

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 156

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO PARK MODEL RECREATIONAL VEHICLES; AMENDING SECTION 39-4201,  
2 IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS;  
3 AMENDING SECTION 39-4202, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
4 THE PROHIBITION OF THE SALE OF CERTAIN RECREATIONAL VEHICLES AND PARK  
5 MODEL RECREATIONAL VEHICLES; AMENDING SECTION 39-4203, IDAHO CODE,  
6 TO REVISE PROVISIONS REGARDING EXEMPTIONS FROM LOCAL ORDINANCES AND  
7 REGULATIONS; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE A DEFINI-  
8 TION; AMENDING SECTION 49-119, IDAHO CODE, TO REVISE A DEFINITION;  
9 AMENDING SECTION 49-121, IDAHO CODE, TO REMOVE THE DEFINITION OF "PARK  
10 TRAILER"; AMENDING SECTION 49-445, IDAHO CODE, TO PROVIDE FOR TITLING,  
11 LICENSING AND REGISTRATION OF CERTAIN RECREATIONAL VEHICLES; AMENDING  
12 SECTION 49-448, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF ANNUAL  
13 LICENSE FEES FOR PARK MODEL RECREATIONAL VEHICLE REGISTRATION; AMEND-  
14 ING SECTION 49-501, IDAHO CODE, TO PROVIDE TITLING REQUIREMENTS FOR  
15 CERTAIN PARK MODEL RECREATIONAL VEHICLES; AMENDING SECTION 55-2003,  
16 IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 55-2004, IDAHO  
17 CODE, TO REVISE A TERM; AMENDING SECTION 55-2007, IDAHO CODE, TO PRO-  
18 VIDE THAT CERTAIN BASE REQUIREMENTS FOR MOBILE AND MANUFACTURED HOMES  
19 SHALL BE AN IMPLICIT PART OF ANY RENTAL AGREEMENT BETWEEN A LANDLORD AND  
20 RESIDENT, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORREC-  
21 TIONS; AMENDING CHAPTER 3, TITLE 63, IDAHO CODE, BY THE ADDITION OF A  
22 NEW SECTION 63-318, IDAHO CODE, TO PROVIDE THAT PARK MODEL RECREATIONAL  
23 VEHICLES SHALL CONSTITUTE PERSONAL PROPERTY; AMENDING CHAPTER 36, TI-  
24 TLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3606C, IDAHO  
25 CODE, TO DEFINE A TERM AND TO PROVIDE THAT CERTAIN DESIGNATED ITEMS NOT  
26 INCORPORATED AS COMPONENT PARTS OF A PARK MODEL RECREATIONAL VEHICLE AT  
27 THE TIME OF MANUFACTURE SHALL BE SUBJECT TO SALES AND USE TAX SEPARATELY  
28 FROM THE SALES PRICE OF THE VEHICLE AND THAT OTHER DESIGNATED ITEMS  
29 SHALL BE DEEMED TO BE COMPONENTS INCORPORATED INTO THE VEHICLE; AMEND-  
30 ING SECTION 63-3613, IDAHO CODE, TO REVISE PROVISIONS REGARDING WHAT  
31 THE TERM "SALES PRICE" DOES NOT INCLUDE AND TO PROVIDE THAT THE SALES  
32 PRICE OF A NEW PARK MODEL RECREATIONAL VEHICLE SHALL INCLUDE ONE HUNDRED  
33 PERCENT OF THE SALES PRICE AS DEFINED BY SPECIFIED LAW; AND AMENDING  
34 SECTION 63-3622HH, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECH-  
35 NICAL CORRECTIONS.  
36

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

38 SECTION 1. That Section 39-4201, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 39-4201. DEFINITIONS. As used in this chapter:

1 (1) "~~Park trailer model recreational vehicle~~" means a ~~park trailer as~~  
 2 ~~defined in the American National Standards Institute (ANSI) A119.5 Standard~~  
 3 ~~for Park Trailers vehicle as defined in section 49-117, Idaho Code.~~

4 (2) "Recreational vehicle" means a vehicular type unit primarily de-  
 5 signed as temporary living quarters for recreational, camping, or travel  
 6 use, which either has its own motive power or is mounted on or drawn by an-  
 7 other vehicle. The entities are: travel trailer, camping trailer, truck  
 8 camper, fifth-wheel trailer, park model recreational vehicle and motor  
 9 home.

10 (a) "Camping trailer" means a vehicular portable unit mounted on wheels  
 11 and constructed with collapsible partial side walls which fold for tow-  
 12 ing by another vehicle and unfold at the campsite to provide temporary  
 13 living quarters for recreational, camping or travel use.

14 (b) "Fifth-wheel trailer" means a vehicular unit, mounted on wheels,  
 15 designed to provide temporary living quarters for recreational, camp-  
 16 ing or travel use, of such size or weight as not to require special high-  
 17 way movement permit-(s), of gross trailer area not to exceed four hundred  
 18 (400) square feet in the set-up mode, and designed to be towed by a mo-  
 19 torized vehicle that contains a towing mechanism that is mounted above  
 20 or forward of the tow vehicle's rear axle.

21 (c) "Motor home" means a vehicular unit designed to provide temporary  
 22 living quarters for recreational, camping or travel use built on or  
 23 permanently attached to a self-propelled motor vehicle chassis or on a  
 24 chassis cab or van which is an integral part of the completed vehicle.

25 (d) "Travel trailer" means a vehicular unit, mounted on wheels, de-  
 26 signed to provide temporary living quarters for recreational, camping  
 27 or travel use, of such size or weight as not to require special highway  
 28 movement permits when towed by a motorized vehicle, and of gross trailer  
 29 area less than three hundred twenty (320) square feet.

30 (e) "Truck camper" means a portable unit constructed to provide tempo-  
 31 rary living quarters for recreational, camping or travel use, consist-  
 32 ing of a roof, floor and sides, designed to be loaded onto and unloaded  
 33 from the bed of a pickup truck.

34 SECTION 2. That Section 39-4202, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 39-4202. COMPLIANCE. No manufacturer shall sell or offer for sale  
 37 within this state:

38 (1) Any new recreational vehicle that is not manufactured in compliance  
 39 with the ~~American National Standards Institute (ANSI) National Fire Protec-~~  
 40 ~~tion Association (NFPA) 1192 Standard A119.2 for Recreational Vehicles; or~~

41 (2) Any new ~~park trailer model recreational vehicle~~ that is not man-  
 42 ufactured in compliance with the American National Standards Institute  
 43 (ANSI) A119.5 Standards for Recreational Park Trailers.

44 SECTION 3. That Section 39-4203, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 39-4203. EXEMPTION FROM LOCAL ORDINANCES OR REGULATIONS. No recre-  
 47 ational vehicle ~~which~~ that meets the ~~ANSI A119.2 National Fire Protection~~

1 Association (NFPA) 1192 Standard for Recreational Vehicles ~~or and no park~~  
 2 ~~trailers which model recreational vehicle that~~ meets the ANSI A119.5 Stan-  
 3 standard for Recreational Park Trailers shall be required to comply with any  
 4 local ordinances or regulations adopting standards relating to plumbing,  
 5 heat producing and electrical systems in recreational vehicles or park  
 6 trailers model recreational vehicles.

7 SECTION 4. That Section 49-117, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9 49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing  
 10 of a vehicle, whether occupied or not, other than temporarily for the pur-  
 11 pose of and while actually engaged in loading or unloading property or pas-  
 12 sengers.

13 (2) ~~"Park trailer." (See "Trailer," section 49-121, Idaho Code)~~ model  
 14 recreational vehicle" means a recreational vehicle that is designed to pro-  
 15 vide temporary accommodations for recreational, camping or seasonal use,  
 16 is built on a single chassis, was originally mounted on wheels, has a gross  
 17 trailer area not exceeding four hundred (400) square feet in the set-up mode  
 18 and is certified by its manufacturer as complying with the American National  
 19 Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers,  
 20 and includes park models, park trailers and recreational park trailers.

21 (3) "Part-time salesman" means any person employed as a vehicle sales-  
 22 man on behalf of a dealer less than thirty (30) hours per week.

23 (4) "Peace officer." (See section 19-5101(d), Idaho Code)

24 (5) "Pedestrian" means any person afoot and any person operating a  
 25 wheelchair or a motorized wheelchair or an electric personal assistive mo-  
 26 bility device.

27 (6) "Pedestrian path" means any path, sidewalk or way set-aside and  
 28 used exclusively by pedestrians.

29 (7) (a) "Person" means every natural person, firm, fiduciary, copart-  
 30 nership, association, corporation, trustee, receiver or assignee for  
 31 the benefit of creditors, political subdivision, state or federal gov-  
 32 ernmental department, agency, or instrumentality, and for the purposes  
 33 of chapter 22 of this title shall include a private, common or contract  
 34 carrier operating a vehicle on any highway of this state.

35 (b) "Person with a disability" means:

36 (i) A person who is unable to walk two hundred (200) feet or more  
 37 unassisted by another person;

38 (ii) A person who is unable to walk two hundred (200) feet or more  
 39 without the aid of a walker, cane, crutches, braces, prosthetic  
 40 device or a wheelchair; or

41 (iii) A person who is unable to walk two hundred (200) feet or  
 42 more without great difficulty or discomfort due to the following  
 43 impairments: neurological, orthopedic, respiratory, cardiac,  
 44 arthritic disorder, blindness, or the loss of function or absence  
 45 of a limb.

46 (iv) For the purposes of chapters 3 and 4 of this title, a person  
 47 with a permanent disability is one whose physician certifies that  
 48 the person qualifies as a person with a disability pursuant to this  
 49 subsection (7) (b), and further certifies that there is no expecta-

1           tion for a fundamental or marked change in the person's condition  
2           at any time in the future.

3           (8) "Personal information" means information that identifies an indi-  
4           vidual, including an individual's photograph or computerized image, social  
5           security number, driver identification number, name, address, telephone  
6           number, and medical or disability information, but does not include infor-  
7           mation on vehicular accidents, driving or equipment-related violations,  
8           the five-digit zip code of the person's address, or status of the driver's  
9           license or motor vehicle registration.

10          (9) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

11          (10) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

12          (11) "Possessory lien" means a lien dependent upon possession for com-  
13          pensation to which a person is legally entitled for making repairs or per-  
14          forming labor upon, and furnishing supplies or materials for, and for the  
15          towing, storage, repair, or safekeeping of, any vehicle of a type subject to  
16          registration.

17          (12) "Possessory lienholder" means any person claiming a lien, that  
18          lien claimed to have accrued on a basis of services rendered to the vehicle  
19          which is the subject of the lien.

20          (13) "Preceding year" means, for the purposes of section 49-435, Idaho  
21          Code, a period of twelve (12) consecutive months fixed by the department,  
22          prior to July 1 of the year immediately preceding the commencement of the  
23          registration or license year for which proportional registration is sought.  
24          The department in fixing the period shall make it conform to the terms, con-  
25          ditions and requirements of any applicable agreement or arrangement for the  
26          proportional registration of vehicles.

27          (14) "Pressure regulator valve" means a device or system which governs  
28          the load distribution and controls the weight borne by a variable load sus-  
29          pension axle in accordance with a predetermined valve setting.

30          (15) "Principal place of business" means an enclosed commercial struc-  
31          ture located within the state, easily accessible and open to the public at  
32          all reasonable times, with an improved display area large enough to display  
33          five (5) or more vehicles of the type the dealer is licensed to sell, imme-  
34          diately adjoining the building, and at which the business of a dealership,  
35          including the display and repair of vehicles, may be lawfully carried on  
36          in accordance with the terms of all applicable building codes, zoning and  
37          other land-use regulatory ordinances, and in which building the public shall  
38          be able to contact the dealer or his salesmen in person or by telephone at  
39          all reasonable times. The books, records and files necessary to conduct  
40          the business of the dealership must be kept or reproduced electronically at  
41          the dealership's licensed location(s). A dealership keeping its physical  
42          books, records and files at an off-site location must notify the department  
43          in writing of such location at least thirty (30) days in advance of moving  
44          such books, records and files off-site. Physical books, records and files  
45          must be made available to the department upon request within three (3) busi-  
46          ness days of such request. The principal place of business shall display  
47          an exterior sign permanently affixed to the land or building, with letters  
48          clearly visible to the major avenue of traffic. In no event shall a room or  
49          rooms in a hotel, rooming house, or apartment house building or a part of any  
50          single or multiple unit dwelling house be considered a "principal place of

1 business" within the terms and provisions of this title unless the entire  
 2 ground floor of that hotel, apartment house, or rooming house building or  
 3 dwelling house be devoted principally to and occupied for commercial pur-  
 4 poses, and the office or offices of the dealer be located on the ground floor.

5 (16) "Private property open to the public" means real property not owned  
 6 by the federal government or the state of Idaho or any of its political sub-  
 7 divisions, but is available for vehicular traffic or parking by the general  
 8 public with the permission of the owner or agent of the real property.

9 (17) "Private road" means every way or place in private ownership and  
 10 used for vehicular travel by the owner and those having express or implied  
 11 permission from the owner, but not by other persons.

12 (18) "Proof of financial responsibility" means proof of ability to re-  
 13 spond in damages for liability, on account of accidents occurring subsequent  
 14 to the effective date of the proof, arising out of the ownership, mainte-  
 15 nance or use of a motor vehicle, in the amount of twenty-five thousand dol-  
 16 lars (\$25,000) because of bodily injury to or death of one (1) person in any  
 17 one (1) accident, and, subject to the limit for one (1) person, in the amount  
 18 of fifty thousand dollars (\$50,000) because of bodily injury to or death of  
 19 two (2) or more persons in any one (1) accident, and in the amount of fifteen  
 20 thousand dollars (\$15,000) because of injury to or destruction of property  
 21 of others in any one (1) accident.

22 (19) "Proper authority" means a public highway agency.

23 (20) "Public highway agency" means the state transportation depart-  
 24 ment, any city, county, highway district or any other state agency which has  
 25 jurisdiction over public highway systems and public rights-of-way.

26 (21) "Public right-of-way" means a right-of-way open to the public and  
 27 under the jurisdiction of a public highway agency, where the public highway  
 28 agency has no obligation to construct or maintain said right-of-way for ve-  
 29 hicular traffic.

30 (22) "Public road jurisdiction" means a public highway agency.

31 (23) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho  
 32 Code)

33 SECTION 5. That Section 49-119, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35 49-119. DEFINITIONS -- R. (1) "Racing" means the use of one (1) or more  
 36 vehicles in an attempt to outgain, outdistance, or prevent another vehicle  
 37 from passing, to arrive at a given destination ahead of another vehicle,  
 38 or to test the physical stamina or endurance of drivers over long-distance  
 39 driving routes.

40 (2) "Radio operator, amateur" means any person licensed by the Federal  
 41 Communications Commission to engage in private and experimental two-way ra-  
 42 dio operation and holding a conditional class license or higher.

43 (3) "Railroad" means a carrier of persons or property upon cars oper-  
 44 ated upon stationary rails.

45 (4) "Railroad train" means a steam engine, electric or other motor,  
 46 with or without cars coupled thereto, operated upon rails.

47 (5) "Railroad sign" or "signal" means any sign, signal or device  
 48 erected by authority of a public body or official or by a railroad and in-

1 tended to give notice of the presence of railroad tracks or the approach of a  
2 railroad train.

3 (6) "Recreational vehicle" means a motor home, travel trailer,  
4 fifth-wheel trailer, park model recreational vehicle, truck camper or  
5 folding camping trailer, with or without motive power, designed for human  
6 habitation for recreational or emergency occupancy. It does not include  
7 pick-up hoods, shells, or canopies designed, created or modified for occu-  
8 pational usage. School buses or van type vehicles which are converted to  
9 recreational use, are defined as recreational vehicles.

10 (7) "Registered maximum gross weight" means the maximum gross weight  
11 established on the registration document as declared by the owner at the time  
12 of registration or renewal of registration.

13 (8) "Registered owner" means any person required to register a vehicle,  
14 whether or not a lienholder appears on the title in the records of the depart-  
15 ment.

16 (9) "Registration" means the registration certificate or certificates  
17 and license plate or plates issued under the laws of this state pertaining to  
18 the registration of vehicles.

19 (10) "Rental utility trailer" means a utility trailer offered for hire  
20 to the general public for private or commercial use.

21 (11) "Rescission of sale." (See section 28-2-608, Idaho Code)

22 (12) "Resident" means for purposes of vehicle registration, titling, a  
23 driver's license or an identification card, a person whose domicile has been  
24 within Idaho continuously for a period of at least ninety (90) days, exclud-  
25 ing a full-time student who is a resident of another state. A person, includ-  
26 ing a full-time student who has established a domicile in Idaho may declare  
27 residency earlier than ninety (90) days for vehicle registration, titling,  
28 driver's license and identification card purposes. Establishment of resi-  
29 dency shall include a spouse and dependent children who reside with that per-  
30 son in the domicile. A domicile shall not be a person's workplace, vacation  
31 or part-time residence.

32 (13) "Residential district." (See "District," section 49-105, Idaho  
33 Code)

34 (14) "Residential neighborhood" for purposes of this chapter, is an  
35 area abutting a highway which is used primarily for nontransient human habi-  
36 tation, parks and churches.

37 (15) "Revocation of driver's license" means the termination by formal  
38 action of the department or as otherwise provided in this title of a per-  
39 son's driver's license or privilege to operate a motor vehicle on the high-  
40 ways, which terminated driver's license or privilege shall not be subject to  
41 renewal or restoration except that an application for a new driver's license  
42 may be presented and acted upon by the department after the expiration of the  
43 applicable period of time prescribed in this title.

44 (16) "Revocation of vehicle registration" means the termination by for-  
45 mal action of the department or as otherwise provided in this title of a per-  
46 son's vehicle registration or, in the case of fleets of vehicles, all vehi-  
47 cle registrations in each fleet operated by a company. Upon revocation, the  
48 privileges of operating the vehicles on Idaho highways is terminated until  
49 the difficulty that caused the revocation is corrected and an application  
50 for new registration is presented and acted upon.

1 (17) "Ridesharing arrangement" means the nonprofit transportation in a  
 2 passenger motor vehicle with a seating capacity not exceeding fifteen (15)  
 3 people including the driver, which is not otherwise used for commercial pur-  
 4 poses or as a public conveyance, whereby a fixed group, not exceeding fifteen  
 5 (15) people including passengers and driver, is transported between their  
 6 residences or nearby termini, and their places of employment or educational  
 7 or other institutions or termini near those places, in a single daily round  
 8 trip where the driver is also on the way to or from his place of employment or  
 9 education or other institution.

10 (18) "Right-of-way" means the right of one (1) vehicle or pedestrian to  
 11 proceed in a lawful manner in preference to another vehicle or pedestrian ap-  
 12 proaching under circumstances of direction, speed and proximity as to give  
 13 rise to danger of collision unless one grants precedence to the other. The  
 14 term shall not be interpreted to mean that a highway user is relieved from the  
 15 duty to exercise reasonable care at all times and from doing everything to  
 16 prevent an accident. Failure to yield right-of-way shall not be construed as  
 17 negligence per se or as prima facie evidence of negligence.

18 (19) "Roadway" means that portion of a highway improved, designed or  
 19 ordinarily used for vehicular travel, exclusive of sidewalks, shoulders,  
 20 berms and rights-of-way.

21 SECTION 6. That Section 49-121, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 49-121. DEFINITIONS -- T. (1) "Temporary supplemental lot" means a  
 24 location other than the principal place of business, or supplemental lot  
 25 within the same or adjacent county as the principal place of business, where  
 26 a licensed dealer may secure a license to conduct the business and is li-  
 27 censed for a period of time not to exceed ten (10) days for a specific purpose  
 28 such as auto shows, auctions, shopping center promotions, tent sales, etc.  
 29 Temporary supplemental lots shall meet all local zoning and building codes  
 30 for the type of business being conducted. The requirements for a principal  
 31 place of business shall not be applicable to temporary supplemental lot lo-  
 32 cations. The adjacent county restriction shall not apply if the dealer holds  
 33 the franchise for the products to be displayed or sold and has approval from  
 34 a manufacturer for the location where the proposed temporary supplemental  
 35 lot license will be issued by the department. Nonfranchised dealers shall be  
 36 permitted to temporarily display or sell their products within a one hundred  
 37 seventy-five (175) mile radius of their principal place of business, upon  
 38 approval by the department.

39 (2) "Tires" means:

40 (a) Metal. Every tire the surface of which in contact with the highway  
 41 is wholly or partly of metal or other hard, nonresilient material.

42 (b) Pneumatic. Every tire in which compressed air is designed to sup-  
 43 port the load.

44 (c) Snow tire. Every rubber tire with tread design or material embedded  
 45 in the tire to improve winter traction except studded tires.

46 (d) Solid rubber. Every tire of rubber or other resilient material  
 47 which does not depend upon compressed air for the support of the load.

1 (e) Studded tire. Every tire with built-in lugs of tungsten carbide  
2 or other suitable material designed to contact the road surface for im-  
3 proved winter traction.

4 (3) "Traffic" means pedestrians, ridden or herded animals, vehicles,  
5 streetcars and other conveyances either singly or together while using any  
6 highway for purposes of travel.

7 (4) "Traffic lane" or "lane of travel" means that portion of the roadway  
8 for movement of a single line of vehicles.

9 (5) "Traffic-control device" means any device, whether manually,  
10 electrically or mechanically operated, placed or erected by authority of a  
11 public body or official having jurisdiction, for the purpose of regulating,  
12 warning or guiding traffic.

13 (6) "Trailer" means:

14 (a) General. Every vehicle without motive power designed for carrying  
15 persons or property and for being drawn by a motor vehicle.

16 (b) Fifth-wheel trailer. A vehicular unit equipped in the same manner  
17 as a travel trailer but constructed with a raised forward section that  
18 allows a bi-level floor plan. This style is designed to be towed by a ve-  
19 hicle equipped with a device known as a fifth-wheel hitch, which is typ-  
20 ically installed in the bed of a pickup truck.

21 (c) Fold down camping trailer. A vehicular portable unit mounted on  
22 wheels and constructed with collapsible partial side walls, which fold  
23 for towing by another vehicle and unfold at the campsite to provide tem-  
24 porary living quarters, for recreational, camping or travel use.

25 ~~(d) Park trailer. A trailer designed to be towed by a motorized ve-~~  
26 ~~hicle, and of such size and weight as not to require a special highway~~  
27 ~~movement permit. It is designed for seasonal or temporary living~~  
28 ~~quarters and may be connected to utilities necessary for operation of~~  
29 ~~installed fixtures and appliances. It is built on a single permanent~~  
30 ~~chassis and constructed to permit set up by persons without special~~  
31 ~~skills.~~

32 ~~(e) Pole trailer. Every vehicle without motive power designed to be~~  
33 ~~drawn by another vehicle and attached to the towing vehicle by means of~~  
34 ~~a reach or pole or by being boomed or otherwise secured to the towing ve-~~  
35 ~~hicle, and ordinarily used for transporting long or irregularly shaped~~  
36 ~~loads such as poles, pipes, or structural members capable, generally,~~  
37 ~~of sustaining themselves as beams between the supporting connections.~~

38 ~~(fe) Semitrailer. Every vehicle without motive power, designed for~~  
39 ~~carrying persons or property and for being drawn by a motor vehicle and~~  
40 ~~so constructed that some part of its weight and that of its load rests~~  
41 ~~upon or is carried by the towing vehicle.~~

42 ~~(gf) Travel trailer. A vehicular unit, mounted on wheels designed to~~  
43 ~~provide temporary living quarters for recreational, camping, travel or~~  
44 ~~emergency use and of such size or weight as not to require special high-~~  
45 ~~way movement permits when towed by a motorized vehicle.~~

46 ~~(hg) Utility trailer. (See "Utility trailer," section 49-122, Idaho~~  
47 ~~Code)~~

48 (7) "Transitional ownership document" means a document used to perfect  
49 a lien against creditors or subsequent purchasers when the primary owner-  
50 ship document is not available and the selling dealer, new security interest



1 holder or their agent, to the best of their knowledge, will not have possession of the primary ownership document, within thirty (30) days of the sale, 2 or if no sale is involved, the date the contract or security agreement being 3 perfected was signed, and contains all of the following: 4

5 (a) The date of sale or if no sale is involved, the date the contract or 6 security agreement being perfected was signed;

7 (b) The name and address of each owner of the vehicle;

8 (c) The name and address of each security interest holder;

9 (d) If there are multiple security interest holders, the priorities of 10 interest if the security interest holders do not jointly hold a single 11 security interest;

12 (e) The vehicle identification number;

13 (f) The name of the security interest holder or person who submits the 14 transitional ownership document for the security interest holder; and

15 (g) Any other information the department may require for its records.

16 (8) "Transportation," for the purposes of chapter 22, title 49, Idaho 17 Code, means the movement of any regulated quantity of hazardous material or 18 hazardous waste within, through, or to any destination in this state upon the 19 highways of this state.

20 (9) "Transporter" means every person engaged in the business of deliv- 21 ering vehicles of a type required to be registered from a manufacturing, as- 22 sembling or distributing plant to dealers or sales agents of a manufacturer, 23 except in chapter 22, title 49, Idaho Code, where it means any person who 24 transports a hazardous material or hazardous waste within, through, or to 25 any destination upon the highways of this state.

26 (10) "Truck" means:

27 (a) Refuse/sanitation. Any vehicle designed and used solely for the 28 purpose of transporting refuse.

29 (b) General. Every motor vehicle exceeding eight thousand (8,000) 30 pounds gross weight designed, used or maintained primarily for the 31 transportation of property.

32 (c) Pickup truck. Every motor vehicle eight thousand (8,000) pounds 33 gross weight or less which is designed, used or maintained primarily for 34 the transportation of property.

35 (d) Truck camper. A portable unit constructed to provide temporary 36 living quarters for recreational, travel or camping use, consisting of 37 a roof, floor, and sides, designed to be loaded onto and unloaded from 38 the bed of a pickup truck, and containing at least one (1) of the follow- 39 ing facilities: stove; refrigerator or icebox; self-contained toilet; 40 heater or air conditioner; potable water supply including a faucet and 41 sink; separate 110-125 volt electrical power supply; or LP-gas supply. 42 Truck campers originally constructed with an overall length of six (6) 43 feet or longer shall be titled as provided in chapter 5 of this title 49. 44 A truck camper does not include pickup hoods, shells or canopies.

45 (e) Truck tractor. Every motor vehicle designed and used primarily for 46 drawing other vehicles but not so constructed as to carry a load other 47 than a part of the weight of the vehicle and load so drawn.

48 (11) "True mileage driven" means the mileage of the vehicle as regis- 49 tered by the odometer within the manufacturer's designed tolerance.

1 SECTION 7. That Section 49-445, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 49-445. RECREATIONAL VEHICLE ANNUAL LICENSE. (1) There is levied and  
4 there shall be collected an annual license fee on each recreational vehicle  
5 in Idaho, except recreational vehicles in possession of a manufacturer or  
6 dealer and offered for sale or resale. If the recreational vehicle is reg-  
7 istered as a motor vehicle under the provisions of this chapter, the annual  
8 license fee imposed in this section shall be in addition to and not in lieu of  
9 the motor vehicle registration fees. Initial license fees for recreational  
10 vehicles shall be prorated on a monthly basis for a new owner. Subsequent re-  
11 newals of the annual license shall require annual fees regardless of the reg-  
12 istration date.

13 (2) The annual license fee imposed upon each recreational vehicle shall  
14 be eight dollars and fifty cents (\$8.50) for a market value of one thousand  
15 dollars (\$1,000) or less, and an additional five dollars (\$5.00) for each ad-  
16 ditional one thousand dollars (\$1,000) or portion of it, of market value.

17 (3) Payment of the annual license fee shall license the recreational  
18 vehicle for a calendar year, irrespective of the month in which it is regis-  
19 tered, change of ownership of the vehicle, or change of county of residence  
20 of the owner. The recreational vehicle annual license shall expire midnight  
21 December 31 of each year.

22 (4) The license sticker shall be placed on the rear of the recreational  
23 vehicle in a manner that is completely visible and shall be kept in a legible  
24 condition at all times.

25 (5) A recreational vehicle that conformed with the definition of a park  
26 model recreational vehicle in section 49-117, Idaho Code, when new, may be:

27 (a) Titled under the provisions of chapter 5, title 49, Idaho Code; and

28 (b) Licensed and registered under the provisions of this chapter unless  
29 it:

30 (i) Is permanently attached to a foundation;

31 (ii) Has an attached building addition; or

32 (iii) Has been substantially modified in such a way that it no  
33 longer meets the definition of a park model recreational vehicle  
34 in section 49-117, Idaho Code.

35 SECTION 8. That Section 49-448, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 49-448. DISPOSITION OF FEES. Except as provided in subsection (3) of  
38 this section, the revenues received from the annual license fees imposed by  
39 section 49-445, Idaho Code, for recreational vehicle registration shall be  
40 paid over monthly to the county treasurer, to be distributed as follows:

41 (1) Two dollars (\$2.00) from each recreational vehicle license sold  
42 shall be apportioned to the county current expense fund, which shall be  
43 deemed necessary costs of collection and administration;

44 (2) From the balance remaining, ninety-nine percent (99%) shall be  
45 transmitted to the state treasurer for deposit in a fund known as the "state  
46 recreational vehicle fund," which is established in the state treasury, and  
47 one percent (1%) shall be distributed to the search and rescue fund created  
48 in section 67-2913, Idaho Code;

1       (3) One hundred percent (100%) of the revenues received from the annual  
2 license fees for the registration of each park model recreational vehicle of  
3 such size and weight as to require a special highway movement permit shall be  
4 apportioned to the county current expense fund where the park model recre-  
5 ational vehicle is located.

6       SECTION 9. That Section 49-501, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8       49-501. TITLING REQUIREMENTS -- EXEMPTIONS. (1) The provisions of  
9 this chapter shall apply to every vehicle required to be registered with the  
10 department in chapter 4, title 49, Idaho Code.

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

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

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

19       (c) Recreational vehicles that conformed with the definition of a park  
20 model recreational vehicle in section 49-117, Idaho Code, when new,  
21 that are not registered; and

22       (d) Truck campers as defined in section 49-121, Idaho Code, that were  
23 originally constructed with an overall length of six (6) feet or longer.  
24 Titling is optional for truck campers acquired before January 1, 2009.  
25 Liens and encumbrances on truck campers that were filed with the office  
26 of the secretary of state in compliance with chapter 9, title 28, Idaho  
27 Code, prior to January 1, 2009, shall be in full force and effect until  
28 said lien or encumbrance is satisfied and released by the lienholder who  
29 perfected the original lien or encumbrance.

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

33       (a) Utility trailers whose unladen weight is less than two thousand  
34 (2,000) pounds; and

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

38       (4) Vehicles exempt from registration under the provisions of section  
39 49-426, Idaho Code, are exempt from the titling requirements of this chap-  
40 ter, unless otherwise specifically required by the provisions of subsection  
41 (2) of this section.

42       SECTION 10. That Section 55-2003, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44       55-2003. DEFINITIONS. For purposes of this chapter, unless the provi-  
45 sions or context otherwise requires, the following definitions shall gov-  
46 ern:

47       (1) "Abandoned home" means a home that:

- 1 (a) Is located in a community on a lot for which no rent has been paid for  
2 the preceding sixty (60) days; and
- 3 (b) The landlord reasonably believes under all the circumstances, by  
4 absence, words or actions, that the resident has left the home upon the  
5 lot with no intention of asserting any further claim to the lot or the  
6 home; or
- 7 (c) Is unoccupied or uninhabitable because of its total or partial de-  
8 struction.
- 9 (2) "Community" means any real property that is rented or held out for  
10 rent to others for the placement of two (2) or more homes for the primary pur-  
11 pose of production of income.
- 12 (3) "Department" means the Idaho department of transportation.
- 13 (4) "Fees" means financial obligations incidental to a resident's  
14 tenancy including, but not limited to, charges for late payments, pets, the  
15 storage of recreational vehicles and the use of community facilities.
- 16 (5) "Home" means a mobile home, a manufactured home or, for purposes of  
17 this chapter only, a park model recreational vehicle.
- 18 (6) "Landlord" means the owner, lessor, sublessor or operator, or any  
19 combination thereof, of a community and includes the agents of the landlord.
- 20 (7) "Lot" means a specific area or portion of land in a community for  
21 rent, designated and designed to accommodate one (1) home and its appurte-  
22 nances and intended for the exclusive use as a residence by the approved oc-  
23 cupants of that home.
- 24 (8) "Manager" means the person in charge of operations or in control of  
25 a community, whether or not he or she is the owner. "Manager" includes any  
26 company chosen by the landlord to administer or supervise the affairs of the  
27 community.
- 28 (9) "Manufactured home" or "manufactured house" means a structure as  
29 defined in subsection (8) of section 39-4105, Idaho Code.
- 30 (10) "Mobile home" means a structure as defined in subsection (9) of  
31 section 39-4105, Idaho Code.
- 32 (11) ~~"Park model" means a vehicular type unit that has a floor area of~~  
33 ~~four hundred (400) square feet or less, meets the American national stan-~~  
34 ~~dards institute (ANSI) recreational standard A119.5, is primarily designed~~  
35 ~~for permanent or semipermanent installation and is used as a residence.~~
- 36 ~~(12) "Other charges" means fees, service charges, utility charges or~~  
37 ~~any other financial obligations specified in the rental agreement, but not~~  
38 ~~including rent.~~
- 39 (12) "Park model recreational vehicle" means a vehicle as defined in  
40 section 49-117, Idaho Code.
- 41 (13) "Recreational vehicle" means a vehicular type unit as defined in  
42 subsection (2) of section 39-4201, Idaho Code.
- 43 (14) "Rent" means periodic payments to be made in consideration for oc-  
44 cupying a lot.
- 45 (15) "Rental agreement" means a lease or agreement between the landlord  
46 and the resident embodying the terms and conditions concerning the use and  
47 occupancy of a lot and includes month to month tenancies that arise out of the  
48 expiration of a fixed term rental agreement.
- 49 (16) "Resident" means a person lawfully entitled under a rental agree-  
50 ment or lease to occupy a lot in a community to the exclusion of others. "Res-

1 ident" also means a tenant as that term is defined and used in other applica-  
2 ble state and federal laws.

3 (17) "Security" or "security deposit" means any refundable money or  
4 property given to assure payment or performance under a rental agreement.

5 (18) "Service charges" means separate charges paid for the use of elec-  
6 trical and gas service improvements that exist at a lot, or for trash re-  
7 moval, sewage and water, or any combination of the foregoing.

8 (19) "Transient" means a person who rents a lot for a period of less than  
9 one (1) month.

10 (20) "Utility" means a public utility that provides electricity, natu-  
11 ral gas, liquefied petroleum gas, cable television, sewer services, garbage  
12 collection or water.

13 SECTION 11. That Section 55-2004, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 55-2004. CHAPTER GOVERNS. This chapter shall regulate and determine  
16 legal rights, remedies and obligations arising from any rental agreement be-  
17 tween a landlord and a resident regarding a lot, except in those instances  
18 in which: (i) the landlord is renting both the lot and the home to the resi-  
19 dent; or (ii) the lot is rented or held out for rent to a recreational vehicle  
20 or travel trailer, not including a park model recreational vehicle. All such  
21 rental agreements shall be unenforceable to the extent of any conflict with  
22 any provision of this chapter. This chapter does not abrogate any rights the  
23 landlord or resident has under the laws and constitution of the United States  
24 or the state of Idaho.

25 SECTION 12. That Section 55-2007, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 55-2007. REQUIRED RENTAL AGREEMENT PROVISIONS AND EXCLUSIONS -- DIS-  
28 CLOSURES. (1) Any rental agreement executed between the landlord and resi-  
29 dent shall contain:

30 (a) The terms for the payment of rent, including the time and place for  
31 payment, and a description of any other charges to be paid to the land-  
32 lord by the resident. Other charges that occur less frequently than  
33 monthly shall be itemized in a billing to the resident;

34 (b) A description of the utilities and services which are included in  
35 the monthly rent;

36 (c) The rules of the community;

37 (d) The names and addresses of the manager of the community and the  
38 owner of the community or a person who resides in the state who is autho-  
39 rized to act as agent for the owner; and

40 (e) The terms and conditions under which any deposit or portion thereof  
41 may be withheld by the landlord upon termination of the rental agreement  
42 if any moneys are paid to the landlord by the resident as a deposit or  
43 as security for performance of the resident's obligations in a rental  
44 agreement.

45 (2) Any rental agreement executed between the landlord and resident  
46 shall not contain:

1 (a) Any provision by which the resident agrees to waive or ~~forego~~ forgo  
2 rights or remedies under this chapter; ~~or~~

3 (b) Any provision allowing the landlord to charge an "entrance fee" or  
4 an "exit fee." The expense of repairs or maintenance required by the  
5 landlord as a condition of the landlord's approval of a rental applica-  
6 tion shall not constitute an "entrance fee" or "exit fee" as those terms  
7 are used herein; or

8 (c) Any provision which unreasonably restricts access to the community  
9 by invitees of the resident.

10 (3) The following terms and conditions shall be an implicit part of any  
11 rental agreement between the landlord and resident:

12 (a) The landlord shall provide a base upon which the home is to be lo-  
13 cated, and, in the case of a mobile or manufactured home, the base shall  
14 be prepared in accordance with the provisions of section 44-2201, Idaho  
15 Code.

16 (b) The landlord shall, prior to removal of the wheels and axles, ap-  
17 prove the positioning of the home upon the lot.

18 (c) The landlord shall not permit any portion of the home, including the  
19 tongue, to extend into a roadway.

20 (d) The landlord shall maintain street lights, entry lights and common  
21 area lighting, if any, in good working condition.

22 (e) The landlord shall have the right of entry upon the lot for mainte-  
23 nance of utilities, protection of the community and periodic inspection  
24 of the premises, but shall not, except in the case of emergency or sus-  
25 pected abandonment by the resident, otherwise have the right of entry to  
26 such lot without the consent of the resident.

27 (f) The landlord shall notify each resident within fifteen (15) days  
28 after a petition has been filed by the landlord for a change in the zon-  
29 ing of the land upon which the community is situated.

30 (4) Upon request, the landlord shall, prior to the execution of a rental  
31 agreement, provide the resident with a written statement containing the fol-  
32 lowing information:

33 (a) The name, address and telephone number of the owner or manager of  
34 the community.

35 (b) A general description of the types of homes which may be brought  
36 into the community.

37 (c) A general description of the boundaries of the lot to be provided.

38 (d) A description of the utilities and services which are included in  
39 the rent.

40 (e) A description of other utilities and services which are available  
41 within the community.

42 (f) A description of the zoning under which the community operates, and  
43 the governmental entity having zoning jurisdiction.

44 (g) The date and amount of the most recent rent increase.

45 SECTION 13. That Chapter 3, Title 63, Idaho Code, be, and the same is  
46 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
47 ignated as Section 63-318, Idaho Code, and to read as follows:

48 63-318. PARK MODEL RECREATIONAL VEHICLE TO CONSTITUTE PERSONAL PROP-  
49 ERTY. A park model recreational vehicle shall constitute personal property

1 if not registered under the provisions of chapter 4, title 49, Idaho Code.  
2 Park model recreational vehicles shall not constitute real property. As  
3 used in this section, "park model recreational vehicle" has the same meaning  
4 as set forth in section 63-3622HH, Idaho Code.

5 SECTION 14. That Chapter 36, Title 63, Idaho Code, be, and the same is  
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
7 ignated as Section 63-3606C, Idaho Code, and to read as follows:

8 63-3606C. NEW PARK MODEL RECREATIONAL VEHICLE. (1) The term "new park  
9 model recreational vehicle" means a park model recreational vehicle as de-  
10 fined in section 49-117, Idaho Code, that is sold for the first time at re-  
11 tail. The term "new park model recreational vehicle" includes all compo-  
12 nents incorporated in such park model recreational vehicle at the time of  
13 manufacture and remaining unchanged at the time of the original retail sale  
14 thereof.

15 (2) Furniture, fixtures, furnishings, appliances and attachments not  
16 incorporated as component parts of the park model recreational vehicle at  
17 the time of manufacture shall be subject to the sales and use tax separately  
18 and distinctly from the sales price of the new park model recreational vehi-  
19 cle. Refrigerators, ranges, draperies and wood-burning stoves placed in a  
20 new park model recreational vehicle by the manufacturer shall be deemed to be  
21 components incorporated into such park model recreational vehicle.

22 SECTION 15. That Section 63-3613, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 63-3613. SALES PRICE. (a) The term "sales price" means the total  
25 amount for which tangible personal property, including services agreed to be  
26 rendered as a part of the sale, is sold, rented or leased, valued in money,  
27 whether paid in money or otherwise, without any deduction on account of any  
28 of the following:

29 1. The cost of the property sold. However, in accordance with such  
30 rules as the state tax commission may prescribe, a deduction may be  
31 taken if the retailer has purchased property for some purpose other than  
32 resale or rental, has reimbursed his vendor for tax which the vendor is  
33 required to pay to the state or has paid the use tax with respect to the  
34 property, and has resold or rented the property prior to making any use  
35 of the property other than retention, demonstration or display while  
36 holding it for sale in the regular course of business. If such a deduc-  
37 tion is taken by the retailer, no refund or credit will be allowed to his  
38 vendor with respect to the sale of the property.

39 2. The cost of materials used, labor or service cost, losses, or any  
40 other expense.

41 3. The cost of transportation of the property prior to its sale.

42 4. The face value of manufacturer's discount coupons. A manufacturer's  
43 discount coupon is a price reduction coupon presented by a consumer to  
44 a retailer upon purchase of a manufacturer's product, the face value of  
45 which may only be reimbursed by the manufacturer to the retailer.

46 (b) The term "sales price" does not include any of the following:

- 1 1. Retailer discounts allowed and taken on sales, but only to the extent  
2 that such retailer discounts represent price adjustments as opposed to  
3 cash discounts offered only as an inducement for prompt payment.
- 4 2. Any sums allowed on merchandise accepted in payment of other mer-  
5 chandise, provided that this allowance shall not apply to the sale of a  
6 "new manufactured home," a "new park model recreational vehicle" or a  
7 "modular building" as defined herein.
- 8 3. The amount charged for property returned by customers when the  
9 amount charged therefor is refunded either in cash or credit; but this  
10 exclusion shall not apply in any instance when the customer, in order  
11 to obtain the refund, is required to purchase other property at a price  
12 greater than the amount charged for the property that is returned.
- 13 4. The amount charged for labor or services rendered in installing or  
14 applying the property sold, provided that said amount is stated sepa-  
15 rately and such separate statement is not used as a means of avoiding  
16 imposition of this tax upon the actual sales price of the tangible per-  
17 sonal property; except that charges by a manufactured homes dealer or  
18 park model recreational vehicle dealer for set up of a manufactured  
19 home or park model recreational vehicle shall be included in the "sales  
20 price" of such manufactured home or park model recreational vehicle.
- 21 5. The amount of any tax (not including, however, any manufacturers' or  
22 importers' excise tax) imposed by the United States upon or with respect  
23 to retail sales whether imposed upon the retailer or the consumer.
- 24 6. The amount charged for finance charges, carrying charges, service  
25 charges, time-price differential, or interest on deferred payment  
26 sales, provided such charges are not used as a means of avoiding impo-  
27 sition of this tax upon the actual sales price of the tangible personal  
28 property.
- 29 7. Delivery and handling charges for transportation of tangible per-  
30 sonal property to the consumer, provided that the transportation is  
31 stated separately and the separate statement is not used as a means of  
32 avoiding imposition of the tax upon the actual sales price of the tan-  
33 gible personal property; except that charges by a manufactured homes  
34 dealer or park model recreational vehicle dealer for transportation  
35 of a manufactured home or park model recreational vehicle shall be in-  
36 cluded in the "sales price" of such manufactured home or park model  
37 recreational vehicle.
- 38 8. Manufacturers' rebates when used at the time of a retail sale as a  
39 down payment on or reduction to the retail sales price of a motor vehicle  
40 to which the rebate applies. A manufacturer's rebate is a cash payment  
41 made by a manufacturer to a consumer who has purchased or is purchasing  
42 the manufacturer's product from the retailer.
- 43 9. The amount of any fee imposed upon an outfitter as defined in section  
44 36-2102, Idaho Code, by a governmental entity pursuant to statute for  
45 the purpose of conducting outfitting activities on land or water sub-  
46 ject to the jurisdiction of the governmental entity, provided that the  
47 fee is stated separately and is presented as a use fee paid by the out-  
48 fitted public to be passed through to the governmental entity.
- 49 10. The amount of any discount or other price reduction on telecommuni-  
50 cations equipment when offered as an inducement to the consumer to com-



1 mence or continue telecommunications service, or the amount of any com-  
2 mission or other indirect compensation received by a retailer or seller  
3 as a result of the consumer commencing or continuing telecommunications  
4 service.

5 (c) The sales price of a "new manufactured home" or a "modular building"  
6 as defined in this chapter shall be limited to and include only fifty-five  
7 percent (55%) of the sales price as otherwise defined herein.

8 (d) Taxes previously paid on amounts represented by accounts found to  
9 be worthless may be credited upon a subsequent payment of the tax provided in  
10 this chapter or, if no such tax is due, refunded. If such accounts are there-  
11 after collected, a tax shall be paid upon the amount so collected.

12 (e) Tangible personal property when sold at retail for more than eleven  
13 cents (11¢) but less than one dollar and one cent (\$1.01) through a vending  
14 machine shall be deemed to have sold at a sales price equal to one hundred  
15 seventeen percent (117%) of the price which is paid for such tangible per-  
16 sonal property and/or its component parts including packaging by the owner  
17 or operator of the vending machines.

18 (f) Sales price shall not include a gratuity or tip received when paid  
19 to the service provider of a meal. The gratuity or tip can be either volun-  
20 tary or mandatory, but must be given for the service provided and as a supple-  
21 ment to the service provider's income.

22 (g) The sales price of a "new park model recreational vehicle" shall in-  
23 clude one hundred percent (100%) of the sales price as otherwise defined in  
24 this section.

25 SECTION 16. That Section 63-3622HH, Idaho Code, be, and the same is  
26 hereby amended to read as follows:

27 63-3622HH. PRODUCTION EXEMPTION SHALL NOT APPLY TO SALES REGARDING  
28 RECREATION-RELATED VEHICLES. (1) Notwithstanding any other provision of  
29 law to the contrary, the production exemption provided in section 63-3622D,  
30 Idaho Code, shall not apply to sales of or repairs to snowmobiles, off-high-  
31 way motorbikes, recreational vehicles, or motorcycles and all sales of  
32 snowmobiles, off-highway motorbikes, recreational vehicles or motorcycles  
33 are subject to the sales and use taxes imposed by this chapter. All repairs  
34 to snowmobiles, off-highway motorbikes, recreational vehicles or motorcy-  
35 cles are subject to the sales and use taxes imposed by this chapter.

36 (2) As used in this section, the term "snowmobile" means any self-pro-  
37 pelled vehicle under one thousand (1,000) pounds unladen gross weight de-  
38 signed primarily for travel on snow or ice or over natural terrain which may  
39 be steered by tracks, skis or runners, and which is not otherwise registered  
40 or licensed under the laws of the state of Idaho.

41 (3) As used in this section, the term "off-highway motorbike" means any  
42 self-propelled two (2), three (3), four (4) or five (5) wheeled motorcycle or  
43 motor-driven cycle, excluding tractor, designed for or capable of traveling  
44 off developed roadways and highways and also referred to as trailbikes, en-  
45 duro bikes, trail bikes, motorcross bikes or dual purpose motorcycles.

46 (4) As used in this section, the term "recreational vehicle" means a  
47 motor home, travel trailer, park model recreational vehicle, truck camper  
48 or camping trailer, with or without motive power, designed for human habi-  
49 tation for recreational or emergency occupancy. The term "recreational ve-

1 hicle" shall not include pickup hoods, shells, or canopies designed, cre-  
2 ated or modified for occupational usage. School buses or van type vehicles  
3 which are converted to recreational use, are defined as recreational vehi-  
4 cles. Specific classes of recreational vehicles are defined as follows:

5 (a) The term "motor home" shall mean a vehicular unit designed to  
6 provide temporary living quarters, built into an integral part of or  
7 permanently attached to a self-propelled motor vehicle chassis. The  
8 vehicle must contain permanently installed independent life support  
9 systems which meet the American national standards institute (ANSI)  
10 A119.7 standard for recreational vehicles, and provide at least four  
11 (4) of the following facilities: cooking, refrigeration or icebox,  
12 self-contained toilet, heating and/or air conditioning, a ~~portable~~  
13 potable water supply system, including a faucet and sink, separate  
14 110-125 volt electrical power supply and/or LP-gas supply.

15 (b) The term "travel trailer" shall mean a vehicular unit, mounted  
16 on wheels, designed to provide temporary living quarters for recre-  
17 ational, camping, travel or emergency use and of such size or weight as  
18 not to require special highway movement permits when towed by a motor-  
19 ized vehicle.

20 (c) The term "fifth-wheel trailer" shall mean a vehicular unit equipped  
21 in the same manner as a travel trailer but constructed with a raised for-  
22 ward section that allows a bi-level floor plan. This style is designed  
23 to be towed by a vehicle equipped with a device known as a fifth-wheel  
24 hitch, which is typically installed in the bed of a pickup truck.

25 (d) The term "~~park trailer model recreational vehicle~~" shall mean a  
26 ~~trailer designed to be towed by a motorized vehicle, and of such size and~~  
27 ~~weight as not to require a special highway movement permit. It is de-~~  
28 ~~signed for seasonal or temporary living quarters and may be connected~~  
29 ~~to utilities necessary for operation of installed fixtures and appli-~~  
30 ~~ances. It is built on a single permanent chassis and constructed to per-~~  
31 ~~mit set up by persons without special skills~~ vehicle as defined in sec-  
32 tion 49-117, Idaho Code.

33 (e) The term "fold down camping trailer" shall mean a vehicular  
34 portable unit mounted on wheels and constructed with collapsible par-  
35 tial side walls, which fold for towing by another vehicle and unfold at  
36 the campsite to provide temporary living quarters, for recreational,  
37 camping or travel use.

38 (f) The term "truck camper" shall mean a portable unit constructed to  
39 provide temporary living quarters for recreational, travel or camping  
40 use, consisting of a roof, floor, and sides, designed to be loaded onto  
41 and unloaded from the bed of a pickup truck, and containing at least one  
42 (1) of the following facilities: stove; refrigerator or icebox; self-  
43 contained toilet; heater or air conditioner; potable water supply in-  
44 cluding a faucet and sink; separate 110-125 volt electrical power sup-  
45 ply; or LP-gas supply.

46 (5) As used in this section, the term "motorcycle" means every motor ve-  
47 hicle having a seat or saddle for the use of the rider and designed to travel  
48 on not more than three (3) wheels in contact with the ground, but excluding a  
49 tractor. A motorcycle also is every motor scooter or motorized bicycle hav-

1 ing an engine with less than one hundred fifty (150) cubic centimeters dis-  
2 placement or with five (5) brake horsepower or less.

3 (6) As used in this section, the term "repairs" shall include only the  
4 costs of parts, but not labor, utilized on the snowmobile, off-highway mo-  
5 torbike, recreational vehicle or motorcycle.