

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 509

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO OFF-HIGHWAY VEHICLES; AMENDING SECTION 19-4705, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING FINES AND FORFEITURES; AMENDING SECTION
3 49-426, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXEMPTIONS FROM
4 OPERATING FEES; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE A DEF-
5 INITION; AMENDING SECTION 67-7108, IDAHO CODE, TO REVISE PROVISIONS
6 REGARDING THE PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVISIONS;
7 AMENDING SECTION 67-7111, IDAHO CODE, TO REVISE PROVISIONS REGARDING
8 CERTAIN ACCIDENTS; AMENDING SECTION 67-7113, IDAHO CODE, TO REVISE
9 PROVISIONS REGARDING CERTAIN VIOLATIONS; AMENDING SECTION 67-7114,
10 IDAHO CODE, TO REVISE PROVISIONS REGARDING OPERATING CERTAIN VEHI-
11 CLES WHILE UNDER THE INFLUENCE OF INTOXICATING SUBSTANCES; AMENDING
12 SECTION 67-7122, IDAHO CODE, TO REVISE PROVISIONS REGARDING NUMBER
13 CERTIFICATES; AMENDING SECTION 67-7123, IDAHO CODE, TO REVISE PROVI-
14 SIONS REGARDING TRANSFER OF NUMBER CERTIFICATES AND RESTRICTED VEHICLE
15 LICENSE PLATES; REPEALING SECTION 67-7124, IDAHO CODE, RELATING TO A
16 NONRESIDENT EXEMPTION; AMENDING CHAPTER 71, TITLE 67, IDAHO CODE, BY
17 THE ADDITION OF A NEW SECTION 67-7124, IDAHO CODE, TO REQUIRE NONRES-
18 IDENT VEHICLE CERTIFICATES; AMENDING SECTION 67-7125, IDAHO CODE, TO
19 REVISE PROVISIONS REGARDING NOISE ABATEMENT; AMENDING SECTION 67-7126,
20 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MOTORBIKE RECREATION
21 ACCOUNT; AMENDING SECTION 67-7127, IDAHO CODE, TO REVISE PROVISIONS
22 REGARDING USE OF MONEYS IN THE MOTORBIKE RECREATION ACCOUNT; AMENDING
23 SECTION 67-7128, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING CHAPTER
24 71, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7131, IDAHO
25 CODE, TO PROVIDE FOR DONATIONS TO THE MOTORBIKE RECREATION ACCOUNT;
26 AMENDING SECTION 67-7132, IDAHO CODE, TO REVISE PROVISIONS REGARDING
27 RULES; AND AMENDING SECTION 67-7133, IDAHO CODE, TO REVISE PROVISIONS
28 REGARDING ENFORCEMENT.
29

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

31 SECTION 1. That Section 19-4705, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT
34 -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsec-
35 tion (2) of this section:

36 (a) All fines and forfeitures collected pursuant to the judgment of
37 any court of the state shall be remitted to the court in which the judg-
38 ment was rendered. The judgment shall then be satisfied by entry in the
39 docket of the court. The clerk of the court shall daily remit all fines
40 and forfeitures to the county auditor who shall at the end of each month
41 apportion the proceeds according to the provisions of this chapter.
42 Other existing laws regarding the disposition of fines and forfeitures

1 are hereby repealed to the extent such laws are inconsistent with the
2 provisions of this chapter except as provided in section 49-1013(5),
3 Idaho Code.

4 (b) Fines and forfeitures remitted for violations of fish and game
5 laws shall be apportioned two and one-half percent (2 1/2%) to the
6 state treasurer for deposit in the state general fund, ten percent
7 (10%) to the search and rescue account, twenty-two and one-half percent
8 (22 1/2%) to the district court fund and sixty-five percent (65%) to the
9 fish and game fund.

10 (c) Fines and forfeitures remitted for violations of state motor ve-
11 hicle laws, for violation of state driving privilege laws, and for
12 violation of state laws prohibiting driving while under the influence
13 of alcohol, drugs or any other intoxicating substances, shall be ap-
14 portioned ten percent (10%) to the state treasurer of which eighty-six
15 percent (86%) shall be deposited to the state general fund and fourteen
16 percent (14%) shall be deposited to the peace officers standards and
17 training fund authorized in section 19-5116, Idaho Code, forty-five
18 percent (45%) to the state treasurer for deposit in the highway dis-
19 tribution account, twenty-two and one-half percent (22 1/2%) to the
20 district court fund and twenty-two and one-half percent (22 1/2%) to the
21 state treasurer for deposit in the public school income fund; provided,
22 however, that fines and forfeitures remitted for violation of state mo-
23 tor vehicle laws, for violation of state driving privilege laws, and for
24 violation of state laws prohibiting driving while under the influence
25 of alcohol, drugs or any other intoxicating substances, where an arrest
26 is made or a citation is issued by a city law enforcement official, or by
27 a law enforcement official of a governmental agency under contract to
28 provide law enforcement services for a city, shall be apportioned ten
29 percent (10%) to the state treasurer of which eighty-six percent (86%)
30 shall be deposited to the state general fund and fourteen percent (14%)
31 shall be deposited to the peace officers standards and training fund
32 authorized in section 19-5116, Idaho Code, and ninety percent (90%) to
33 the city whose officer made the arrest or issued the citation.

34 (d) Fines and forfeitures remitted for violation of any state law not
35 involving fish and game laws, or motor vehicle laws, or state driving
36 privilege laws, or state laws prohibiting driving while under the in-
37 fluence of alcohol, drugs or any other intoxicating substances, shall
38 be apportioned ten percent (10%) to the state treasurer of which eighty-
39 six percent (86%) shall be deposited to the state general fund and four-
40 teen percent (14%) shall be deposited to the peace officers standards
41 and training fund authorized in section 19-5116, Idaho Code, and ninety
42 percent (90%) to the district court fund of the county in which the vio-
43 lation occurred.

44 (e) Fines and forfeitures remitted for violation of county ordinances
45 shall be apportioned ten percent (10%) to the state treasurer of which
46 eighty-six percent (86%) shall be deposited to the state general fund
47 and fourteen percent (14%) shall be deposited to the peace officers
48 standards and training fund authorized in section 19-5116, Idaho Code,
49 and ninety percent (90%) to the district court fund of the county whose
50 ordinance was violated.

1 (f) Fines and forfeitures remitted for violation of city ordinances
2 shall be apportioned ten percent (10%) to the state treasurer of which
3 eighty-six percent (86%) shall be deposited to the state general fund
4 and fourteen percent (14%) shall be deposited to the peace officers
5 standards and training fund authorized in section 19-5116, Idaho Code,
6 and ninety percent (90%) to the city whose ordinance was violated.

7 (g) Fines and forfeitures remitted for violations not specified in this
8 chapter shall be apportioned ten percent (10%) to the state treasurer
9 of which eighty-six percent (86%) shall be deposited to the state gen-
10 eral fund and fourteen percent (14%) shall be deposited to the peace of-
11 ficers standards and training fund authorized in section 19-5116, Idaho
12 Code, and ninety percent (90%) to the district court fund of the county
13 in which the violation occurred except in cases where a duly designated
14 officer of any city police department or city law enforcement official
15 shall have made the arrest for any such violation, in which case ninety
16 percent (90%) shall be apportioned to the city whose officer made the
17 arrest.

18 (h) Fines and forfeitures remitted for violations involving
19 ~~registrations of motorcycles or motor-driven cycles used off highways,~~
20 ~~snowmobiles~~ the failure to obtain a number certificate as required
21 by chapter 71, title 67, Idaho Code, or violations involving the use
22 of winter recreation parking areas shall be apportioned ten percent
23 (10%) to the state treasurer of which eighty-six percent (86%) shall be
24 deposited to the state general fund and fourteen percent (14%) shall be
25 deposited to the peace officers standards and training fund authorized
26 in section 19-5116, Idaho Code, and ninety percent (90%) to the general
27 fund of the county or city whose law enforcement official issued the
28 citation.

29 (i) Fines and forfeitures remitted for violations of overweight laws
30 as provided in section 49-1013(3), Idaho Code, shall be deposited one
31 hundred percent (100%) into the highway distribution account.

32 (2) Any fine or forfeiture remitted for any misdemeanor violation for
33 which an increase in the maximum fine became effective on or after July 1,
34 2005, shall be apportioned as follows:

35 (a) Any funds remitted, up to the maximum amount that could have been
36 imposed before July 1, 2005, as a fine for the misdemeanor violation,
37 shall be apportioned according to the applicable provisions of subsec-
38 tion (1) of this section; and

39 (b) Any other funds remitted, in excess of the maximum amount that could
40 have been imposed before July 1, 2005, as a fine for the misdemeanor vi-
41 olation, shall be remitted to the state treasurer and shall be deposited
42 in the drug court, mental health court and family court services fund as
43 set forth in section 1-1625, Idaho Code.

44 (3) As used in this section, the term "city law enforcement official"
45 shall include an official of any governmental agency which is providing law
46 enforcement services to a city in accordance with the terms of a contract or
47 agreement, when such official makes the arrest or issues a citation within
48 the geographical limits of the city and when the contract or agreement pro-
49 vides for payment to the city of fines and forfeitures resulting from such
50 service.

1 SECTION 2. That Section 49-426, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chap-
4 ter with respect to operating fees shall not apply to:

5 (1) Motor vehicles owned or leased by the United States, the state, a
6 city, a county, any department thereof, any political subdivision or munic-
7 ipal corporation of the state, any taxing district of the state, any state
8 registered nonprofit subscription fire protection unit, or any organiza-
9 tion, whether incorporated or unincorporated, organized for the operation,
10 maintenance, or management of an irrigation project or irrigation works or
11 system or for the purpose of furnishing water to its members or shareholders,
12 but in other respects shall be applicable.

13 (2) Farm tractors, implements of husbandry, those manufactured homes
14 which qualify for an exemption under the provisions of section 49-422, Idaho
15 Code, road rollers, wheel-mounted tar buckets, portable concrete and/or
16 mortar mixers, wheel-mounted compressors, tow dollies, portable toilet
17 trailers, street sweepers, other construction equipment, forestry equip-
18 ment, lawn and grounds equipment and similar devices as determined by the
19 department which are temporarily operated or moved upon the highways need
20 not be registered under the provisions of this chapter, nor shall implements
21 of husbandry be considered towed units under registration of vehicle combi-
22 nations as defined in section 49-108(2), Idaho Code. In addition, self-pro-
23 pelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf
24 carts, lawn mowers, and scooters operated by persons who by reason of phys-
25 ical disability are otherwise unable to move about as pedestrians shall be
26 exempt from registration requirements under the provisions of this chapter.
27 Off-highway vehicles, as that term is defined in section 67-7101, Idaho
28 Code, and ~~m~~Motorcycles, motorbikes, utility type vehicles and all-terrain
29 vehicles need not be licensed under the provisions of this chapter or num-
30 bered pursuant to the provisions of section 67-7122 chapter 71, title 67,
31 Idaho Code, if they are being used exclusively in connection with agricul-
32 tural, horticultural, dairy and livestock growing and feeding operations or
33 used exclusively for snow removal purposes. Travel upon the public highways
34 shall be limited to travel between farm or ranch locations. Off-highway ve-
35 hicles and ~~m~~Motorcycles, motorbikes, utility type vehicles and all-terrain
36 vehicles used for this purpose shall meet the emblem requirements of section
37 49-619, Idaho Code.

38 (3) Any political subdivision of the state of Idaho may, but only af-
39 ter sufficient public notice is given and a public hearing held, adopt local
40 ordinances or resolutions designating highways or sections of highways un-
41 der its jurisdiction which that are closed to all-terrain vehicles, utility
42 type vehicles, specialty off-highway vehicles and motorbikes, as that term
43 is defined in section 67-7101, Idaho Code, licensed pursuant to this chap-
44 ter and numbered pursuant to section 67-7122 the provisions of chapter 71,
45 title 67, Idaho Code. The operation of licensed and numbered all-terrain ve-
46 hicles, utility type vehicles and motorbikes off-highway vehicles and those
47 vehicles exempt from licensing and numbering pursuant to subsection (2) of
48 this section shall not be permitted on controlled-access highways, except
49 as provided in subsection (4) of this section. The requirements of title 18

1 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to
 2 the operation of any ~~all-terrain vehicle, utility type vehicle or motorbike~~
 3 off-highway vehicle upon highways. Costs related to the posting of signs
 4 on highways or sections of highways that are closed to such vehicles, indi-
 5 cating the ordinance, are eligible for reimbursement through the motorbike
 6 recreation account created in section 67-7126, Idaho Code.

7 (4) The Idaho transportation board may designate sections of state
 8 highways upon which ~~all-terrain vehicles, utility type vehicles, specialty~~
 9 off-highway vehicles and motorbikes, as that term is defined in section
 10 67-7101, Idaho Code, may travel. ~~All-terrain vehicles, utility type vehi-~~
 11 ~~cles, specialty o~~ff-highway vehicles and motorbikes shall be permitted to
 12 cross a non-full-access-controlled highway at a public road intersection.
 13 All-terrain vehicles, utility type vehicles, specialty off-highway vehi-
 14 cles and motorbikes shall be permitted to travel upon that portion of any
 15 non-full-access-controlled state highway with a speed limit of forty-five
 16 (45) miles per hour or less lying within and extending one (1) mile beyond the
 17 boundaries of a municipality unless restricted by the Idaho transportation
 18 board or closed as provided in subsection (3) of this section. The require-
 19 ments of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code,
 20 shall apply to the operation of ~~all-terrain vehicles, utility type vehicles,~~
 21 ~~specialty~~ off-highway vehicles and motorbikes when upon state highways.

22 (5) ~~All-terrain vehicles, utility type vehicles, specialty o~~ff-high-
 23 way vehicles and motorbikes, as that term is defined in section 67-7101,
 24 Idaho Code, may be used on highways located on state lands or federal lands
 25 ~~which that~~ are not part of the highway system of the state of Idaho, provided
 26 the numbering requirements of ~~section 67-7122~~ chapter 71, title 67, Idaho
 27 Code, are met.

28 SECTION 3. That Section 67-7101, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 67-7101. DEFINITIONS. In this chapter:

31 (1) "All-terrain vehicle" or "ATV" means any recreational motor vehi-
 32 cle designed for or capable of traveling off developed roadways and highways
 33 with three (3) or more tires and fifty (50) inches or less in width, having a
 34 wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat
 35 designed to be straddled by the operator.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (15) "Snowmobile" means any self-propelled vehicle under two thousand
23 (2,000) pounds unladen gross weight, designed primarily for travel on snow
24 or ice or over natural terrain, which may be steered by tracks, skis, or run-
25 ners.

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

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

43 (18) "Vendor" means any entity authorized by the department to sell
44 recreational certificates of number.

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

48 SECTION 4. That Section 67-7108, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVI-
2 SIONS. The provisions of this chapter shall govern the numbering and reg-
3 istration of snowmobiles, ~~all-terrain vehicles, motorbikes, specialty and~~
4 ~~off-highway vehicles and utility type vehicles~~ operated in this state. All
5 political subdivisions of the state are expressly prohibited from numbering
6 or registering snowmobiles, ~~all-terrain vehicles, motorbikes, specialty or~~
7 ~~off-highway vehicles and utility type vehicles~~ in any respect.

8 SECTION 5. That Section 67-7111, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-7111. ACCIDENT RESULTING IN PERSONAL INJURIES OR PROPERTY DAM-
11 AGE. The operator of any off-highway vehicle or snowmobile involved in any
12 accident resulting in injuries to or death to any person or property damage
13 in the estimated amount of two hundred dollars (\$200) or more, or a person
14 acting for the operator, or the owner of the off-highway vehicle or snowmo-
15 bile having knowledge of the accident should the operator ~~of the snowmobile~~
16 be unknown, shall immediately notify a proper law enforcement agency of the
17 facts relating to the accident and within five (5) days file a report of the
18 circumstances with the department on forms prescribed by the department.
19 For any accident occurring on a highway or public roadway the owner, the op-
20 erator, or both shall be subject to the provisions of section 49-2417, Idaho
21 Code.

22 SECTION 6. That Section 67-7113, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. (1) Unless
25 otherwise provided in this chapter, any person who violates any provision
26 of this chapter, or any rule promulgated by the department pursuant to this
27 chapter, shall be guilty of an infraction and shall be punished by a fine of
28 one hundred dollars (\$100).

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

33 SECTION 7. That Section 67-7114, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER
36 INTOXICATING SUBSTANCE. Any person driving or operating a snowmobile, ~~mo-~~
37 ~~torbike, utility type vehicle, specialty or an~~ off-highway vehicle or all-
38 terrain vehicle while under the influence of alcohol, drugs or any other in-
39 toxicating substance on a public roadway or highway or off-highway shall be
40 guilty of a misdemeanor.

41 SECTION 8. That Section 67-7122, Idaho Code, be, and the same is hereby
42 amended to read as follows:

1 67-7122. OFF-HIGHWAY VEHICLES -- APPLICATION FOR ~~CERTIFICATE OF~~
2 NUMBER CERTIFICATE -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE --
3 FEES. (1) ~~On or before January 1 of each year~~ Before operating within Idaho,
4 the owner of any ~~all-terrain vehicle, motorbike, specialty off-highway~~
5 ~~vehicle or utility type vehicle~~ as defined in section 67-7101, Idaho Code,
6 or any motorcycle as defined in section 49-114, Idaho Code, used off public
7 highways, on highways located on state lands or federal lands which are not
8 part of the highway system of the state of Idaho or on highways as prescribed
9 in section 49-426(3) and (4), Idaho Code, but excluding those vehicles used
10 exclusively on private land for agricultural use or used exclusively for
11 snow removal purposes as provided in section 49-426(2), Idaho Code, shall
12 obtain a number certificate for that vehicle at any vendor authorized by the
13 department. Effective January 1, 2010, a fee of twelve dollars (\$12.00)
14 shall be charged for each number certificate, which fee includes a one dollar
15 and fifty cent (\$1.50) fee to be retained by the vendor and the remainder of
16 which shall be remitted to the department together with information noting
17 the number of the certificate issued, the identity of the owner that pur-
18 chased the number certificate, the owner's designated county use area and
19 the type of machine to which the owner will affix the ~~certificate of number~~
20 certificate, e.g., such as motorbike, all-terrain vehicle, utility type
21 vehicle or specialty off-highway vehicle. The foregoing shall not prohibit
22 the department from collecting such further information as it may deem nec-
23 essary or helpful to its administrative duties under this chapter.

24 (2) At the time of sale from any dealer, each ~~motorbike, all-terrain ve-~~
25 ~~hicle or utility type off-highway~~ vehicle sold to an Idaho resident, but ex-
26 cluding those vehicles to be used exclusively on private land for agricul-
27 tural use or used exclusively for snow removal purposes as provided in sec-
28 tion 49-426(2), Idaho Code, must obtain a number certificate.

29 (a) Application blanks and validation stickers shall be supplied by the
30 department, and the validation sticker shall be issued to the person
31 making application for the number certificate.

32 (b) All number certificates that are issued shall be in force through
33 December 31 of the issued year. All number certificates shall be re-
34 newed by the owner of the ~~all-terrain vehicle, motorbike, specialty~~
35 ~~off-highway vehicle or utility type vehicle~~ in the same manner provided
36 for in the initial securing of the same or with any vendor authorized
37 by the department. A vendor issuing a renewal number certificate shall
38 retain a one dollar and fifty cent (\$1.50) vendor fee and remit the re-
39 mainder of the twelve dollar (\$12.00) renewal number certificate fee
40 to the department together with information noting the number of the
41 certificate issued, the identity of the owner that purchased the number
42 certificate, the owner's designated county use area, and the type of ma-
43 chine to which the owner will affix the validation stickers, ~~e.g., such~~
44 as motorbike, all-terrain vehicle, utility type vehicle or specialty
45 off-highway vehicle. The foregoing shall not prohibit the department
46 from collecting such additional information as it may deem necessary or
47 helpful to its administrative duties under this chapter.

48 (c) The issued validation sticker shall be placed upon the restricted
49 vehicle license plate of the ~~all-terrain vehicle, motorbike or util-~~
50 ~~ity type off-highway~~ vehicle, or upon the right fork of a vehicle reg-

1 istered pursuant to section 49-402(3), Idaho Code, or of a motorbike if
 2 used exclusively off-highway, or upon the rear fender of an all-terrain
 3 vehicle, specialty off-highway vehicle or utility type vehicle if used
 4 exclusively off-highway. The placement shall be made in such a manner
 5 that it is completely visible, does not cover the license plate numbers
 6 or letters, if licensed, and shall be kept in a legible condition at all
 7 times.

8 (3) For operation of a motorbike that meets the requirements speci-
 9 fied in section 49-114(10), Idaho Code, on the public highways, the vehicle
 10 shall also be registered pursuant to the provisions of section 49-402(3),
 11 Idaho Code. A motorbike that meets the requirements specified in sec-
 12 tion 49-114(10), Idaho Code, and that is registered pursuant to section
 13 49-402(3), Idaho Code, shall not be required to obtain a restricted license
 14 plate pursuant to section 49-402(4), Idaho Code. ~~A motorbike, all-terrain~~
 15 ~~vehicle, specialty~~ An off-highway vehicle or utility type vehicle operated
 16 exclusively off-highway or on highways located on state lands or federal
 17 lands ~~which~~ that are not part of the highway system of the state of Idaho and
 18 that meet the registration requirements specified in this section shall not
 19 be required to obtain a restricted vehicle license plate pursuant to section
 20 49-402(4), Idaho Code.

21 (4) ~~Nonresidents~~ Resident and nonresident owners of off-highway vehi-
 22 ~~cles used for rental purposes shall be allowed to purchase a restricted vehi-
 23 ~~cle license plate pursuant to section 49-402(4), Idaho Code, and/or a number~~
 24 ~~certificate for an all-terrain vehicle, motorbike or utility type vehicle~~
 25 ~~twenty-four dollars (\$24.00), and the number certificate shall be displayed~~
 26 ~~on the off-highway vehicle at all times as provided in this section.~~~~

27 (5) All number certificates that are issued pursuant to this section
 28 shall be in force through December 31 of the issued year, provided that the
 29 board shall, by rules to be promulgated and effective no later than January
 30 1, 2020, offer and allow an option for the purchase of a number certificate
 31 pursuant to this section that is valid for a two (2) year period. The vendor
 32 fee allowed by this section shall be the same for the one (1) year and two (2)
 33 year number certificates.

34 SECTION 9. That Section 67-7123, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 67-7123. OFF-HIGHWAY VEHICLES -- TRANSFER OF NUMBER CERTIFICATES AND
 37 RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an ~~all-terrain off-high-~~
 38 ~~way~~ vehicle, ~~utility type vehicle or motorbike, which that~~ has been previ-
 39 ously issued a number certificate pursuant to section 67-7122, Idaho Code,
 40 and issued a restricted vehicle license plate pursuant to section 49-402,
 41 Idaho Code, shall within fifteen (15) days after acquiring same, make appli-
 42 cation to the county assessor or county motor vehicle office as may be des-
 43 ignated by the county assessor for transfer to him of the number certificate
 44 and restricted vehicle license plate issued to the vehicle, giving the same
 45 information as on the original application and the number of the number cer-
 46 tificate and restricted vehicle license plate, and shall at the same time pay
 47 a transfer fee of one dollar and fifty cents (\$1.50).

1 SECTION 10. That Section 67-7124, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 11. That Chapter 71, Title 67, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 67-7124, Idaho Code, and to read as follows:

6 67-7124. NONRESIDENT OFF-HIGHWAY VEHICLE CERTIFICATE REQUIRED. (1)
7 The owner of a nonresident, noncommercial off-highway vehicle shall not be
8 required to comply with the number certificate requirements of the state of
9 Idaho, but as of January 1, 2019, such owner shall be required to obtain a
10 nonresident OHV user certificate. A fee of twelve dollars (\$12.00) shall be
11 imposed for the issuance of a nonresident OHV user certificate. One dollar
12 and fifty cents (\$1.50) of the fee shall be retained by the vendor, and the
13 remainder shall be remitted to the department. The certificate shall be
14 displayed in the same manner as provided in section 61-7122, Idaho Code.
15 Issuance and administration of nonresident OHV user certificates shall be
16 conducted in the same manner as provided in section 67-7122, Idaho Code, for
17 numbering of off-highway vehicles.

18 (2) Nonresidents shall be allowed to purchase a restricted vehicle li-
19 cense plate pursuant to section 49-402(4), Idaho Code.

20 (3) All nonresident certificates issued pursuant to this section shall
21 be in force through December 31 of the issued year, provided that the board
22 shall, by rules to be promulgated and effective no later than January 1,
23 2020, offer and allow an option for the purchase of a user certificate pur-
24 suant to this section that is valid for a two (2) year period. The vendor fee
25 allowed by this section shall be the same for one (1) year and two (2) year
26 certificates.

27 (4) For purposes of this section, "nonresident" shall have the same
28 meaning as provided in section 36-202, Idaho Code.

29 SECTION 12. That Section 67-7125, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 67-7125. OFF-HIGHWAY VEHICLES -- NOISE ABATEMENT. (1) Except as here-
32 inafter provided, every vehicle subject to ~~numbering under~~ section 67-7122
33 or 67-7124, Idaho Code, shall comply with the provisions of this section.
34 Every vehicle subject to the provisions of this section shall at all times be
35 equipped with an exhaust system in good working order and in constant oper-
36 ation. If the vehicle was originally equipped with a noise suppressing sys-
37 tem or if the vehicle is required by law or regulation of this state or the
38 federal government to have a noise suppressing system, that system shall be
39 maintained in good working order. No person shall disconnect, modify or al-
40 ter any part of that system in any manner which will amplify or increase the
41 vehicle's noise emission above the noise limits established in subsection
42 (3) of this section, except temporarily in order to make repairs, replace-
43 ments or adjustments. No person shall operate and no owner shall cause or
44 permit to be operated any vehicle while the vehicle's noise emission exceeds
45 the noise limits established in subsection (3) of this section or while the
46 vehicle's noise suppressing system is disconnected, modified or altered in
47 violation of the provisions of this section.

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

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

18 (a) The department shall adopt regulations in accordance with chapter
19 52, title 67, Idaho Code, establishing the test procedures and instru-
20 mentation to be utilized. These procedures shall incorporate require-
21 ments for the test site environment and sound measuring equipment as set
22 forth in SAE standard J1287, June, 1988.

23 (b) Instrumentation shall include, but not be limited to, a sound level
24 meter meeting the type 1, type S1A, type 2, or type S2A requirements
25 of the American national standards institute (ANSI) specification for
26 sound level meters, S1.4-1983; a sound level calibrator, microphone
27 wind screen, external engine speed tachometer.

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

33 SECTION 13. That Section 67-7126, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 67-7126. ESTABLISHMENT OF MOTORBIKE RECREATION ACCOUNT -- DISTRIBU-
36 TION OF FEES. There is established in the state treasurer's office an account
37 to be known and designated as the "motorbike recreation account." The twelve
38 dollar (\$12.00) fee collected for off-highway vehicle ~~number~~ certificates
39 pursuant to section 67-7122 or 67-7124, Idaho Code, shall be allocated as
40 follows:

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

43 (2) Up to fifteen percent (15%) shall be allotted to the department for
44 administration and for the production of number certificates and validation
45 stickers, which moneys shall be placed in the motorbike recreation account.
46 The department shall annually publish a report specifically identifying the
47 uses of account moneys;

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

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

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

7 (4) One dollar (\$1.00) shall be allocated to the Idaho department of
8 lands to provide off-highway vehicle opportunities and to repair damage di-
9 rectly related to off-highway vehicle use. The department of lands shall an-
10 nually publish a report specifically identifying the uses of moneys allo-
11 cated pursuant to this subsection; and

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

16 Collection of fees for off-highway vehicle number certificates shall
17 not impose any additional liability on the state of Idaho or any of its po-
18 litical subdivisions or upon the employees of the state and of its political
19 subdivisions, and those entities and persons shall retain the limitations of
20 liability provided by section 36-1604, Idaho Code, regardless of the use of
21 such fees.

22 SECTION 14. That Section 67-7127, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 67-7127. USE OF MONEYS IN MOTORBIKE RECREATION ACCOUNT. The board
25 shall administer the motorbike recreation account. The moneys derived from
26 this account shall be used as follows:

27 (1) For the securing of special leases, use licenses, recreation ease-
28 ments or permits, or for the actual purchase of land under private, state or
29 federal ownership to be used for public recreational off-highway vehicle ac-
30 tivity;

31 (2) For the securing, maintenance, construction or development of
32 trails and other recreational facilities for public off-highway vehicle use
33 on private, state and federal lands;

34 (3) To finance the formulation and implementation under the board's di-
35 rection of an off-the-road rider education program.

36 (4) To acquire applicable federal matching funds.

37 SECTION 15. That Section 67-7128, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 67-7128. OFF-ROAD MOTOR VEHICLE ADVISORY COMMITTEE -- CREATION --
40 SELECTION -- TERM OF OFFICE -- DUTY. (1) The ~~park and recreation~~ board shall
41 appoint an off-road motor vehicle advisory committee (ORMV) of nine (9)
42 members. The membership of the advisory committee shall consist of three
43 (3) members each from northern Idaho, southwestern Idaho, and southeastern
44 Idaho. Two (2) members from each area shall represent the following groups:
45 motorbikes, ATV or UTV riders and snowmobilers. One (1) member interested
46 in ORMV projects shall be appointed from each area without regard to the
47 recreational activity in which that member participates and shall represent

1 interests other than motorbike, ATV or UTV riders and snowmobilers. Each
2 member of the advisory committee shall be chosen by the ~~park and recreation~~
3 board to serve a term of three (3) years, except that the term of the initial
4 appointees shall commence on the date of appointment and shall be of stag-
5 gered lengths. Each member of the advisory committee shall be a qualified
6 elector of the state. Duties shall include:

7 (a) Representing the best interests of the ORMV users and activities
8 which they represent in the district from which they are appointed;

9 (b) Advising the department as to whether proposed ORMV projects meet
10 the needs of ORMV users in that area;

11 (c) Advising the department as to how funds can be used to rehabil-
12 itate areas on public or private lands and how the department can
13 assist in the enforcement of laws and regulations governing the use of
14 off-~~road~~highway vehicles in the state of Idaho;

15 (d) The three (3) motorbike, all-terrain vehicle or utility type ve-
16 hicle representatives from the ORMV advisory committee shall advise
17 the department on matters relating to the use of moneys in the motorbike
18 recreation account as provided for in section 67-7127, Idaho Code.

19 (2) The committee shall be compensated as provided in section
20 59-509(f), Idaho Code, and authorized by the department.

21 SECTION 16. That Chapter 71, Title 67, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 67-7131, Idaho Code, and to read as follows:

24 67-7131. VOLUNTARY DONATIONS TO ACCOUNT. A person who applies for
25 a certificate for an off-highway vehicle pursuant to section 67-7122 or
26 67-7124, Idaho Code, directly to the department instead of through a vendor
27 may make a voluntary donation of three dollars (\$3.00) or more to support the
28 motorbike recreation account established by section 67-7126, Idaho Code, in
29 conjunction with the application for the certificate. The department shall
30 include an accommodation to notify an applicant of the opportunity and to
31 allow an applicant to designate such donation. Funds donated pursuant to
32 this section shall be transferred to the motorbike recreation account on or
33 before the tenth day of each month. No proceeds from voluntary donations
34 shall be used for administrative expenses of the department.

35 SECTION 17. That Section 67-7132, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 67-7132. RULES AND REGULATIONS. The ~~director~~ board shall adopt and en-
38 force administrative rules ~~and regulations~~ under the provisions of chapter
39 52, title 67, Idaho Code, as necessary to carry out the provisions of this
40 chapter.

41 SECTION 18. That Section 67-7133, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 67-7133. RESPONSIBILITY FOR ENFORCEMENT. The provisions of this
44 chapter, and any rule promulgated by the ~~department~~ board pursuant to this
45 chapter, shall be enforced by the law enforcement personnel of the Idaho

1 state police, the department of fish and game, employees of the department of
2 parks and recreation authorized by the director of the Idaho state police,
3 the sheriffs and their deputies of the various counties in the state and
4 peace officers of each city.