IRP fleet miles in  
37 all jurisdictions by the number of registered vehicles, is less than  
38 fifty thousand one (50,001) miles, the owner may apply to the depart-  
39 ment for refund of a portion of the registration fees paid, consistent  
40 with the fee schedules set forth in this section. The department shall  
41 provide an application for the refund. An owner making application for  
42 refund under this section shall be subject to auditing as provided in  
43 section 49-439, Idaho Code.

44 (c) If the owner is not registering vehicles under the international  
45 registration plan, the appropriate mileage column shall be determined  
46 by the total miles the owner operated each of the vehicles to be regis-  
47 tered on roads and highways in the state, county, city and highway dis-  
48 trict systems in Idaho in the preceding year and by the maximum gross  
49 weight of each vehicle.

	Maximum Gross Weight of Vehicle (Pounds)	Total Miles Driven				
		1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
1						
2						
3						
4						
5						
6	60,001-62,000	\$223	\$511	\$789	\$1,068	\$1,560
7	62,001-64,000	\$251	\$576	\$890	\$1,205	\$1,760
8	64,001-66,000	\$280	\$642	\$992	\$1,342	\$1,960
9	66,001-68,000	\$309	\$707	\$1,093	\$1,479	\$2,160
10	68,001-70,000	\$337	\$773	\$1,194	\$1,615	\$2,360
11	70,001-72,000	\$366	\$838	\$1,295	\$1,752	\$2,560
12	72,001-74,000	\$394	\$904	\$1,396	\$1,889	\$2,760
13	74,001-76,000	\$423	\$969	\$1,498	\$2,026	\$2,960
14	76,001-78,000	\$451	\$1,035	\$1,599	\$2,163	\$3,160
15	78,001-80,000	\$480	\$1,100	\$1,700	\$2,300	\$3,360
16	80,001-82,000	\$494	\$1,133	\$1,751	\$2,368	\$3,460
17	82,001-84,000	\$509	\$1,165	\$1,801	\$2,437	\$3,560
18	84,001-86,000	\$523	\$1,198	\$1,852	\$2,505	\$3,660
19	86,001-88,000	\$537	\$1,231	\$1,902	\$2,574	\$3,760
20	88,001-90,000	\$551	\$1,264	\$1,953	\$2,642	\$3,860
21	90,001-92,000	\$566	\$1,296	\$2,004	\$2,711	\$3,960
22	92,001-94,000	\$580	\$1,329	\$2,054	\$2,779	\$4,060
23	94,001-96,000	\$594	\$1,362	\$2,105	\$2,848	\$4,160
24	96,001-98,000	\$609	\$1,395	\$2,155	\$2,916	\$4,260
25	98,001-100,000	\$623	\$1,427	\$2,206	\$2,985	\$4,360
26	100,001-102,000	\$637	\$1,460	\$2,257	\$3,053	\$4,460
27	102,001-104,000	\$651	\$1,493	\$2,307	\$3,121	\$4,560
28	104,001-106,000	\$666	\$1,526	\$2,358	\$3,190	\$4,660
29	106,001-108,000	\$680	\$1,558	\$2,408	\$3,258	\$4,760
30	108,001-110,000	\$694	\$1,591	\$2,459	\$3,327	\$4,860
31	110,001-112,000	\$709	\$1,624	\$2,510	\$3,395	\$4,960
32	112,001-114,000	\$723	\$1,657	\$2,560	\$3,464	\$5,060
33	114,001-116,000	\$737	\$1,689	\$2,611	\$3,532	\$5,160
34	116,001-118,000	\$751	\$1,722	\$2,661	\$3,601	\$5,260
35	118,001-120,000	\$766	\$1,755	\$2,712	\$3,669	\$5,360
36	120,001-122,000	\$780	\$1,788	\$2,763	\$3,738	\$5,460
37	122,001-124,000	\$794	\$1,820	\$2,813	\$3,806	\$5,560
38	124,001-126,000	\$809	\$1,853	\$2,864	\$3,874	\$5,660
39	126,001-128,000	\$823	\$1,886	\$2,914	\$3,943	\$5,760
40	128,001-129,000	\$837	\$1,918	\$2,965	\$4,011	\$5,860

	<u>Maximum Gross Weight of Vehicle (Pounds)</u>	<u>Total Miles Driven</u>				
		<u>1 to 7,500</u>	<u>7,501 to 20,000</u>	<u>20,001 to 35,000</u>	<u>35,001 to 50,000</u>	<u>Over 50,000</u>
1						
2						
3						
4						
5						
6	<u>60,001-62,000</u>	<u>\$234</u>	<u>\$ 537</u>	<u>\$ 828</u>	<u>\$1,121</u>	<u>\$1,638</u>
7	<u>62,001-64,000</u>	<u>\$264</u>	<u>\$ 605</u>	<u>\$ 935</u>	<u>\$1,265</u>	<u>\$1,848</u>
8	<u>64,001-66,000</u>	<u>\$294</u>	<u>\$ 674</u>	<u>\$1,042</u>	<u>\$1,409</u>	<u>\$2,058</u>
9	<u>66,001-68,000</u>	<u>\$324</u>	<u>\$ 742</u>	<u>\$1,148</u>	<u>\$1,553</u>	<u>\$2,268</u>
10	<u>68,001-70,000</u>	<u>\$354</u>	<u>\$ 812</u>	<u>\$1,254</u>	<u>\$1,696</u>	<u>\$2,478</u>
11	<u>70,001-72,000</u>	<u>\$384</u>	<u>\$ 880</u>	<u>\$1,360</u>	<u>\$1,840</u>	<u>\$2,688</u>
12	<u>72,001-74,000</u>	<u>\$414</u>	<u>\$ 949</u>	<u>\$1,466</u>	<u>\$1,983</u>	<u>\$2,898</u>
13	<u>74,001-76,000</u>	<u>\$444</u>	<u>\$1,017</u>	<u>\$1,573</u>	<u>\$2,127</u>	<u>\$3,108</u>
14	<u>76,001-78,000</u>	<u>\$474</u>	<u>\$1,087</u>	<u>\$1,679</u>	<u>\$2,271</u>	<u>\$3,318</u>
15	<u>78,001-80,000</u>	<u>\$504</u>	<u>\$1,155</u>	<u>\$1,785</u>	<u>\$2,415</u>	<u>\$3,528</u>
16	<u>80,001-82,000</u>	<u>\$519</u>	<u>\$1,190</u>	<u>\$1,839</u>	<u>\$2,486</u>	<u>\$3,633</u>
17	<u>82,001-84,000</u>	<u>\$534</u>	<u>\$1,223</u>	<u>\$1,891</u>	<u>\$2,559</u>	<u>\$3,738</u>
18	<u>84,001-86,000</u>	<u>\$549</u>	<u>\$1,258</u>	<u>\$1,945</u>	<u>\$2,630</u>	<u>\$3,843</u>
19	<u>86,001-88,000</u>	<u>\$564</u>	<u>\$1,293</u>	<u>\$1,997</u>	<u>\$2,703</u>	<u>\$3,948</u>
20	<u>88,001-90,000</u>	<u>\$579</u>	<u>\$1,327</u>	<u>\$2,051</u>	<u>\$2,774</u>	<u>\$4,053</u>
21	<u>90,001-92,000</u>	<u>\$594</u>	<u>\$1,361</u>	<u>\$2,104</u>	<u>\$2,847</u>	<u>\$4,158</u>
22	<u>92,001-94,000</u>	<u>\$609</u>	<u>\$1,395</u>	<u>\$2,157</u>	<u>\$2,918</u>	<u>\$4,263</u>
23	<u>94,001-96,000</u>	<u>\$624</u>	<u>\$1,430</u>	<u>\$2,210</u>	<u>\$2,990</u>	<u>\$4,368</u>
24	<u>96,001-98,000</u>	<u>\$639</u>	<u>\$1,465</u>	<u>\$2,263</u>	<u>\$3,062</u>	<u>\$4,473</u>
25	<u>98,001-100,000</u>	<u>\$654</u>	<u>\$1,498</u>	<u>\$2,316</u>	<u>\$3,134</u>	<u>\$4,578</u>
26	<u>100,001-102,000</u>	<u>\$669</u>	<u>\$1,533</u>	<u>\$2,370</u>	<u>\$3,206</u>	<u>\$4,683</u>
27	<u>102,001-104,000</u>	<u>\$684</u>	<u>\$1,568</u>	<u>\$2,422</u>	<u>\$3,277</u>	<u>\$4,788</u>
28	<u>104,001-106,000</u>	<u>\$699</u>	<u>\$1,602</u>	<u>\$2,476</u>	<u>\$3,350</u>	<u>\$4,893</u>
29	<u>106,001-108,000</u>	<u>\$714</u>	<u>\$1,636</u>	<u>\$2,528</u>	<u>\$3,421</u>	<u>\$4,998</u>
30	<u>108,001-110,000</u>	<u>\$729</u>	<u>\$1,671</u>	<u>\$2,582</u>	<u>\$3,493</u>	<u>\$5,103</u>
31	<u>110,001-112,000</u>	<u>\$744</u>	<u>\$1,705</u>	<u>\$2,636</u>	<u>\$3,565</u>	<u>\$5,208</u>
32	<u>112,001-114,000</u>	<u>\$759</u>	<u>\$1,740</u>	<u>\$2,688</u>	<u>\$3,637</u>	<u>\$5,313</u>
33	<u>114,001-116,000</u>	<u>\$774</u>	<u>\$1,773</u>	<u>\$2,742</u>	<u>\$3,709</u>	<u>\$5,418</u>
34	<u>116,001-118,000</u>	<u>\$789</u>	<u>\$1,808</u>	<u>\$2,794</u>	<u>\$3,781</u>	<u>\$5,523</u>
35	<u>118,001-120,000</u>	<u>\$804</u>	<u>\$1,843</u>	<u>\$2,848</u>	<u>\$3,852</u>	<u>\$5,628</u>
36	<u>120,001-122,000</u>	<u>\$819</u>	<u>\$1,877</u>	<u>\$2,901</u>	<u>\$3,925</u>	<u>\$5,733</u>
37	<u>122,001-124,000</u>	<u>\$834</u>	<u>\$1,911</u>	<u>\$2,954</u>	<u>\$3,996</u>	<u>\$5,838</u>
38	<u>124,001-126,000</u>	<u>\$849</u>	<u>\$1,946</u>	<u>\$3,007</u>	<u>\$4,068</u>	<u>\$5,943</u>
39	<u>126,001-128,000</u>	<u>\$864</u>	<u>\$1,980</u>	<u>\$3,060</u>	<u>\$4,140</u>	<u>\$6,048</u>
40	<u>128,001-129,000</u>	<u>\$879</u>	<u>\$2,014</u>	<u>\$3,113</u>	<u>\$4,212</u>	<u>\$6,153</u>

1 (d) In addition to the fees set forth in paragraphs (a) and (c) of this  
2 subsection (8), an owner or operator may purchase a temporary permit as  
3 provided in section 49-432(2), Idaho Code, for operation of a vehicle at  
4 a weight in excess of the current, valid, registered maximum gross vehi-  
5 cle weight. The permit so issued shall be specific to the motor vehicle  
6 to which it is issued. No permit or fee shall be transferable or appor-  
7 tionable to any other vehicle, nor shall any such fee be refundable.

8 (e) Any commercial or farm vehicle registered for more than sixty thou-  
9 sand (60,000) pounds up to one hundred six thousand (106,000) pounds  
10 traveling fewer than two thousand five hundred (2,500) miles annually  
11 on roads and highways in the state, county, city and highway district  
12 systems in Idaho shall pay an annual registration fee of two hundred  
13 ~~fifty-five~~ sixty-seven dollars and seventy-five cents (\$255267.75).  
14 The provisions of section 49-437(2), Idaho Code, shall not apply to ve-  
15 hicles registered under this subsection (8) (e).

16 (9) (a) During the first registration year that the fee schedule in sub-  
17 section (8) (c) of this section is in use, an owner shall use the mileage  
18 data from the records used to report the mileage use fee in the immedi-  
19 ately preceding year as the basis for determining the appropriate reg-  
20 istration fee schedule.

21 (b) Any owner who registers a motor vehicle for the first time and who  
22 has no mileage history for the vehicle shall estimate the miles to de-  
23 termine the appropriate fee schedule in subsection (8) (c) of this sec-  
24 tion. When estimating the miles, the owner shall provide a statement on  
25 the application of the method used to arrive at the estimated miles.

26 (c) Any owner using any fee schedule other than the highest fee schedule  
27 under subsection (8) (c) of this section, shall certify at the time of  
28 registration that the miles operated in the preceding year do not exceed  
29 the schedule applied for. Any owner using a fee schedule under subsec-  
30 tion (8) (c) of this section that is less than the highest schedule shall  
31 maintain records to substantiate the use of the schedule as required by  
32 section 49-439, Idaho Code.

33 (10) An owner registering under subsection (8) (a) or (8) (c) of this sec-  
34 tion may elect to pay the full annual registration fee at the time of regis-  
35 tration or renewal of registration, or an owner may pay at least one-quarter  
36 (1/4) of the annual registration fee due. The remainder of the annual Idaho  
37 registration fee shall be paid in three (3) equal installments on dates as  
38 billed by the department.

39 (11) An owner registering or renewing a registration under subsection  
40 (8) (a) of this section electing to use installment payments as provided in  
41 subsection (10) of this section, shall pay all of the fees due to other IRP  
42 jurisdictions in addition to one-quarter (1/4) of the Idaho fee due at the  
43 time of registration or reregistration. The remainder of the annual Idaho  
44 registration fee shall be paid in three (3) equal installments on dates as  
45 billed by the department.

46 (12) If any vehicle or combinations of vehicles haul nonreducible  
47 loads, as authorized under the provisions of section 49-1004, Idaho Code,  
48 and weigh less than the starting weights per axle configuration listed in  
49 column 1 of subsection (2), section 49-1004, Idaho Code, then and in that  
50 event there shall be paid for that vehicle, in addition to the other fees

required in this section, an additional use fee of 2.1 mills per mile for each two thousand (2,000) pounds or fraction thereof of the maximum gross weight in excess of those set forth in section 49-1001, Idaho Code.

SECTION 7. That Section [49-434](#), Idaho Code, be, and the same is hereby repealed.

SECTION 8. 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 49-434, Idaho Code, and to read as follows:

49-434. OPERATING FEES. (1) There shall be paid on all commercial vehicles, noncommercial vehicles, and on all farm vehicles having a maximum gross weight not in excess of sixty thousand (60,000) pounds, an annual registration fee or a staggered registration fee for the purpose of reregistration and notice of expiration in accordance with the following schedule:

Unladen Weight for Wreckers Maximum Gross Weight For Other Vehicles (Pounds)	Annual Registration Fee	
	Noncommercial and Farm Vehicles	Commercial Vehicles and Wreckers
8,001-16,000 inc. ....	\$ 52.92	\$ 52.92
16,001-26,000 inc. ....	67.32	158.16
26,001-30,000 inc. ....	101.04	246.72
30,001-40,000 inc. ....	143.40	321.48
40,001-50,000 inc. ....	207.60	396.96
50,001-60,000 inc. ....	343.92	568.20

(2) There shall be paid on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount prescribed by subsection (8) of this section, as applicable.

(3) In addition, the annual registration fee for trailers shall be:

(a) Trailer or semitrailer in a combination of vehicles .....\$16.54

(b) Rental utility trailer with a gross weight of two thousand (2,000) pounds or less .....\$8.82

(c) Rental utility trailer with a gross weight over two thousand (2,000) pounds .....\$16.54

(4) As an option to the trailer and semitrailer and rental utility trailer annual registrations issued pursuant to subsection (3) of this section, the department may provide a nonexpiring plate and registration for trailers and semitrailers, and an optional, extended registration for rental utility trailers.

(a) For trailers and semitrailers, the nonexpiring registration fee shall be ninety-nine dollars (\$99.00). The license plate shall remain on the trailer or semitrailer until the registration is canceled or revoked. No part of the fee is subject to refund. However, the registrant may transfer the nonexpiring plate and registration to another trailer



1 or semitrailer titled to the registrant if the original registration  
2 date is prior to July 1, 2009. The registration document shall be the  
3 official record of the status of the nonexpiring registration and no  
4 registration fee shall be required after the initial registration is  
5 paid. No validation sticker shall be required or issued for such nonex-  
6 piring license plate.

7 (i) Registration of a trailer or semitrailer based in another ju-  
8 risdiction may be issued when the registrant provides a valid ju-  
9 risdiction title or ownership document and certification state-  
10 ment, and no title transfer will be required.

11 (ii) Periodic verification will be made to confirm ownership sta-  
12 tus. Failure of the owner to comply with the verification request  
13 to confirm ownership within thirty (30) days shall result in can-  
14 cellation of the permanent plate registration.

15 (b) Idaho-based trailer manufacturers may purchase trailer and semi-  
16 trailer registration from the department. The manufacturer may issue  
17 the annual registration to foreign-based purchasers utilizing a manu-  
18 facturer's certificate of origin or manufacturer's statement of origin  
19 as proof of ownership. If the foreign-based purchaser subsequently ob-  
20 tains an Idaho nonexpiring registration as provided in paragraph (a) of  
21 this subsection prior to annual registration expiration, the amount of  
22 the annual registration fee shall be applied to the nonexpiring regis-  
23 tration fee provided that the customer acquires a title for such vehi-  
24 cle.

25 (c) For rental utility trailers, the registrant may prepay the annual  
26 registration for an additional one (1), two (2), three (3) or four (4)  
27 years, but in no event shall the optional registration period extend be-  
28 yond five (5) years. The fee shall be as specified in subsection (3) (b)  
29 or (c) of this section. A pressure-sensitive sticker shall be used to  
30 validate the license plate. The license plate shall become void if the  
31 owner's interest in the rental utility trailer changes during the five  
32 (5) year period. If the owner fails to enter the rental utility trailer  
33 on the annual renewal application during the five (5) year period, the  
34 registration record shall be purged. Any unrenewed plate shall be re-  
35 turned to the department if it is not entered on the renewal applica-  
36 tion.

37 (5) A fleet registration option is available to owners who have  
38 twenty-five (25) or more commercial or farm vehicles or any combination  
39 thereof. Such owners may register all of their company vehicles with the  
40 department in lieu of registering with a county assessor. To qualify, the  
41 fleet must be owned and operated under the unified control of one (1) person  
42 and the vehicles must be physically garaged and maintained in two (2) or more  
43 counties. Fleet registration shall not include fleets of rental vehicles.  
44 The department shall provide a registration application to the owner and the  
45 owner shall provide all information that the department determines is neces-  
46 sary. The department shall devise a special license plate numbering system  
47 for fleet-registered vehicles as an alternative to county license plates.  
48 The fleet registration application and all subsequent registration renewals  
49 shall include the physical address where a vehicle is principally used,  
50 garaged and maintained. The fleet owner shall report the physical address to

1 the department upon initial registration, on each renewal, and at any time a  
2 vehicle registered under this option is permanently transferred to another  
3 location.

4 (6) If the ownership of a vehicle changes during the registration pe-  
5 riod, the original owner may transfer the plate to another vehicle. The re-  
6 maining fee shall be credited against the cost of the new registration. Re-  
7 funds may be given for any unexpired portion of the vehicle registration fee  
8 if the plate is not transferred by the owner to another vehicle. Any request  
9 for refund shall include surrender of the license plate, validation sticker  
10 and registration document. Owners of vehicles registered under the inter-  
11 national registration plan may request a refund of the unexpired portion of  
12 the Idaho vehicle registration fee by presenting evidence from the base ju-  
13 risdiction that the license plate, validation sticker and registration docu-  
14 ment have been surrendered. A license plate shall not be transferred to an-  
15 other owner when the ownership of a vehicle changes. The owner shall obtain a  
16 replacement plate, validation sticker if required, and a registration docu-  
17 ment when a plate is lost, destroyed or becomes illegible.

18 (7) An administrative fee of four dollars (\$4.00) shall be paid and de-  
19 posited to the state highway account on all registrations completed by the  
20 department under subsection (1) or (8) (a) of this section. Vehicles regis-  
21 tered under subsection (8) (b) of this section shall pay the fee provided in  
22 section 49-435(2), Idaho Code.

23 (8) There shall be paid on all commercial and farm vehicles having a  
24 maximum gross weight in excess of sixty thousand (60,000) pounds, a regis-  
25 tration fee based upon the maximum gross weight of a vehicle as declared by  
26 the owner and the total number of miles driven on roads and highways in the  
27 state, county, city and highway district systems in Idaho, and if registered  
28 under the international registration plan (IRP), in all other jurisdic-  
29 tions. The appropriate registration fee shall be determined as follows:

30 (a) If the owner registers vehicles under the international registra-  
31 tion plan (IRP), the appropriate mileage column shall be determined by  
32 the total miles an owner operated a fleet of vehicles on roads and high-  
33 ways in the state, county, city and highway district systems in Idaho  
34 and in all other jurisdictions in the preceding year, as defined in sec-  
35 tion 49-117, Idaho Code, and by the maximum gross weight of each vehicle  
36 within a fleet.

37 (b) If the owner registers vehicles under the international registra-  
38 tion plan and determines that the average international registration  
39 plan fleet miles, calculated by dividing the total IRP fleet miles in  
40 all jurisdictions by the number of registered vehicles, is less than  
41 fifty thousand one (50,001) miles, the owner may apply to the depart-  
42 ment for refund of a portion of the registration fees paid, consistent  
43 with the fee schedules set forth in this section. The department shall  
44 provide an application for the refund. An owner making application for  
45 refund under this section shall be subject to auditing as provided in  
46 section 49-439, Idaho Code.

47 (c) If the owner is not registering vehicles under the international  
48 registration plan, the appropriate mileage column shall be determined  
49 by the total miles the owner operated each of the vehicles to be regis-  
50 tered on roads and highways in the state, county, city and highway dis-

trict systems in Idaho in the preceding year and by the maximum gross weight of each vehicle.

Maximum Gross  
Weight of Vehicle  
(Pounds)

Total Miles Driven

	1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
60,001-62,000	\$246	\$ 563	\$ 870	\$1,177	\$1,720
62,001-64,000	\$277	\$ 635	\$ 981	\$1,329	\$1,940
64,001-66,000	\$309	\$ 708	\$1,094	\$1,480	\$2,161
66,001-68,000	\$341	\$ 779	\$1,205	\$1,631	\$2,381
68,001-70,000	\$372	\$ 852	\$1,316	\$1,781	\$2,602
70,001-72,000	\$404	\$ 924	\$1,428	\$1,932	\$2,822
72,001-74,000	\$434	\$ 997	\$1,539	\$2,083	\$3,043
74,001-76,000	\$466	\$1,068	\$1,652	\$2,234	\$3,263
76,001-78,000	\$497	\$1,141	\$1,763	\$2,385	\$3,484
78,001-80,000	\$529	\$1,213	\$1,874	\$2,536	\$3,704
80,001-82,000	\$545	\$1,249	\$1,930	\$2,611	\$3,815
82,001-84,000	\$561	\$1,284	\$1,986	\$2,687	\$3,925
84,001-86,000	\$577	\$1,321	\$2,042	\$2,762	\$4,035
86,001-88,000	\$592	\$1,357	\$2,097	\$2,838	\$4,145
88,001-90,000	\$607	\$1,394	\$2,153	\$2,913	\$4,256
90,001-92,000	\$624	\$1,429	\$2,209	\$2,989	\$4,366
92,001-94,000	\$639	\$1,465	\$2,265	\$3,064	\$4,476
94,001-96,000	\$655	\$1,502	\$2,321	\$3,140	\$4,586
96,001-98,000	\$671	\$1,538	\$2,376	\$3,215	\$4,697
98,001-100,000	\$687	\$1,573	\$2,432	\$3,291	\$4,807
100,001-102,000	\$702	\$1,610	\$2,488	\$3,366	\$4,917
102,001-104,000	\$718	\$1,646	\$2,543	\$3,441	\$5,027
104,001-106,000	\$734	\$1,682	\$2,600	\$3,517	\$5,138
106,001-108,000	\$750	\$1,718	\$2,655	\$3,592	\$5,248
108,001-110,000	\$765	\$1,754	\$2,711	\$3,668	\$5,358
110,001-112,000	\$782	\$1,790	\$2,767	\$3,743	\$5,468
112,001-114,000	\$797	\$1,827	\$2,822	\$3,819	\$5,579
114,001-116,000	\$813	\$1,862	\$2,879	\$3,894	\$5,689
116,001-118,000	\$828	\$1,899	\$2,934	\$3,970	\$5,799
118,001-120,000	\$845	\$1,935	\$2,990	\$4,045	\$5,909
120,001-122,000	\$860	\$1,971	\$3,046	\$4,121	\$6,020
122,001-124,000	\$875	\$2,007	\$3,101	\$4,196	\$6,130
124,001-126,000	\$892	\$2,043	\$3,158	\$4,271	\$6,240

Maximum Gross Weight of Vehicle (Pounds)	Total Miles Driven				
	1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
126,001-128,000	\$907	\$2,079	\$3,213	\$4,347	\$6,350
128,001-129,000	\$923	\$2,115	\$3,269	\$4,422	\$6,461

(d) In addition to the fees set forth in paragraphs (a) and (c) of this subsection, an owner or operator may purchase a temporary permit as provided in section 49-432(2), Idaho Code, for operation of a vehicle at a weight in excess of the current, valid, registered maximum gross vehicle weight. The permit so issued shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable.

(e) Any commercial or farm vehicle registered for more than sixty thousand (60,000) pounds up to one hundred six thousand (106,000) pounds traveling fewer than two thousand five hundred (2,500) miles annually on roads and highways in the state, county, city and highway district systems in Idaho shall pay an annual registration fee of two hundred eighty-one dollars and fourteen cents (\$281.14). The provisions of section 49-437(2), Idaho Code, shall not apply to vehicles registered under this paragraph.

(9) (a) During the first registration year that the fee schedule in subsection (8) (c) of this section is in use, an owner shall use the mileage data from the records used to report the mileage use fee in the immediately preceding year as the basis for determining the appropriate registration fee schedule.

(b) Any owner who registers a motor vehicle for the first time and who has no mileage history for the vehicle shall estimate the miles to determine the appropriate fee schedule in subsection (8) (c) of this section. When estimating the miles, the owner shall provide a statement on the application of the method used to arrive at the estimated miles.

(c) Any owner using any fee schedule other than the highest fee schedule under subsection (8) (c) of this section shall certify at the time of registration that the miles operated in the preceding year do not exceed the schedule applied for. Any owner using a fee schedule under subsection (8) (c) of this section that is less than the highest schedule shall maintain records to substantiate the use of the schedule as required by section 49-439, Idaho Code.

(10) An owner registering under subsection (8) (a) or (c) of this section may elect to pay the full annual registration fee at the time of registration or renewal of registration, or an owner may pay at least one-quarter (1/4) of the annual registration fee due. The remainder of the annual Idaho registration fee shall be paid in three (3) equal installments on dates as billed by the department.

(11) An owner registering or renewing a registration under subsection (8) (a) of this section electing to use installment payments as provided in

1 subsection (10) of this section shall pay all of the fees due to other IRP ju-  
 2 risdictions in addition to one-quarter (1/4) of the Idaho fee due at the time  
 3 of registration or reregistration. The remainder of the annual Idaho regis-  
 4 tration fee shall be paid in three (3) equal installments on dates as billed  
 5 by the department.

6 (12) If any vehicle or combinations of vehicles haul nonreducible  
 7 loads, as authorized under the provisions of section 49-1004, Idaho Code,  
 8 and weigh less than the starting weights per axle configuration listed in  
 9 column 1 of section 49-1004(2), Idaho Code, then and in that event there  
 10 shall be paid for that vehicle, in addition to the other fees required in this  
 11 section, an additional use fee of 2.1 mills per mile for each two thousand  
 12 (2,000) pounds or fraction thereof of the maximum gross weight in excess of  
 13 those set forth in section 49-1001, Idaho Code.

14 SECTION 9. That Chapter 4, Title 49, Idaho Code, be, and the same is  
 15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 16 ignated as Section 49-457, Idaho Code, and to read as follows:

17 49-457. ELECTRIC VEHICLE FEE -- HYBRID VEHICLE FEE. (1) An electric  
 18 vehicle fee of two hundred five dollars (\$205) shall be collected in addi-  
 19 tion to all other registration fees assessed pursuant to this chapter on each  
 20 electric vehicle registered.

21 (2) A hybrid vehicle fee of one hundred dollars (\$100) shall be col-  
 22 lected in addition to all other registration fees assessed pursuant to this  
 23 chapter on each hybrid vehicle registered.

24 (3) All fees provided for in this section shall be deposited to the  
 25 highway distribution account as established in section 40-701, Idaho Code,  
 26 and shall be apportioned as provided for in that section.

27 SECTION 10. That Section 49-1004, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL ROUTES  
 30 AND ANNUAL PERMITS. (1) Upon application in writing to the board or other  
 31 proper authorities in charge of, or having jurisdiction over a highway, the  
 32 board or authorities may in their discretion issue a special permit to the  
 33 owner or operator of any vehicle allowing vehicles or loads having a greater  
 34 weight or size than permitted by law to be moved or carried over and on the  
 35 highways and bridges.

36 (a) Special permits shall be in writing and may limit the time of use  
 37 and operation over the particular highways and bridges which may be tra-  
 38 versed and may contain any special conditions and require any undertak-  
 39 ing or other security as the board or other proper authority shall deem  
 40 to be necessary to protect the highways and bridges from injury, or pro-  
 41 vide indemnity for any injury to highways and bridges or to persons or  
 42 property resulting from such operation.

43 (b) The owner or operator of an overweight or oversize vehicle shall ob-  
 44 tain a permit, or shall establish intent to obtain a permit by contact-  
 45 ing a permit office and receiving a permit number before moving the ve-  
 46 hicle on the highways.

(c) All special permits or evidence of intent to obtain a permit shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection. Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

	Column 1	Column 2
	Gross weight of vehicle	Gross weight of vehicle
	and load in	and load in
Number of axles	pounds	pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at ~~four~~ five cents (45¢) per mile and increase ~~four~~ five cents (45¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and ~~two~~ eight cents (\$1.0228) per mile and increase ~~seven~~ nine cents (79¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged ~~four~~ five cents (45¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special route permit authorizing travel on designated routes shall be issued by the board or may, in its discretion, be issued by a local public highway agency for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501)

pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such routes on nonstate and noninterstate highways shall be determined by the local highway agency for those roads under its jurisdiction. No local public highway agency shall approve a route which provides a thoroughfare for interstate carriers to pass through the state. State routes designated by the legislature and identified on a map entitled "Designated Routes" are:

- (a) US-20 Montana border to its junction with SH-33; SH-33 to its junction with US-20; US-20 to its junction with US-93; US-93 to its junction with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction with US-30; US-30 to its junction with SH-74; SH-74 to its junction with US-93; US-93 to the Nevada border.
- (b) US-91 from its junction with SH-34 to the Utah border.
- (c) US-30 from its junction with I-15 to the Wyoming border.
- (d) US-95 south from milepost 66 (Fruitland) to its junction with SH-55.
- (e) SH-19 from its junction with US-95 (Wilder) to its junction with I-84B (Caldwell).
- (f) SH-78 from its junction with SH-55 (Marsing) to its junction with SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with I-84B (Hammett).
- (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction with SH-78 (Grandview).
- (h) SH-55 from intersection with Farmway Road to junction with US-95.
- (i) SH-25 from its junction with SH-24 to its junction with SH-27 (Paul).
- (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).
- (k) SH-24 from intersection with US-93 to its intersection with SH-25.
- (l) US-20 from its intersection with New Sweden Road to its junction with SH-22/33.
- (m) SH-34 from milepost 78 to the junction with US-91.
- (n) US-26 from its junction with US-91 north to its intersection with Gallatin/West 23rd Street in Idaho Falls.
- (o) US-91 from the intersection with Canyon Road to the junction with US-26.
- (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its junction with SH-33.
- (q) SH-45 from its junction with SH-78 to its junction with I-84 business loop; I-84 business loop to its junction with exit 35 (Nampa Boulevard/Northside Boulevard).
- (r) SH-87 from Montana border to junction with US-20.
- (s) SH-33 from its junction with SH-31 (Victor) to its junction with SH-33 spur; SH-33 spur to its junction with US-20.
- (t) SH-28 from junction with SH-22 to junction with SH-33.
- (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
- (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oakley).
- (w) SH-81 from its junction with SH-77 (Malta) to its junction with US-30 (Burley).

1 (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at  
2 Kimberly.

3 (y) US-93 spur from junction with US-30 to junction with US-93 at Twin  
4 Falls.

5 (z) US-93 from junction with US-93 spur to junction with US-30 at Twin  
6 Falls.

7 (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84  
8 business loop at Bliss.

9 (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with  
10 I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its  
11 junction with I-84 exit 141 westbound ramps to its junction with US-30  
12 (Bliss).

13 (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction  
14 with I-84 exit 155 eastbound ramps.

15 (dd) SH-46 from its junction with US-20 to its junction with I-84 exit  
16 157 eastbound ramps (Wendell).

17 (ee) US-20 from junction with US-93 at Carey to junction with I-84 busi-  
18 ness loop at interchange 95; I-84 business loop from interchange 95 to  
19 junction with SH-51; SH-51 to junction with SH-67.

20 (ff) SH-51 from junction with SH-67 to junction with SH-78.

21 (gg) SH-44 from its junction with SH-55 (Eagle) to its junction with  
22 I-84 exit 25 eastbound ramps.

23 (hh) US-20/26 from its junction with US-95 (Parma) to its junction with  
24 I-84 exit 26 westbound ramps.

25 (ii) US-20 from junction with US-33 at Sugar City south to junction with  
26 US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue  
27 south to junction with US-26/Yellowstone; US-26 from intersection with  
28 US-20 business loop/Holmes Avenue south to Gallatin.

29 Additions or deletions to the approved state routes specified in this sub-  
30 section shall be made only with the approval of the state legislature.

31 (5) An annual administrative permit fee for operating on designated  
32 routes at the weights specified in subsection (4) of this section shall be  
33 set by the board for travel on state routes and by the local public high-  
34 way agency for travel on routes under its jurisdiction, but not to exceed a  
35 maximum of fifty dollars (\$50.00) per vehicle. The annual administrative  
36 permit fee shall cover administrative costs. Local public highway agen-  
37 cies are authorized to issue special permits and such permits shall be in  
38 writing. Administrative permit fees for permits issued by a local public  
39 highway agency shall be retained by the local public highway agency to cover  
40 administrative costs, and administrative permit fees for permits issued by  
41 the department shall be retained by the department to cover administrative  
42 costs. In addition to the annual administrative permit fee and the appropri-  
43 ate registration fee for weights up to one hundred five thousand five hundred  
44 (105,500) pounds, the appropriate vehicle registration fees for weights  
45 over one hundred five thousand five hundred (105,500) pounds shall be calcu-  
46 lated and collected in accordance with the fee schedules set forth in section  
47 49-432 or 49-434, Idaho Code.

48 (6) (a) In any action or proceeding brought for the purpose of setting  
49 aside a special permit issued pursuant to this section, in which any  
50 party seeks a stay or seeks a temporary restraining order or preliminary



injunction against the department, other appropriate authority, the state of Idaho or any party requesting the permit, the court may require bond as provided in rule 65(c) of the Idaho rules of civil procedure, in an amount not to exceed ten percent (10%) of the shipper's or transporter's insured value of the product or material to be transported under the provisions of the permit. If any attorney's fees and/or costs are awarded to the department or other state actor, such bond may be used to satisfy that award and all awarded amounts shall be paid to the state highway account established in section 40-702, Idaho Code.

(b) Where there is a final judgment in an action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section against the party or parties who brought such action or proceeding, the court may determine the actual damages resulting from the action or proceeding caused to the department or other state actor and may award up to that amount to the party or parties.

SECTION 11. That Section 57-814, Idaho Code, be, and the same is hereby amended to read as follows:

57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the state treasury the budget stabilization fund for the purpose of meeting general fund revenue shortfalls and to meet expenses incurred as the result of a major disaster declared by the governor. All moneys in the budget reserve account at the date of approval of this act shall be transferred to the budget stabilization fund. Interest earnings from the investment of moneys in this fund by the state treasurer shall be credited to the permanent building account subject to the provisions of section 67-1210, Idaho Code.

(2) Subject to the requirements of section 63-3203, Idaho Code, the state controller shall annually transfer moneys from the general fund to the budget stabilization fund subject to the following criteria:

(a) If the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer two-thirds (2/3) of all such general fund collections in excess of said four percent (4%) increase to the budget stabilization fund and shall transfer one-third (1/3) of all such general fund collections in excess of said four percent (4%) increase to the transportation infrastructure fund as provided for in subsection (5) of this section, up to a maximum of one percent (1%) of the actual general fund collections of the fiscal year just ending. The state controller shall make the transfers in four (4) equal amounts during September, December, March and June of the next fiscal year.

(b) The amount of moneys in the budget stabilization fund shall not exceed ten percent (10%) of the total general fund receipts for the fiscal year just ending.

(c) The state controller shall transfer moneys in the budget stabilization fund in excess of the limit imposed in subsection (2)(b) of this section to the general fund.

(3) If a majority of the membership of each house of the legislature adopt a concurrent resolution requesting the amount of the transfer speci-

1     fied in subsection (2) of this section be reduced, the state controller shall  
2     reduce the amount of the transfer.

3     (4) Appropriations of moneys from the budget stabilization fund in  
4     any year shall be limited to fifty percent (50%) after the fund balance has  
5     reached ten percent (10%).

6     (5) There is hereby created in the state treasury the transportation  
7     infrastructure fund to which shall be credited moneys as provided for in sub-  
8     section (2) (a) of this section. Interest earned on the investment of idle  
9     moneys in the fund shall be paid to the fund. Moneys deposited in the fund  
10    pursuant to subsection (2) (a) of this section shall be transferred to the  
11    GARVEE debt service fund established in section 40-718(2), Idaho Code, for  
12    purposes as set forth within that subsection.

13       SECTION 12. That Section 40-718, Idaho Code, be, and the same is hereby  
14     amended to read as follows:

15       40-718. GARVEE FUNDS ESTABLISHED -- CAPITAL PROJECT FUND -- DEBT SER-  
16     VICE FUND. (1) There is established in the state treasury a fund known as the  
17     "GARVEE Capital Project Fund" which shall include:

18       (a) Any draw by the board of proceeds from the transportation bonds or  
19       notes issued by the Idaho housing and finance association in accordance  
20       with chapter 62, title 67, Idaho Code.

21       (b) Interest earned on the investment of idle moneys in the GARVEE capi-  
22       tal project fund shall be paid to the GARVEE capital project fund.  
23     Disbursements from this fund shall be made for projects in accordance with  
24     chapter 3, title 40, Idaho Code. All moneys in the fund are hereby continu-  
25     ously appropriated to the department.

26       (2) There is established in the state treasury a fund known as the  
27     "GARVEE Debt Service Fund" for the purpose of paying the principal, interest  
28     and other amounts required for transportation bonds or notes of the Idaho  
29     housing and finance association in accordance with chapter 62, title 67,  
30     Idaho Code. The fund shall include:

31       (a) Amounts transferred from the state highway account upon certifi-  
32       cation by the Idaho housing and finance association to the state con-  
33       troller, state treasurer and the board as necessary for payment of prin-  
34       cipal, interest and other amounts required for transportation bonds or  
35       notes.

36       (b) Amounts distributed pursuant to section 63-2520(b) (5), Idaho Code.  
37       Provided that such moneys distributed to the GARVEE debt service fund  
38       pursuant to this paragraph shall be used in combination with the amounts  
39       provided for in paragraph (a) of this subsection and shall be used for  
40       payment of principal, interest and other amounts required for trans-  
41       portation bonds or notes.

42       (c) Interest earned on the investment of idle moneys in the GARVEE debt  
43       service fund shall be paid to the GARVEE debt service fund.

44       (d) There is hereby appropriated to the fund ten million dollars  
45       (\$10,000,000) from the general fund for fiscal year 2016, which amount  
46       shall continue to be appropriated each fiscal year thereafter until  
47       such time as the Idaho housing and finance association certifies that  
48       any transportation (GARVEE) bonds or notes are adequately paid for, in  
49       accordance with chapter 62, title 67, Idaho Code.

1 From moneys within this fund, there are hereby continuously appropriated  
 2 such amounts as, from time to time, shall be certified by the Idaho housing  
 3 and finance association to the state controller, state treasurer and the  
 4 board as necessary for payment of principal, interest and other amounts  
 5 required for transportation bonds or notes of the Idaho housing and finance  
 6 association in accordance with chapter 62, title 67, Idaho Code, which  
 7 amounts shall be paid over as directed by the association.

8 SECTION 13. That Section 63-2402, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 63-2402. IMPOSITION OF TAX UPON MOTOR FUEL. (1) A tax is hereby imposed  
 11 upon the distributor who receives motor fuel in this state. The legal inci-  
 12 dence of the tax imposed under this section is borne by the distributor. The  
 13 tax becomes due and payable upon receipt of the motor fuel in this state by  
 14 the distributor unless such tax liability has previously accrued to another  
 15 distributor pursuant to this section. The tax shall be imposed without re-  
 16 gard to whether use is on a governmental basis or otherwise, unless exempted  
 17 by this chapter.

18 (2) The tax imposed in this section shall be at the rate of ~~twenty-five~~  
 19 thirty cents (2530¢) per gallon of motor fuel received. This tax shall be  
 20 subject to the exemptions, deductions and refunds set forth in this chapter.

21 (3) Nothing in this chapter shall prohibit the distributor who is li-  
 22 able for payment of the tax imposed under subsection (1) of this section from  
 23 including as part of the selling price an amount equal to such tax on motor  
 24 fuels sold or delivered by such distributor; provided however, that nothing  
 25 in this chapter shall be deemed to impose tax liability on any person to whom  
 26 such fuel is sold or delivered except as provided in subsection (6) of this  
 27 section.

28 (4) Any person coming into this state in a motor vehicle may transport  
 29 in the manufacturer's original tank of that vehicle, for his own use only,  
 30 not more than thirty (30) gallons of motor fuel for the purpose of operating  
 31 that motor vehicle, without complying with the provisions of this chapter.

32 (5) The tax imposed in this section does not apply to:

33 (a) Special fuels that have been dyed at a refinery or terminal under  
 34 the provisions of 26 U.S.C. section 4082 and regulations adopted there-  
 35 under, or under the clean air act and regulations adopted thereunder ex-  
 36 cept as provided in section 63-2425, Idaho Code; or

37 (b) Special fuel dispensed into a motor vehicle which uses gaseous spe-  
 38 cial fuels and which displays a valid gaseous special fuels permit under  
 39 section 63-2424, Idaho Code; or

40 (c) Special fuels that are gaseous special fuels, as defined in section  
 41 63-2401, Idaho Code, except that part thereof that is delivered into the  
 42 fuel supply tank or tanks of a motor vehicle; or

43 (d) Aircraft engine fuel subject to tax under section 63-2408, Idaho  
 44 Code.

45 (6) Should the distributor of first receipt be exempt from imposition  
 46 of the tax as a matter of federal law, by virtue of its status as a feder-  
 47 ally-recognized Indian tribe or member of such tribe, such distributor shall  
 48 not bear the tax's legal incidence and must pass the tax through as part of  
 49 the selling price of the fuel. Such distributor shall retain the administra-

1 tive obligation to remit the tax, and such obligation shall accrue upon re-  
 2 ceipt in accordance with subsection (1) of this section. Should a retailer  
 3 otherwise subject to the tax be exempt from imposition of the tax as a mat-  
 4 ter of federal law, by virtue of its status as a federally-recognized Indian  
 5 tribe or member of such tribe, the retailer shall not bear the tax's legal in-  
 6 cidence and must pass the tax through as part of the selling price of the fuel  
 7 to the consumer, unless such consumer is exempt from imposition of the tax  
 8 as a matter of federal law, by virtue of its status as a federally-recognized  
 9 Indian tribe or membership in such tribe, and the retailer shall be entitled  
 10 to claim a credit against taxes otherwise due and owing under this chapter or  
 11 a tax refund, together with interest, attributable to the fuel purchased by  
 12 such consumer.

13 SECTION 14. That Section 63-2412, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIR-  
 16 CRAFT ENGINE FUEL. (1) The revenues received from the taxes imposed by sec-  
 17 tions 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline,  
 18 and any penalties, interest, or deficiency additions, shall be distributed  
 19 periodically as follows:

20 (a) An amount of money equal to the actual cost of collecting, admin-  
 21 istering and enforcing the gasoline tax requirements by the commission,  
 22 as determined by it shall be retained by the commission. The amount re-  
 23 tained by the commission shall not exceed the amount authorized to be  
 24 expended by appropriation by the legislature. Any unencumbered balance  
 25 in excess of the actual cost of collecting, administering and enforcing  
 26 the gasoline tax requirements by the commission at the end of each fis-  
 27 cal year shall be distributed as listed in paragraph (f) of this subsec-  
 28 tion.

29 (b) An amount of money shall be distributed to the state refund account  
 30 sufficient to pay current refund claims. All refunds authorized by the  
 31 commission to be paid shall be paid from the state refund account and  
 32 those moneys are hereby continuously appropriated for that purpose.

33 (c) As soon as possible after the beginning of each fiscal year, the sum  
 34 of two hundred fifty thousand dollars (\$250,000) shall be distributed  
 35 to the railroad grade crossing protection account in the dedicated  
 36 fund, to pay the amounts from the account pursuant to the provisions of  
 37 section 62-304C, Idaho Code.

38 (d) As soon as possible after the beginning of each fiscal year, the  
 39 sum of one hundred thousand dollars (\$100,000) shall be distributed to  
 40 the local bridge inspection account in the dedicated fund, to pay the  
 41 amounts from the account pursuant to the provisions of section 40-703,  
 42 Idaho Code.

43 (e) An amount of money equal to seven percent (7%) shall be distributed  
 44 to the state highway account established in section 40-702, Idaho Code.

45 (f) From the balance remaining with the commission after distributing  
 46 the amounts in paragraphs (a) through (e) of subsection (1) of this sec-  
 47 tion:

48 1. One and twenty-eight hundredths percent (1.28%) shall be  
 49 distributed as follows: sixty-six percent (66%) of the one and

twenty-eight hundredths percent (1.28%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code;

2. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the off-road motor vehicle account, as created in section 57-1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off-road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the off-road motor vehicle account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code; and

3. Forty-four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57-1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.

4. The balance remaining shall be distributed to the highway distribution account created in section 40-701, Idaho Code.

(2) Provided however, the distribution pursuant to subsection (1) of this section of revenues received from the taxes imposed pursuant to section 63-2402(2), Idaho Code, shall apply only to twenty-five cents (25¢) of every thirty cents (30¢) received. The remaining five cents (5¢) of every thirty cents (30¢) received pursuant to the provisions of section 63-2402(2), Idaho Code, shall be distributed to the highway distribution account to be apportioned, notwithstanding any other provision of section 40-701, Idaho Code, as follows:

(a) Sixty percent (60%) to the state highway account; and

(b) Forty percent (40%) to be distributed pursuant to the provisions of subsections (1) through (7) of section 40-709, Idaho Code.

1       (3) The revenues received from the taxes imposed by section 63-2408,  
2 Idaho Code, and any penalties, interest, and deficiency amounts, shall be  
3 distributed as follows:

4       (a) An amount of money shall be distributed to the state refund account  
5 sufficient to pay current refund claims. All refunds authorized by the  
6 commission to be paid shall be paid from the state refund account, and  
7 those moneys are hereby continuously appropriated.

8       (b) The balance remaining of all the taxes collected shall be dis-  
9 tributed to the state aeronautics account, as provided in section  
10 21-211, Idaho Code.

11       SECTION 15. SEVERABILITY. The provisions of this act are hereby de-  
12 clared to be severable and if any provision of this act or the application  
13 of such provision to any person or circumstance is declared invalid for any  
14 reason, such declaration shall not affect the validity of the remaining por-  
15 tions of this act.

16       SECTION 16. Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14 and 15 of this  
17 act shall be in full force and effect on and after July 1, 2015. Section 6  
18 of this act shall be in full force and effect on and after January 1, 2016.  
19 Sections 7 and 8 of this act shall be in full force and effect on and after  
20 January 1, 2018.