

Dear Senators BRACKETT, Crabtree, Buckner-Webb, and  
Representatives PALMER, Shepherd, Wintrow:

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

IDAPA 39.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking  
(Docket No. 39-0000-1900F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 07/19/2019. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/16/2019.

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

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



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Legislative Drafting Attorney - Matt Drake

**DATE:** July 1, 2019

**SUBJECT:** Idaho Transportation Department

IDAPA 39.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 39-0000-1900F)

The Idaho Transportation Department submits notice of temporary and proposed rules at:

39.02.04, Rules Governing Manufacturer & New Vehicle Dealer Hearing Fees  
39.02.07, Rules Governing Titling of Salvage, Specially Constructed, Replica and Rebuilt Salvage Motor Vehicles  
39.02.22, Rules Governing Registration and Permit Fee Administration  
39.02.26, Rules Governing Temporary Vehicle Clearance for Carriers  
39.02.41, Rules Governing Special Provisions Applicable to Fees for Services  
39.02.60, Rules Governing License Plate Provisions

As to the above chapters, the rulemaking adopts and re-publishes existing and previously approved chapters, but with minor modifications in the nature of clean-up. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by the above-referenced rule reauthorization and republication.** The above-referenced rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

In addition to the foregoing, the Department also submits notice of a new temporary and proposed rule at 39.03.03, Rules Governing Special Permits – General Conditions and Requirements. Here, the Department is promulgating a new fee rule as a result of legislation passed during the 2019 legislative session. The legislation and resulting rule consolidates and streamlines commercial motor vehicle permit rules. The fees set in this rule cover a variety of commercial motor vehicle permits. The Department states that the fees cover administrative costs for processing, issuing, and enforcing special permits. The Department further states that the program is revenue neutral.

cc: Idaho Transportation Department  
Ramon Hobdey-Sanchez

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**\*\*\* PLEASE NOTE \*\*\***

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

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

DOCKET NO. 39-0000-1900F

### NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 39, rules of the Idaho Transportation Department:

#### **IDAPA 39**

- 39.02.04, *Rules Governing Manufacturer & New Vehicle Dealer Hearing Fees*
- 39.02.07, *Rules Governing Titling of Salvage, Specially Constructed, Replica and Rebuilt Salvage Motor Vehicles*
- 39.02.22, *Rules Governing Registration and Permit Fee Administration*
- 39.02.26, *Rules Governing Temporary Vehicle Clearance for Carriers*
- 39.02.41, *Rules Governing Special Provisions Applicable to Fees for Services*
- 39.02.60, *Rules Governing License Plate Provisions*
- 39.03.03, *Rules Governing Special Permits – General Conditions and Requirements*

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. Additionally, these rules serve many different stakeholders within the transportation industry. IDAPA 39 rules relate to both the Department's Division of Highways and Division of Motor Vehicles; among others. The rules serve as an important tool and resource for many of the Department's business operations.

The fee or charge imposed by the rules are necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. The Idaho Transportation Department has identified 7 existing fee rules, all of which are within the Division of Motor Vehicles. These rules are necessary to ensure consistency with the Department's operations and to safeguard the general public from experiencing any hardships associated with the sunset of these rules.

**FEE SUMMARY:** The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. The fees within each rule are as follows:

39.02.04, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees: Pursuant to §49-1617(4), Idaho Code, ITD is required to collect filing fees for hearings when requested by a franchised dealer over disputes with a manufacturer. The Department is required to collect the fees, appoint a hearing officer and ensure all legal expenses including a court reporter, hearing transcripts and witness fees are reimbursed to the Department. Although the Department is not a party to the dispute, Idaho Code and this rule facilitate the hearing process between franchisees and manufacturers. The deposited fee of \$2,000 is utilized to cover initial expenses incurred by the Department. Any remaining part of the deposit is refunded to the dealer and additional expenses are billed to the responsible party.

39.02.07, Rules Governing Titling of Salvage, Specially Constructed, Replica and Rebuilt Salvage Motor Vehicles: The \$25 fee assessed under sections 100, 300 and 301 of this rule is for an inspection of a vehicle to be performed by the Department's Motor Vehicle Investigators on vehicles with a special construction; including glider kits, replicas, street rods, replica street rods, assembled vehicles and specially constructed vehicles. This fee covers administrative costs of the Motor Vehicle Investigator for the physical inspection of the vehicle and preparation of necessary documents for the owner to obtain a title from the Department with the correct physical classification of the vehicle.

39.02.22, Rules Governing Registration & Permit Fee Administration: This rule provides for installment payment plans for commercial motor vehicle registrations. It covers administrative costs for services provided by the Department, which includes a \$50 fee for setting up each installment payment plan. To reinstate a payment plan that has been suspended, a \$40 fee is required. If there are insufficient funds, the rule allows the Department to collect a \$20 insufficient funds fee and provides the Department with the ability to collect a \$40 fee for reinstatement of a revoked or suspended commercial motor vehicle registration.

39.02.26, Rules Governing Temporary Vehicle Clearance for Carriers: This rule allows the Department to authorize and issue temporary clearance for a carrier who needs to immediately operate a commercial motor vehicle and who is in the process of obtaining and submitting requirements for full issuance of vehicle registration and license plates. This temporary permit provides for a 45-day intermediate clearance at a cost of \$18.

39.02.41, Rules Governing Special Provisions Applicable to Fees for Services: This rule includes fees associated with the costs of providing records (typically bulk data) for requestors other than law enforcement and specified state agencies which receive records free of charge. Depending on the format and nature of the records requested, there is a base charge of \$75.

39.02.60, Rules Governing License Plate Provisions: This rule encompasses several license plate programs and their identifiers/formats. It provides for dealer and loaner license plates, standard license plates, restricted vehicle license plates, transporter and wrecker license plates, the personalized plate program criteria, legislatively sponsored license plates and many others. Most fees for plate programs are set in Idaho Code; however there are two that are not and they are established by rule. For vehicle dealer registration and plates, the fee is \$15 annually or the dealer may purchase single trip permits. These are only valid on boat and utility trailers for demonstration purposes. The other fee within this rule is \$12 for standard sample plates to pay for the production of the plate and administrative fees.

39.03.03, Rules Governing Special Permits – General Conditions and Requirements: This is a new rule that was part of the Department's efforts to consolidate and streamline commercial motor vehicle permit rules and was presented during the 2019 legislative session. The fees set in this rule cover a variety of commercial motor vehicle permits. These fees simply cover administrative costs for processing, issuing and enforcing special permits. This program is revenue-neutral.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rules, please contact Ramón Hobdey-Sánchez at (208) 334.8810.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

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**IDAPA 39  
TITLE 02  
CHAPTER 04**

**39.02.04 – RULES GOVERNING MANUFACTURER AND NEW VEHICLE DEALER HEARING FEES**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201 and 49-1617(4), Idaho Code, and the Vehicle Dealer Act, Chapter 16, Title 49, Idaho Code. (12-26-90)

**001. TITLE AND SCOPE.**

This rule is titled IDAPA 39.02.04, “Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees,” and clarifies the process of collecting filing fees for hearings conducted by the Department for settling disputes between manufacturers and new vehicle dealers. (12-26-90)

**002. -- 099. (RESERVED)**

**100. GENERAL PROVISIONS.**

**01. Hearing Officer Appointment.** The Director will appoint a hearing officer to hear the dispute who is not a current employee of either a manufacturer or dealer. (12-26-90)

**02. Location of Hearings.** All hearings will be held in Ada County, Boise, Idaho. (12-26-90)

**03. Hearing Filing Fee.** The dealer requesting a hearing shall deposit a filing fee of two-thousand dollars (\$2,000) with the Department. The Department shall apply the filing fee toward the hearing costs which shall include: (12-26-90)

**a.** The hearing officer fee and expenses; (12-26-90)

**b.** Department legal expenses; (12-26-90)

**c.** Department investigative expenses pertaining to the dispute; (12-26-90)

**d.** A court recorder, hearing transcript, any witness fees; and (12-26-90)

**e.** Other Department verifiable expenses. (12-26-90)

**04. Hearing Fee Refunds and Additional Charges.** If the total verifiable costs of the hearing are less than two-thousand dollars (\$2,000), the Department shall refund the balance. If the costs exceed the two-thousand dollars (\$2,000) filing fee, the Department shall bill the responsible party for the remainder which is payable after the Department renders a decision. (12-26-90)

**101. -- 999. (RESERVED)**

**IDAPA 39  
TITLE 02  
CHAPTER 07**

**39.02.07 – RULES GOVERNING TITLING OF SALVAGE, SPECIALLY CONSTRUCTED,  
REPLICA AND REBUILT SALVAGE MOTOR VEHICLES**

**000. LEGAL AUTHORITY.**

Under the authority of Sections 49-201, 49-507 and 49-525, Idaho Code, the Department adopts the following rule. (1-1-90)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 39.02.07 “Rules Governing Titling of Salvage, Specially Constructed, Replica and Rebuilt Salvage Motor Vehicles.” (5-8-09)

**02. Scope.** These rules identify requirements for the classification and titling of motor vehicles defined as rebuilt salvage, or specially constructed, pursuant to Section 49-123(2)(l)(m) (n) (o) and (p), Idaho Code. (5-8-09)

**002. WRITTEN INTERPRETATIONS.**

This agency does not rely on written interpretations for these rules. (3-30-07)

**003. ADMINISTRATIVE APPEALS.**

All contested cases will be governed by the provisions of IDAPA 04.11.01. “Idaho Rules of Administrative Procedure of the Attorney General.” (3-30-07)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (3-30-07)

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office for motor vehicle investigations in Boise at 3311 W. State Street with a mailing address of P.O. Box 7129, Boise ID, 83707-1129. (3-30-07)

**02. Office Hours.** Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (3-30-07)

**03. Telephone and FAX Numbers.** The central office may be contacted during office hours by phone at 208-334-8663 or by fax at 208-334-8658. Requests will be directed to the appropriate motor vehicle investigator by location. (5-8-09)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. (3-30-07)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Assembled Vehicle.** A vehicle which has been constructed using parts from two (2) or more vehicles and has the same appearance as a vehicle that was manufactured under a specific make and model by a manufacturer. Changes may include frame and/or cab changes. See Section 301 for title application requirements. (5-8-09)

**02. Body/Center Passenger Area.** The center structure, either of a unibody or frame-type passenger vehicle, consisting of a unit of sheet metal and structural components that extends from the firewall to the back of the rear seat or to the factory seam separating the rear section or the centerline of the rear wheels, i.e. cowl panel, dash



panel, floor pans, center side body panels, side rails, rocker panels, and other such component parts that may be pertinent to this section. (5-8-09)

**03. Cab.** The passenger compartment of a common truck or pickup truck. It is a unit of sheet metal and structural components including the top/roof and the cowl which may or may not include glass, instrumentation, steering column and seat. (11-1-94)

**04. Frame.** The heavy metal structure that supports the auto body and other external component parts on body over-frame constructed vehicles only. (5-8-09)

**05. Replica Street Rod.** A vehicle made to replicate any pre-1949 vehicles which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle and other suspension components. The body will resemble the same as the manufacturer's original issue. See Section 301 for title application requirements. (5-8-09)

**06. Replica Vehicle.** A vehicle made to replicate any vehicle previously manufactured, using metal, fiberglass, or other composite matters. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles shall meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated, pursuant to Section 49-123(2)(n), Idaho Code. See Section 301 for title application requirements. (5-8-09)

**07. Street Rod Vehicle.** Any pre-1949 manufactured vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be the same as the manufacturer's original issue. See Section 301 for title application requirements. (5-8-09)

**011. -- 099. (RESERVED)**

**100. SPECIALLY CONSTRUCTED VEHICLES.**

**01. Specially Constructed Vehicle Examples.** Some examples of specially constructed vehicles are: Custom built vehicles, such as, kit conversions, homemade camp trailers, other homemade trailers that exceed two thousand (2,000) pounds unladen weight, motorcycles, vessels, snowmobiles, and effective January 1, 2009, slide-in truck-mounted campers. (5-8-09)

**02. Engine Changes.** A vehicle that has an engine of a different make, model or year from the body, frame and running gear is not considered a specially constructed vehicle. These vehicles retain the original title and identification designation. (5-8-09)

**03. Title Application Requirements.** (5-8-09)

**a.** The applicant must provide proof of ownership for all significant parts that are replaced, such as frame, body, and other parts that carry vehicle identification numbers. The body must have a properly released title and a bill of sale from the former owner. The frame only may be transferred with a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are replaced must be verified by traceable invoices identifying the part or parts from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing seller's name and address is required. A Manufacturer's Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer is acceptable. (5-8-09)

**b.** The model year will be the year that the specially constructed vehicle was first titled as a specially constructed vehicle. (1-1-90)

**c.** The make as shown on the certificate of title of a specially constructed vehicle will be identified as SPEN and the certificate of title will be branded "SPECIALLY CONSTRUCTED." (1-1-90)

**d.** When the vehicle is in operating condition an inspection by a motor vehicle investigator is required.

A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying affidavit. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner shall complete a self certification on a form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the Federal Motor Vehicle Safety Standards in effect for the model year. (5-8-09)

**101. -- 199. (RESERVED)**

**200. REBUILT SALVAGE VEHICLES.**

**01. Rebuilt Salvage Vehicle.** A rebuilt salvage vehicle, as defined by Section 49-123 (2)(l), Idaho Code, is: (5-8-09)

**a.** Every “Salvage or Total Loss Vehicle” that has been rebuilt, in compliance with Chapter 9, Title 49, Idaho Code, as regulated by Sections 49-524 and 49-525, Idaho Code; or (5-8-09)

**b.** Every vehicle that is coming into Idaho from another jurisdiction on a Salvage Certificate or other equivalent document showing evidence of a total loss payoff such as a bill of sale from an insurance company or other documentation indicating that the vehicle may have been a salvage or total loss vehicle shall be considered salvage. These vehicles may not be operated on Idaho highways until rebuilt in compliance with Chapter 9, Title 49, Idaho Code. They shall be issued an Idaho Salvage Certificate. If any vehicle described in Subsection 200.01, of this rule, is received by a “salvage pool” (as described in Section 49-120(4), Idaho Code), a salvage certificate of title must be issued, prior to sale. Any vehicle which has been declared junk, pursuant to Sections 49-516 and 49-522, Idaho Code, or is coming from another jurisdiction with a similar endorsement, or is designated by the owner or the insurance company as parts only, destroyed, or dismantled, may not be rebuilt for on-road use. (5-8-09)

**02. Title Application Requirements for Vehicles Defined as Salvage and Rebuilt Salvage Vehicles.** (5-8-09)

**a.** The applicant must provide a written statement which includes the vehicle information, vehicle identification numbers, salvage date, and the work done personally by the owner or supervised by the owner to restore the vehicle to the operating condition that existed prior to the event causing the vehicle to be salvaged. (5-8-09)

**b.** In the event that the applicant did not personally repair the vehicle or supervise its repair, but another party performed the repairs, the applicant shall certify to the best of his knowledge the name of the party that did repair the vehicle or personally supervised its repair. This certification shall be made on a salvage vehicle statement. (5-8-09)

**c.** In the event that repairs were not necessary to bring the vehicle to operating condition pursuant to Chapter 9, Title 49, Idaho Code, the applicant shall certify this on a salvage vehicle statement. (5-8-09)

**d.** The applicant must sign an indemnifying statement agreeing to defend the title in all legal disputes arising out of his possession of the title to the vehicle, and attesting to the fact that all information contained in the statement and its attachments are true and correct. (5-8-09)

**e.** The new Idaho title issued will be branded “REBUILT SALVAGE.” Such notation will remain on the title and on all subsequent transfers of the title. (5-8-09)

**03. Salvage Vehicle Damaged Out-of-State.** If a vehicle that is titled in Idaho is damaged in another state or jurisdiction to the extent that the vehicle becomes a “salvage vehicle” as defined by Section 49-123(2)(o), Idaho Code, and the vehicle is not going to be returned to Idaho, the owner or insurer must, upon determining the vehicle to be salvage, notify the purchaser and the department in writing of the salvage status. If this vehicle returns to Idaho, the title will be branded “Rebuilt Salvage” or carry another jurisdiction’s comparable brand forward. (5-8-09)

**201. -- 299. (RESERVED)**

**300. GLIDER KITS.**

**01. Title Application Requirements.** (5-8-09)

**a.** A Manufacturer's Certificate of Origin (MCO) for the glider kit must be submitted with the application for title. (5-8-09)

**b.** If the applicant dismantles a vehicle presently titled to the applicant and uses the significant parts with the glider kit, a statement of fact will be prepared, identifying the significant parts by identifying numbers. If the significant parts were purchased separately, a bill of sale or invoice from the new or used parts outlet is required. If the major component parts were purchased from a private owner, a bill of sale is required. (1-1-90)

**c.** If the frame and cab that the parts were stripped from will never be used again, i.e., frame and cab destroyed, not salvageable, the title must be surrendered with the application. If the frame or cab can be used again, the motor vehicle investigator will mark the title "frame only" or "cab only" and note such in the statement of fact. (5-8-09)

**d.** The vehicle must be completely assembled and meet the requirements of Chapter 9, Title 49, Idaho Code, and the federal motor vehicle safety standards in effect for the model year at the time of inspection. (5-8-09)

**02. Assignment of VIN.** The VIN will be the number assigned to the kit by the manufacturer. In the absence of such number, the motor vehicle investigator will assign a VIN. (5-8-09)

**03. Model Year.** The model year will be the year of the kit, determined by priority in the following order: (7-1-90)

**a.** Seventeen (17) digit VIN year designator; (11-1-94)

**b.** Designation of model year shown on an approved Manufacturer Certificate of Origin (MCO); or (5-8-09)

**c.** Written statement from the manufacturer. (11-1-94)

**04. Make of Vehicle.** The make of the vehicle will be the name of the manufacturer of the glider kit. (1-1-90)

**05. Title Branded.** The designation "GLIDER KIT VEHICLE" will be branded on the title. (7-1-90)

**06. Inspection Fee.** The motor vehicle investigator will charge a fee of twenty-five dollars (\$25) for the inspection and preparation of documents. If a VIN assignment is made, the fee required by Section 49-202(2)(i), Idaho Code, will also be charged. (5-8-09)

**301. TITLE APPLICATION REQUIREMENTS FOR REPLICA, STREET RODS, REPLICA STREET RODS, AND ASSEMBLED VEHICLES.**

**01. Applicant Must Provide Proof of Ownership.** The applicant must provide proof of ownership for all significant parts that are used in replicating or assembling the vehicle. The body must have a properly released title and a bill of sale from the previous owner. The frame only may be transferred with a copy of a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are used must be verified by traceable invoices identifying the part or parts from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing the seller's name and address is required. A Manufacturer's Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer is acceptable. (5-8-09)

**02. Model Year for Replica Vehicles.** The model year for replica vehicles will be the year that the vehicle replicates. The model year for assembled vehicles will be the model year of the vehicle body. (5-8-09)

**03. Inspection by a Motor Vehicle Investigator.** When the vehicle is in operating condition an inspection by a motor vehicle investigator is required. A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying statement. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner shall complete a self certification form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the federal motor vehicle safety and emission standards in effect for the model year and type of vehicle. (5-8-09)

**305. -- 399. (RESERVED)**

**400. BRANDING.**

**01. Brand Definition.** A description on a certificate of title, as determined by the department or the equivalent agency of another jurisdiction, which indicates and advises future owners and interested parties that: (5-8-09)

**a.** The vehicle has or has had a relevant physical condition, modification, construction, alteration or history of use; or (5-8-09)

**b.** Past or present ownership of the vehicle could not be clearly established to the satisfaction of the department or the equivalent agency of another jurisdiction. (5-8-09)

**02. Brand Disclosure.** (5-8-09)

**a.** Upon sale by a dealer of any salvage or total loss vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, shall be conspicuously disclosed to the buyer and a record must be maintained by the dealer. Disclosure may be made on a form as provided by the department for a report of sale. The buyer must sign that they have received disclosure of the vehicle brand. Proof of disclosure must be submitted to the department. (5-8-09)

**b.** Upon sale by a private party of any salvage or total loss vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, shall be conspicuously disclosed to the buyer. (5-8-09)

**03. Branding Time Frame.** Each branded vehicle and branded certificate of title shall retain that brand throughout the existence of the vehicle regardless of its age or value. (1-1-90)

**04. Brands Removed.** If any salvage vehicle leaves the state of Idaho with or without an Idaho salvage certificate of title and such vehicle returns to Idaho, it will once again be subject to the requirements under Idaho Code and this rule. If any vehicle leaves the state of Idaho with a regular Idaho title showing any brand and such vehicle returns to Idaho without the brand or an equivalent brand from another jurisdiction, the original Idaho brand will be replaced on the new Idaho title. (5-8-09)

**401. -- 999. (RESERVED)**

**IDAPA 39  
TITLE 02  
CHAPTER 22**

**39.02.22 – RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION**

**000. LEGAL AUTHORITY.**

This rule, governing registration and permit fee administration as provided for in Sections 49-434 and 49-439, Idaho Code, is adopted under authority of Section 49-201, Idaho Code. (3-29-10)

**001. TITLE AND SCOPE.**

**01. Title.** This rule is titled IDAPA 39, Title 02, Chapter 22, “Rules Governing Registration and Permit Fee Administration.” (3-19-07)

**02. Scope.** This rule clarifies the procedures for administering registration and permit fees. (3-19-07)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (3-19-07)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter will be governed by the provisions of IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-19-07)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (3-19-07)

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W State Street with a mailing address of PO Box 7129, Boise ID 83707-1129. (3-19-07)

**02. Office Hours.** Daily office hours are 7:30 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (3-29-10)

**03. Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8611 or by Fax at 208-334-2006. (3-29-10)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. (3-19-07)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Combination of Vehicles.** A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (11-20-91)

**02. Customer.** The individual or entity that is registering/permitting the vehicle. The following terms; customer, individual, company or registrant are interchangeable in this rule. (3-19-07)

**03. Insufficient Funds (ISF).** ISF will be the abbreviation as it pertains to checks written on personal and/or business checking accounts without sufficient funds to cover the check, for payment to the department. (3-19-07)

**04. Non-Reducible Load.** Defined in IDAPA 39.03.01, “Rules Governing Definitions,” Subsection 010.31. (3-19-07)

**05. Probable Cause.** Information sufficient to create a reasonable belief that the registrant of a motor vehicle(s) has either not paid fees due or has under reported miles traveled or has underpaid fees due. (3-19-07)

**06. Quarterly Report.** The form for registrants to report the laden miles traveled on Idaho highways during the preceding three (3) months when transporting non-reducible vehicles/loads under annual overweight/oversize permits. (3-19-07)

**07. Revocation of Registration.** The termination of a registrant's vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the Department and Idaho Code. (3-19-07)

**08. Registrant.** A person, firm, or corporation in whose name a vehicle or vehicles are registered, with an Idaho account number assigned by the department. (3-19-07)

**09. Road Use Fee.** The fee per mile paid for non-reducible vehicles or combinations of vehicles hauling non-reducible loads. The fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight, in addition to the registration fee. (3-19-07)

**10. Suspension of Registration.** The temporary withdrawal of a registrant's vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the department and Idaho Code. (3-19-07)

**11. Third-Party Checks.** Checks payable to one entity, and endorsed over to another entity for payment. (3-19-07)

**011. -- 099. (RESERVED)**

**100. QUARTERLY ROAD USE FEE REPORTS FOR ANNUAL OVERWEIGHT PERMITS.**

To comply with Section 49-1001, Idaho Code, the customer will make quarterly reports of laden only mileage to the department for the movements of non-reducible vehicle/loads, at the appropriate permitted weight level of the annual overweight/oversize permits. These fees are in addition to the registration fees required to be paid to the department. Mileage and road use fees for single trip overweight/oversize permits are calculated and collected at the time of issuance and are not reported quarterly. (3-25-16)

**101. QUARTERLY ROAD USE FEE REPORTING.**

**01. Quarterly Reporting Forms Issued.** The department will issue a quarterly report form to customers for each valid annual overweight/oversize permit issued to them. (3-19-07)

**02. Use of Quarterly Reporting Form.** The customer is required to report each quarter's information on the form provided on or before the due date specified on the quarterly report form, even when reporting zero (0) miles traveled. (3-25-16)

**a.** If the customer does not receive a quarterly report form, it is the customer's responsibility to notify the department allowing adequate time to submit the report before the due date. (3-19-07)

**b.** Any report transmitted through the US Postal Service shall be considered filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or wrapper containing the report. A postage meter cancellation shall not be considered as a post office cancellation mark. (3-19-07)

**c.** If the quarterly report form due date falls on a Saturday, Sunday, or legal holiday, the due date will be extended to the next business day. (3-25-16)

**d.** Quarterly reports not submitted will result in the account being suspended. (3-25-16)

**03. Information Required on the Quarterly Report Form.** Customers must report the following: (3-19-07)

**a.** The number of laden miles traveled on Idaho highways when operating under an annual overweight/oversize permit with non-reducible vehicles and/or load that exceed eighty thousand (80,000) pounds and/or legal axle weights for the appropriate weight category for the quarter specified on the quarterly report form, rounded to the next full mile; and the road use fee due; and penalty, if the report is filed after the due date. (3-25-16)

**b.** Total amount due. (11-20-91)

**c.** Signature and title of company official, and date of report. All reports filed with the department must be signed by an authorized representative of the company/individual in order to be considered a valid report even if zero (0) miles are being reported. (3-25-16)

**d.** Address change, if different from quarterly report form. (11-20-91)

**e.** Customer telephone number (3-19-07)

**102. -- 199. (RESERVED)**

**200. INSTALLMENT PAYMENTS FOR COMMERCIAL VEHICLE REGISTRATION.**

The department offers a Payment Plan for registrants in compliance with Sections 49-434, Idaho Code. (3-19-07)

**01. Requirements to Participate in Installment Payments.** (3-19-07)

**a.** Participant must sign participation contract agreement. (3-19-07)

**b.** Only Full Fee and Idaho IRP registration fees are included in the payment plan. Other jurisdictions' IRP fees shall not be included. (3-19-07)

**c.** Only full annual registration fees shall be included in payment plan. Registrations for less than one full year shall not be included. (3-19-07)

**d.** Vehicles not registered within thirty (30) days after the previous year registration has expired shall not be eligible for the installment payment option. Submitted applications for registration that have been invoiced, but not paid for, by the due date stated on the fee summary sheet shall not be eligible for the installment payment option. (3-29-10)

**e.** Installment contract requirements do not provide opportunity for registrant to opt out of any remaining installment payments. The balance of the payment plan shall continue to be paid even if the truck is not being operated. (3-19-07)

**f.** If registrant meets the criteria in Section 300 of this rule, the prorated portion of the Idaho fee shall be credited toward the installment plan or refunded if the plan has been paid in full. (3-29-10)

**g.** Registrant shall not participate in installment payment plan if the registrant's account has previously been suspended as stated in Subsection 200.06 of this rule. (3-29-10)

**h.** The contract shall stipulate the payment periods and the installment confirmation letter shall stipulate the due dates of each subsequent payment. (3-19-07)

**i.** An installment payment plan fee of fifty dollars (\$50) shall be required and collected at the time of setup for each installment payment plan created. (3-29-10)

**02. Billings, Payments and Due Dates of Installment Plan.** (3-19-07)

**a.** The department shall upon acceptance of the contract by the registrant, receive one-quarter of the annual registration fee along with the installment payment plan fee, and then shall bill the registrant for three (3) equal installments based upon the previously set payment periods outlined in the contract, which are due by the end

of the third, sixth, and ninth months after the effective date of the registration. (3-29-10)

**b.** Courtesy billing notices for the next installment payment due will be mailed approximately one (1) month prior to the due date. (3-29-10)

**c.** US Postal Service postmark shall be used to determine if payment is received on time. If the envelope is postmarked on or before the last day of the month, the payment shall be considered “on time.” (3-19-07)

**d.** If the last day of the month falls on a Saturday, Sunday or legal holiday, the next business day shall be considered the due date. (3-19-07)

**e.** Non receipt of the department’s billing notice does not relieve the burden of the registrant to pay the installment amount by the due date. (3-19-07)

**03. Failure to Pay Installment Payment by Due Date.** (3-19-07)

**a.** The department shall send out courtesy pre-suspension notices approximately five (5) days after the due date to registrants who have failed to remit payment by the due date printed on the quarterly billing. (3-29-10)

**b.** The pre-suspension letter shall contain a late penalty fee of ten percent (10%) of the amount due and an additional one percent (1%) for each month or portion of a month that the payment is past due. (3-19-07)

**c.** Registrant shall pay installment amount portion that is due, plus assessed penalties and interest. (3-19-07)

**04. Suspension of Registrant’s Account Due to Non-Payment of Payment Plan.** Approximately two (2) weeks after pre-suspension notices are mailed to the registrant, the department shall suspend accounts of registrant’s that have failed to remit installment payment and/or interest and penalty. (3-19-07)

**05. Reinstatement Fee for Payment Plan Registration.** (3-19-07)

**a.** A forty dollar (\$40) reinstatement fee shall be applied to all payment plan accounts that have been suspended. (3-19-07)

**b.** Registrant must pay quarterly payment portion, penalty and interest, if applicable, and reinstatement fee before suspension shall be cleared from account. (3-19-07)

**06. Repetitive Suspensions Result.** (3-29-10)

**a.** After the registrant’s account has been suspended for delinquent installment payments two (2) or more times, the registrant shall not be allowed to participate in future payment plan programs unless; (3-29-10)

**i.** Customer has twelve (12) consecutive months of no suspensions related to the account starting from the month the account is cleared; and (3-29-10)

**ii.** Customer requests in writing to the department to participate in future installment payment plans and will be allowed to do so. (3-29-10)

**201. -- 299. (RESERVED)**

**300. REFUNDS.**

**01. Fees Eligible for Refund.** (3-19-07)

**a.** Commercial vehicle registration is eligible for refund when the criteria in Section 49-434, Idaho Code, are met. (3-19-07)



- b. If account has been overpaid, and no other fees are owed to the department. (3-19-07)
- c. Unexpired portion of Idaho based fees are refundable for: (3-19-07)
  - i. A vehicle that has been sold or repossessed; (3-29-10)
  - ii. A vehicle that has been damaged beyond repair; or (3-19-07)
  - iii. A vehicle on which the lease has been terminated. (3-19-07)
  - iv. Other refund requests will be reviewed and approved or denied on a case by case basis. (3-25-16)
- 02. Fees Not Eligible for Refunds.** Other jurisdiction’s fees are not refundable by Idaho. (3-25-16)
- 03. Request for Refunds:** (3-19-07)
  - a. Registrant can make a request for refund of fees from the department. The refund request must include: (3-19-07)
    - i. Proof of sale or repossession of the vehicle; (3-29-10)
    - ii. Proof from the insurance company or law enforcement agency that the vehicle has been damaged beyond repair; or (3-19-07)
    - iii. Proof of lease termination from the leasing company. (3-19-07)
  - b. Request shall be subject to audit as provided in Idaho Code. (3-19-07)
  - c. All refund requests shall be reviewed to ensure that all requests are valid and eligible. The Revenue Operations supervisor shall also approve/disapprove refunds. If the refund amount is greater than or equal to one thousand (\$1,000) dollars, a Financial Services manager shall also review and approve/disapprove the request before refund is processed. (3-25-16)
  - d. Approval/disapproval shall be indicated by either signature, or electronic approval by means of the department’s financial management system. (3-19-07)
- 301. -- 599. (RESERVED)**
- 600. INSUFFICIENT FUNDS.**  
Insufficient Funds will be indicated by the abbreviation ISF. (3-19-07)
  - 01. Payment With Insufficient Fund Check.** If a customer pays a fee by check and the check is returned to the department as ISF, the transaction will be cancelled. The department reserves the right to not accept checks from a customer who has written two (2) or more ISF checks within four (4) years to the department. That customer will have to pay with cash, or verifiable check, or credit card. (3-25-16)
  - 02. Suspension of Account.** The department will suspend the customer's account until the customer has paid the amount of the ISF check, along with the twenty dollar (\$20) ISF fee. (3-25-16)
  - 03. No Further Transactions.** The department will not complete further transactions with the customer until the customer has paid the amount of the ISF check along with the twenty dollar (\$20) ISF fee. (3-19-07)
- 601. ACCEPTANCE OF CHECKS.**  
The department will accept personal checks as form of payment with sufficient proof of identification. If check payment is received by mail, the check will be accepted unless the customer has written two (2) or more ISF checks within four (4) years to the department, per Subsection 600.01 of this rule. (3-25-16)

**602. CREDIT CARD PAYMENTS.**

The department will accept only Visa or Mastercard for any fees due to or purchases from the department. (3-25-16)

**603. -- 699. (RESERVED)**

**700. SUSPENSION OF REGISTRATION.**

The department shall suspend the vehicle registration(s) by notifying the registrant in writing sent via first class pre-paid mail to the registrant's last known address if: (3-19-07)

**01. Failure to Comply.** The registrant fails to comply with a billing letter requesting payment of fees and penalties. (3-19-07)

**02. Non-Filing by the Registrant.** The registrant does not file quarterly reports or make installment payments to the department. (3-19-07)

**701. REVOCATION OF REGISTRATION.**

The department shall revoke the vehicle registration(s) if the registrant fails to comply with a suspension notice within fifteen (15) days of receipt of the notice. (3-19-07)

**702. REQUIREMENTS FOR REINSTATEMENT OF REVOKED OR SUSPENDED VEHICLE REGISTRATION.**

**01. Revocation.** In the case of a revocation, a registrant must pay all fees due and a forty dollar (\$40) reinstatement fee to be reinstated and must also re-register to resume operating. (3-25-16)

**02. Suspension.** In the case of a suspension all fees, reports, and records required prior to the suspension must be provided to the department, including a forty dollar (\$40) reinstatement fee. (3-25-16)

**703. REQUIREMENTS FOR COLLECTIONS.**

All unpaid amounts owed to the department may be sent to an external collection agency. Collection agencies may charge a fee for their efforts in collection of a debt as per Section 67-2358, Idaho Code. Accounts that have been assigned to a collection agency must pay the collection agency all fees due. The department will not accept the payment once assigned to the collection agency. (3-25-16)

**704. -- 799. (RESERVED)**

**800. ENFORCEMENT.**

**01. Delayed Movement.** If the registration of a vehicle is suspended the Ports of Entry shall delay movement of the vehicle until such time as the registrant complies with the condition(s) that caused the suspension. (3-19-07)

**02. Revoked Registrations.** If a registrant's registrations are revoked for failure to respond to a suspension notice, the motor vehicle cannot be operated on Idaho highways until the registrant complies with Section 702 of this rule. Registrants with outstanding balances owed to the department or revoked registrations are not eligible to purchase trip permits. (3-25-16)

**801. -- 899. (RESERVED)**

**900. APPEAL PROCEDURE.**

**01. Filing of Appeal.** A registrant wishing to contest a penalty or suspension of a registration or an account may file an appeal within ten (10) days of receipt of the notice. (3-19-07)

**02. Delivery of Appeal.** The appeal must be either hand delivered or mailed to Commercial Vehicle Services Manager, Idaho Transportation Department, P.O. Box 7129, Boise, Idaho 83707-1129. (3-19-07)

**03.**      **Delivery of Decision.** A copy of the final decision in response to the request will be sent to the registrant. (3-19-07)

**901. -- 999.**      **(RESERVED)**

**IDAPA 39  
TITLE 02  
CHAPTER 26**

**39.02.26 – RULES GOVERNING TEMPORARY VEHICLE CLEARANCE FOR CARRIERS**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, 49-202, and 49-501, Idaho Code. (1-2-93)

**001. TITLE AND SCOPE.**

**01. Title.** This rule is titled IDAPA 39.02.26, “Rules Governing Temporary Vehicle Clearance for Carriers,” IDAPA 39, Title 02, Chapter 26. (3-24-16)

**02. Scope.** This rule provides for temporary vehicle clearance (TVC) procedures in Idaho, self issued by carriers or issued by the Department. (3-24-16)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (3-24-16)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter will be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-24-16)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (3-24-16)

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. (3-24-16)

**02. Office Hours.** Daily office hours are 7:30 a.m. to 5 p.m. except Saturday, Sunday, and state holidays. (3-24-16)

**03. Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8611 or by fax at (208) 334-2006. (3-24-16)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (3-24-16)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Carrier.** The person or company who is qualified for registration in Idaho, and whose vehicles are issued Temporary Vehicle Clearances. (3-24-16)

**02. Temporary Vehicle Clearance (TVC).** Temporary clearance issued for immediate operation of a vehicle pending receipt of credentials. (3-24-16)

**011. -- 099. (RESERVED)**

**100. ADMINISTRATION.**

Temporary Vehicle Clearances, valid for a maximum of forty-five (45) days or to the registration year expiration date, may be issued to a carrier whose account is in good standing. (3-24-16)

**101. -- 199. (RESERVED)**

**200. ISSUANCE OF TVC.**

**01. Temporary Vehicle Clearances.** Carriers may request temporary vehicle clearances online, from the department or an Idaho port of entry. Fees are payable when the clearance is issued. (3-24-16)

**201. ISSUANCE OF VEHICLE REGISTRATION (CAB CARD) AND LICENSE PLATE(S).**

**01. Issuance of Vehicle Registration & License Plate(s).** The vehicle registration and license plate(s) may be issued when: (3-24-16)

**a.** The online application is received by the Department and all licensing requirements are met; (3-24-16)

**b.** The carrier submits a copy of an Idaho title or title receipt showing that the vehicle is titled in the owners name; (3-24-16)

**02. Permanent Identification.** When all criteria are met, a registration and a validation plate and/or sticker will be issued. (3-24-16)

**202. -- 299. (RESERVED)**

**300. COST AND PAYMENT.**

The fee for temporary vehicle clearances issued via facsimile transceiver equipment or self issued by the carrier is eighteen dollars (\$18) per clearance, payable in advance by the carrier. (3-24-16)

**301. -- 999. (RESERVED)**

**IDAPA 39  
TITLE 02  
CHAPTER 41**

**39.02.41 – RULES GOVERNING SPECIAL PROVISIONS APPLICABLE TO FEES FOR SERVICES**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, Idaho Code. (3-29-10)

**001. TITLE AND SCOPE.**

This rule is titled IDAPA 39.02.41, “Rules Governing Special Provisions Applicable to Fees for Services,” and identifies special provisions applicable to fees for services not specifically outlined in Title 49, Idaho Code. (12-26-90)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (4-11-06)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter will be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (4-11-06)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (4-11-06)

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. (4-11-06)

**02. Office Hours.** Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-11-06)

**03. Telephone and FAX numbers.** The central office may be contacted during office hours by phone at 208-334-8000 or by fax at 208-334-3858. (4-11-06)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. (4-11-06)

**007. -- 099. (RESERVED)**

**100. ADMINISTRATION.**

Idaho Code provides for the collection of fees for related services. This rule provides for automation considerations and a fee schedule to uniformly apply the fee provided by Section 49-202(2)(h), Idaho Code. The following fees apply for services and copies of files regarding motor vehicle or other registrations, motor vehicle titles, driver’s licenses or commercial driver’s licenses, and are based on the per hour charge specified in Section 49-202(2)(h), Idaho Code. (3-29-10)

**01. Paper or Imaged Records.** Copies of supporting driver’s license, registration, or title records from paper or imaged records, based on an average of twenty-four (24) minutes to fully process these requests at the per-hour rate specified in Section 49-202(2)(h), Idaho Code, and rounded to the nearest whole dollar. (3-29-10)

**02. Automated Records.** Idaho Code does not provide a fee for complete county or statewide automated copies of registration or title files. A fee has been based on the costs to produce special file requests. (4-11-06)

**a.** A base charge for programs requiring: One (1) to three (3) sorts, seventy-five dollars (\$75). Each additional sort, twenty-five (\$25). (12-26-90)

b. In addition to the above, the computer cost, printer cost and tape access cost, as established by the information technology section will be charged. (4-11-06)

c. Any mailing, shipping or special handling costs will also be added to the charges. (12-26-90)

**03. Electronic Media Must Be Provided.** Requestors must provide electronic media for this purpose, unless the file can be transmitted electronically. Data is provided in a standard department format. Vehicle or driver history information is not included. The only selection criterion is by counties. (3-29-10)

**04. Records Provided Free of Charge.** Motor vehicle and driver records will be provided free of charge to the following: (9-4-91)

a. State Agencies. (9-4-91)

b. County Assessors. (9-4-91)

c. County Sheriffs. (9-4-91)

d. Peace Officers requesting records in the performance of their duties as per Section 49-202(3), Idaho Code. (9-4-91)

**05. Rules for Providing Records Free of Charge.** The Division of Motor Vehicles will observe the following guidelines when providing records free of charge: (4-11-06)

a. Records will be provided free of charge only if they are a standard computer run that does not require special programming and/or sorting. Records requiring special handling will be provided for a fee equal to the cost of the additional handling. (9-4-91)

b. Records will be provided free of charge electronically or on electronic media supplied by the requestor, or as a standard computer printout. All other formats will be provided for a fee equal to the cost of the additional materials. (3-29-10)

c. The Assessor's Clearinghouse and the Sheriff's Clearinghouse shall each establish a single standardized computer printout that will be used for all motor vehicle and driver requests from their respective agencies. (9-4-91)

d. Records access agreements between the Division of Motor Vehicles and government agencies requesting motor vehicle and driver records shall be negotiated and renewed annually, and shall contain a list of all personnel who will have access to the records and/or on-line terminals. (4-11-06)

e. On-line computer installation and equipment shall be charged at a rate defined in the annual agreement. (9-4-91)

**101. -- 199. (RESERVED)**

**200. LAW ENFORCEMENT INQUIRIES.**

The Department provides full access to motor vehicle files by Law Enforcement at no charge through the Idaho Law Enforcement Telecommunication Systems (ILETS). There is also no charge to Law Enforcement for certified motor vehicle or driver record packets to peace officers. For additional services beyond access to motor vehicle records (special reports, etc...), actual costs incurred by the Department will be charged. (3-29-10)

**201. JURY LISTS.**

Idaho Code provides for the use of motor vehicle records for jury lists. The Department does not charge the counties for this use. (12-26-90)

**202. SPECIAL AGREEMENTS.**

**01. Agreements for Services.** The Department may enter into agreements for services and copies of motor vehicle files to requestors with special highway safety and statistical reporting requirements. Initial costs incurred by the Department shall be reimbursed by the requestor. Ongoing charges or fees will be based on the agreement. (12-26-90)

**02. Right to Receive Information Subject to Idaho Code.** This rule is not intended to imply that a requestor has the right to receive information. The fees, as stipulated in this rule, apply when the requestor is eligible to receive the information, subject to Idaho Code. (12-26-90)

**203. MISCELLANEOUS.**

The fee for vehicle inquiries by name will be based on the proper fee per vehicle record. Commercial vehicle inquiries shall be based on a per vehicle record fee. (3-29-10)

**204. -- 999. (RESERVED)**



**IDAPA 39  
TITLE 02  
CHAPTER 60**

**39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS**

**000. LEGAL AUTHORITY.**

This rule, establishing the policies used to administer Idaho's standard and specialized license plate programs, is adopted under the authority of Section 49-201, Idaho Code. (1-3-92)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 39.02.60 "Rules Governing License Plate Provisions." (4-2-08)

**02. Scope.** This rule governs license plate provisions for standard license plates not otherwise detailed in Title 49, Idaho Code, and provisions for all specialty program license plates, personalized plates, and special eligibility plates. (4-2-08)

**002. WRITTEN INTERPRETATIONS.**

This agency does not rely on written interpretations for these rules. (4-2-08)

**003. ADMINISTRATIVE APPEALS.**

All contested cases will be governed by the provisions of IDAPA 04.11.01. "Idaho Rules of Administrative Procedure of the Attorney General." (4-2-08)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (4-2-08)

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. (4-2-08)

**02. Office Hours.** Daily office hours at 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-2-08)

**03. Telephone and FAX Numbers.** The central office may be contacted during office hours by phone at 208-334-8649 or by fax at 208-334-8542. (4-2-08)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. (4-2-08)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Authorized Employees.** Authorized employee as used in this rule means any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made. (1-3-92)

**02. Furtherance or Pursuance of Business.** Furtherance or pursuance of business as used in this rule or in Section 49-1627, Idaho Code, means any lawful use of a dealer or loaner plate by an authorized employee of a dealership for the movement of a vehicle to be sold, repaired or transferred from one (1) location to another. (1-3-92)

**03. Leased or Rented Vehicles.** Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public. (1-3-92)

**04. Vehicles Not Held in Stock.** Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title. (1-3-92)

**05. Vehicles Sold.** Vehicles which have been sold as used in Section 49-1627, Idaho Code, means vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. (1-3-92)

**011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.**

The Idaho Transportation Department is authorized to assign unique plate letter/number spacing schemes and to use specific letter/number combination schemes as needed for the purpose of ensuring unique numbering systems for all license plate programs and to administer the provisions of this rule. (4-2-08)

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

**01. Proof of Registration Document.** Upon receipt of payment for required registration and program fees proof of registration receipt document may be issued, indicating "license plates on order." This option will be used whenever license plates are required to be manufactured after the registration transaction has been completed. The proof of registration receipt document shall provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. At the discretion of the Department, more than one (1) proof of registration may be issued, if needed, in order to manufacture license plates. (3-20-14)

**02. Placement of Proof of Registration Document.** The proof of registration receipt document shall be displayed in the rear window of the vehicle for which it is issued. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the proof of registration must be conspicuously displayed where the license plate number and expiration date of the newly issued plate may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (3-20-14)

**03. Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable.** Upon receipt of payment for required registration and program fees, the county may issue a manual temporary registration for thirty (30) days, through use of a temporary form provided by the Department, in the event the automated system is unavailable. When the system resumes normal operation, the county office shall enter such registration information, and produce the registration form and validation decals and mail to the registered applicant. The manual temporary registration form shall be displayed in the rear window of the vehicle for which it is issued. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the temporary registration must be conspicuously displayed where the number and expiration date of the permit may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (5-8-09)

**013. -- 099. (RESERVED)**

**100. LICENSE PLATE PROVISIONS FOR STANDARD PLATES.**

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

1A - Ada	2A - Adams	1B - Bannock	2B - Bear Lake
3B - Benewah	4B - Bingham	5B - Blaine	6B - Boise
7B - Bonner	8B - Bonneville	9B - Boundary	10B - Butte

1C - Camas	2C - Canyon	3C - Caribou	4C - Cassia
5C - Clark	6C - Clearwater	7C - Custer	E - Elmore
1F - Franklin	2F - Fremont	1G - Gem	2G - Gooding
I - Idaho	1J - Jefferson	2J - Jerome	K - Kootenai
1L - Latah	2L - Lemhi	3L - Lewis	4L - Lincoln
1M - Madison	2M - Minidoka	N - Nez Perce	1O - Oneida
2O - Owyhee	1P - Payette	2P - Power	S - Shoshone
1T - Teton	2T - Twin Falls	V - Valley	W - Washington

(1-3-92)

**02. Designation for Farm Vehicles.** License plates for farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight will have the county designator, then a unique serial number followed by the letter "T". (4-2-08)

**03. Designation for Recreational Vehicles.** License plates for recreational trailers will have the county designator, then a unique serial number followed by the letter "R". (4-2-08)

**04. Designations for Motor Homes.** License plates for motor homes will have the county designator, then a unique serial number followed by the letter "M". (4-2-08)

**101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.**

Per Section 49-402 (4), Idaho Code, the Idaho Transportation Department shall provide restricted vehicle plates to county offices for issuance to all-terrain vehicles, utility type vehicles, and motorbikes. Per Section 49-443(1), Idaho Code, such plates shall be four inch by seven inch (4" x 7") plates, be printed with a combination of letters and numbers as determined by the department, and be printed in black on a white reflective background. Plates shall be printed with "Idaho Restricted Vehicle" on the top and no other inscription. The plate shall also have a decal placed in the lower left-hand corner indicating the year it is required to be re-placed. The plate shall not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, being affixed to the lower right-hand corner of the plate. Idaho restricted vehicle plates may not be personalized. (5-8-09)

**102. -- 149. (RESERVED)**

**150. VEHICLE DEALER LICENSE PLATES FORMATS.**

**01. Designation for Manufacturers Plates.** Plates issued to manufacturers shall bear the designation "MFR" and be numbered from nine thousand (9000) through nine thousand, nine hundred, ninety-nine (9999). (1-3-92)

**02. Designation for Dealer Plates.** Plates issued to dealers shall bear the designation "DLR" and the sequential license plate number shall be a maximum of two (2) digits. (1-3-92)

**a.** If a dealer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number. (1-8-90)

**b.** The dealer number shall be a maximum of four (4) digits. No dealer number shall be preceded by a zero (0): Dealer number one (1), plate number one (1): 1-01; Dealer number one thousand one (1001), plate number one hundred (100): 1001-A1. (1-8-90)

**c.** Dealer restricted vehicle plates will display the abbreviation "DLR" within the lower left hand box labeled "Restricted Vehicle". The dealer validation sticker shall be displayed within the box labeled "Dealer Validation Sticker". (3-2-10)

**151. VEHICLE DEALER LICENSE PLATES RESTRICTIONS.**

**01. Restrictions.** Restrictions on the use of manufacturer or dealer plates are provided for by Section 49-1627, Idaho Code. In addition, the following restrictions shall apply: (1-3-92)

**a.** Authorized employees may operate vehicles displaying dealer plates only when operated in the furtherance of the dealer's business. The authorized employee must carry an identification card issued by the dealer. The identification card shall contain the employee name, dealership, date of issue, dealer number and signature of an authorized representative of the dealership and the signature of the employee. This use shall be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use. (1-3-92)

**b.** A manufacturer shall not display manufacturer plates on vehicle types other than those manufactured by the manufacturer. (1-8-90)

**c.** A new or used motorcycle dealer shall not display motorcycle dealer plates on other vehicle types nor on a new motorcycle that the dealer is not enfranchised to sell. (3-2-10)

**d.** A new vehicle dealer shall not display new vehicle dealer plates on new vehicles that the dealer is not enfranchised to sell. (4-2-08)

**e.** A new or used motorbike, all terrain vehicle, or utility vehicle dealer shall not display dealer restricted vehicle plates on other vehicle types nor on any new motorbike, all terrain vehicle, or utility vehicle that the dealer is not enfranchised to sell. (3-2-10)

**f.** Vehicles displaying a dealer restricted vehicle plate shall be limited to operation off-highway, on authorized local jurisdiction roadways, on those roadways maintained by the Idaho Department of Lands, the Bureau of Land Management, and the US Forest Service. Restricted vehicles displaying the dealer restricted vehicle plate shall not operate on any state highway, but may cross such at a designated crossing. (3-2-10)

**g.** Vehicles displaying a dealer restricted vehicle plate are not required to display the Idaho Department of Parks and Recreation Off-highway registration to be valid, but are required to be validated in the same manner as are standard dealer plates and display the required annual validation sticker on the restricted plate. (3-2-10)

**h.** A prospective purchaser shall not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. (4-2-08)

**i.** A dealer or manufacturer shall not display a dealer plate for purposes other than provided for by law or regulation. (4-2-08)

**02. Penalties.** In addition to the penalties for violation of plate use provided for in Section 49-236, Idaho Code, a dealer or manufacturer may have his license to do business in Idaho suspended for a period not less than fifteen (15) days nor more than thirty (30) days. (1-8-90)

**152. VEHICLE DEALER LOANER PLATES.**

**01. Numbering.** Plates shall be numbered from LAA001 to LZZ999. (1-03-93)

**02. Surrender of Plates.** If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There shall be no refund of fees. (1-8-90)

**03. Vehicle Log.** Dealerships shall maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log shall be available for inspection by any peace officer or agent of the Department and shall contain the: (1-8-90)

**a.** Vehicle Identification Number (VIN) or dealership stock number if such stock number can be

traced to the vehicle's VIN; (1-8-90)

b. Date(s) the plates were displayed on a vehicle; (1-8-90)

c. Number printed on the plate displayed; (4-2-08)

d. Name of person authorized to use the plate; and (1-8-90)

e. Purpose for which vehicle was used. (1-8-90)

**04. Identification Card.** The Department shall provide an identification card, (registration) for each plate showing the: (4-2-08)

a. Dealership name and address; (1-8-90)

b. Number printed on the plate; (4-2-08)

c. Calendar year for which the registration is valid; (1-8-90)

d. Dealer number; (1-8-90)

e. Date of issue; and (1-8-90)

f. A place for the dealer's signature. (1-8-90)

**05. Letter of Authorization.** Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired shall have in their possession a letter of authorization or a document showing both the user and dealership name. The document letter must be signed and dated by an authorized employee of the dealership. (1-3-92)

**06. Vehicle Use Donation for Civic and Charitable Events.** Licensed dealers may authorize the use of their loaner plates when donating the use of vehicles held in their inventory for civic or charitable events. Such time period shall not exceed thirty (30) days. The dealer shall provide a letter of authorization to be carried in the vehicle and proof of current liability insurance, as required by Chapter 12, Title 49, Idaho Code. (4-2-08)

**07. User Fee.** The dealer may charge the user a fee for vehicles held in stock for sale and provided to a customer of a dealership while the customer's vehicle is being repaired. (1-3-92)

**08. Fees.** The fees charged for dealer loaner plates shall be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and shall be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 shall be charged one-twelfth (1/12) the annual fee required for a new vehicle for each month remaining in the licensing year, including the month of application. The annual EMS and plate fees are not prorated. (1-3-92)

**153. VEHICLE DEALER TRANSPORTER REGISTRATION AND PLATE.**

**01. Purpose.** Utility and boat trailers that weigh under two thousand (2,000) pounds unladen may be moved by a manufacturer, dealer, or an employee of either, or by a transporter service contracted by the vehicle's manufacturer or dealer upon registration and payment of an annual fifteen dollar (\$15) transporter plate fee to the department, or by purchase of a single trip permit. These plates may be used only on boat trailers and utility trailers for demonstration purposes, and may be used while laden for demonstration purposes. (4-2-08)

**02. Numbering of Plates.** Transporter plates shall be numbered from PA1 TO PZ9999. Transporter plates are required to be displayed on the rear of the trailer. (1-3-92)

**03. Renewal of Plates.** The transporter registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. (1-8-90)

**04. Use of Plates.** Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate must be registered within the appropriate gross vehicle weight category for the combined load. (4-2-08)

**05. Possession of Registration.** When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle shall carry the transporter registration in the towing vehicle at all times. (1-8-90)

**06. Violations.** Violations of this section include: (1-3-92)

**a.** Display of a transporter plate on any vehicle not required to be registered under this Section; and (1-3-92)

**b.** Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. (1-3-92)

**07. Penalties:** (1-8-90)

**a.** Violation of this section shall be a misdemeanor as provided for by Section 49-236, Idaho Code; and (1-8-90)

**b.** The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. (1-8-90)

**154. PROVISIONS FOR WRECKER PLATES.**

**01. Purpose.** Wrecker plates are for the exclusive use of businesses engaged in the towing of a wrecked, abandoned, salvaged, or disabled motorized vehicle. Plates shall not be used on vehicles being repossessed. (3-2-10)

**02. Numbering of Plates.** Plates shall be numbered as determined by the department and shall display the abbreviation "WRKR" vertically on the left hand side of the plate. (3-2-10)

**03. Renewal of Plates.** The wrecker registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. (3-2-10)

**04. Use of Plates.** Plates are not to be displayed on the towing power unit vehicle nor are they to be used on a vehicle not being towed. Plates are to be displayed on the rear of the towed vehicle in such a manner as to be visible to vehicles approaching from the rear. Wrecker plates may be moved from one (1) towed motorized vehicle to another vehicle under the direct lawful control of the registration holder. (3-2-10)

**05. Possession of Registration.** When towing a motorized vehicle displaying a wrecker plate, the operator of the towing vehicle shall carry the wrecker plate registration in the towing vehicle. (3-2-10)

**06. Acquisition/Renewal of Wrecker Plates.** Wrecker plates will be issued and renewed through the department by mail or by fax using an application and renewal process determined by the department. (3-2-10)

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

**01. Special License Plate Prequalification.** Anyone desiring legislation to establish a Special License Plate Program may make application to the Department on a Special Plate Program application form designed and provided by the Department. If all the prequalification requirements are met by the submission of other documentation, this will also be acceptable. A Special Plate Program Development Guide will also be provided to each applicant, detailing the procedures for the prequalification and application and providing information regarding the steps required to successfully accomplish a special plate program from prequalification through passage of the

legislation, statutory requirements and standards for the plate color and license plate design. (3-20-14)

**02. Special License Plate Approved by the Legislature.** If a special license plate program is approved by the Idaho legislature, prior to production and sale of the special license plates, the sponsor shall be meet the requirements outlined in Subsection 155.03 of this rule. (3-20-14)

**03. Special Plate Requirements:** (3-20-14)

**a.** The individual responsible for representing the agency requesting the prequalification/application procedure will complete and sign a Special Plate Program application form that will contain a declaration of the responsible individual for certifying compliance with the requirements to the Department. (3-20-14)

**b.** Responsible individual representing the agency will submit a financial plan detailing the use for the proceeds from the special plate sales. (3-20-14)

**c.** For non-profit agencies, the responsible individual will provide evidence that the applicant has had 501 (c) Federal Income Tax status for at least two (2) years. (3-20-14)

**04. Special License Plate Program Application Approval:** (3-20-14)

**a.** Upon approval of application by Department, applicant will, by September 1, deposit programming and administration fees determined by an estimate of projected programming hours required. One thousand dollars (\$1,000) of this fee will not be refundable. (3-20-14)

**b.** Applicant will complete and submit a list of two hundred fifty (250) applicants, currently registered in Idaho, who intend to purchase the Specialty License Plates when available. The form may be delivered to the Department by mail or electronic means such as e-mail or facsimile. (3-20-14)

**05. Submission to the Legislature.** (3-20-14)

**a.** For those desiring legislation, when all requirements have been met, the Department will forward the completed application to the chairmen of the Transportation and Defense Committees of the Senate and the House of Representatives for consideration in the next Legislative Session. This submission will be on a form developed by the Department or other documentation that meets all the requirements listed in this rule. (3-20-14)

**b.** For those Special License Plate Programs with enacting legislation that fail to meet the requirements of this Section, the Department shall report such finding to the chairmen of the Transportation and Defense Committees of the Idaho State Senate and the House of Representatives, and shall not proceed with production and sale of the special plates. (3-20-14)

**06. Annual Report.** An annual report form, designed and provided by the Department, will be made available to special license plate sponsors. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. The report will be completed and submitted to the Department by January 1 so that by January 15 of each year the Department has the necessary data compiled and the required information forwarded to the chairmen of the Transportation and Defense Committees of the Idaho State Senate and the House of Representatives. If the agency fails to provide the required report, the Department will suspend special license plate sales for that program until the accounting is provided. Military License Plate programs will not be included in this requirement. (3-20-14)

**07. Appeals.** The appeals process will allow the applicant for a special license plate program to appeal the Department's decision to deny the application (See Section 003 of this rule). The notice of the appeal will be sent in writing via mail, electronic mail or facsimile within twenty (20) days of the denial. (3-20-14)

**156. -- 198. (RESERVED)**

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

Special program and personalized plates may be issued to trailers manufactured primarily for recreational vehicle uses. Such trailers will include camper, tent or fifth-wheel recreational trailers. Trailers with multiple uses such as utility, horse, or boat, with or without recreational vehicle facilities, shall be excluded. (4-2-08)

**200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.**

**01. Year of Manufacture Plates.** (1-3-92)

**a.** Owners of vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974, may apply for the renewal and use of previously canceled Idaho license plates which were originally issued to the same category of vehicle, where the year designation of the plate matches the year of manufacture of a motor vehicle. (4-2-08)

**b.** The license plate must be in serviceable condition as originally manufactured, i.e., must not be marred, bent, faded, or otherwise damaged to the point it is illegible. If the plate is repainted to bring it to a serviceable condition, the colors shall match the original colors as closely as possible. The quality of the repaint must equal or exceed the original quality. The plate cannot be a duplicate of a previously manufactured plate still in use. (4-2-08)

**c.** The application for use of the plate shall include a statement signed by the applicant attesting that the applicant understands, if the plate use is approved, the plate does not have reflectorized material which meets the requirements of Section 49-443, Idaho Code. The responsibility for any accident or injury arising out of the possible consequence of not having this reflectorized safety feature on the license plate shall be borne by the registrant. (1-3-92)

**d.** The license plate number sequence applied for cannot duplicate another existing "year of manufacture" license plate number already in use. (4-2-08)

**e.** "Classic" or "Old Timer" plates may be used in conjunction with this revived plate at the option of the registrant. (1-3-92)

**02. Centennial License Plates.** Personalized and regular number plates are available in the centennial format. (4-2-08)

**03. Disabled Veteran License Plates.** Disabled veteran license plates may, upon the registrant's request, display the international handicapped symbol to ensure reciprocal parking privileges in all states and provinces. (4-2-08)

**201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.**

**01. Option to Apply.** Members of the Idaho Legislature have the option of applying to the Department's Special Plates Unit for one (1) set of specially numbered license plates bearing the designation "HOUSE" or "SENATE." (1-3-92)

**02. Numbering Assignment List.** On or before June 15 each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. The Department will request that these lists be returned by September 1 or, in an election year, within fifteen (15) days after the election. (1-3-92)

**03. Plate Availability.** Upon receipt of the lists, the Department will ensure that a complete set of special legislative license plates is available for each legislator. (1-3-92)

**202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.**

**01. Special Characters or Marks.** No special characters, or punctuation marks, may be used for personalized messages on license plates. (1-3-92)

**a.** Up to seven (7) letters or any combination of seven (7) letters and numbers and spaces (no half



spaces) may be used for personalized messages on eligible six inch by twelve inch (6" x 12") license plates. (5-8-09)

**b.** Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on four inch by seven inch (4" x 7") motorcycle plates. (5-8-09)

**c.** Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on specialty program license plates. (5-8-09)

**d.** Disability six inch by twelve inch (6" x 12") plates will display the international handicapped symbol followed by up to five (5) letters, numbers, and spaces in the personalized message. Disability four inch by seven inch (4" x 7") motorcycle plates will display the international handicapped symbol followed by up to four (4) letters, numbers, and spaces (no half spaces) in the personalized message. (5-8-09)

**02. Issue of Personalized Plates.** Personalized plates can be issued only to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to: (1-3-92)

**a.** Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; (1-3-92)

**b.** Vehicles for which the designators "PRP" are required to be printed on the plate to identify the use; (4-2-08)

and

**c.** Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. (4-2-08)

**03. Specific Requests.** Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, or fax transmission time will prevail. If the postmarks are the same, the date stamped upon arrival at the Department will prevail. Applications submitted at county assessors' offices will not be considered valid until stamped in by the Department. Telephone requests will not be accepted. (4-2-08)

**04. Lack of Current Plates.** When an applicant for personalized plates does not have current regular number plates: (1-3-92)

**a.** The Department may issue a thirty (30) day temporary registration to allow time for the billing process for personalized plates. The fee for each thirty (30) day temporary registration shall be as required by Section 49-523, Idaho Code. (4-2-08)

**b.** The Department may, upon payment of all required fees, issue a proof of registration document as provided in Section 012 of these rules. (3-20-14)

**05. Credits.** When personalized plates are issued before an applicant's current registration is expired, credit will be given for unexpired registration fees only. (1-3-92)

**06. Renewing Plates.** The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, the plate fee will be charged in addition to all other fees that are due. New plates must be purchased every seven (7) years as provided in Section 49-443, Idaho Code. (4-2-08)

**07. Transfer of Plates.** When personalized plates are issued, the vehicle's regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. (1-3-92)

**08. Acceptability of Plates Message.** Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: (1-3-92)

**a.** The combination of numbers and letters requested or combinations of same may not duplicate an existing combination in use, with the following exception. A duplication is allowed only when the combination of numbers and letters requested is the same on a small (ie: motorcycle sized plate) and a large (ie: passenger car) sized plate. (3-20-14)

**b.** The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial degradation, ethnical degradation, or profanity, or vulgarity, as defined in dictionaries of general use, including, but not limited to, Webster's Unabridged Dictionary and the Harper & Row New Dictionary of American Slang. (3-20-14)

**i.** The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; or illegal substances. (3-20-14)

**ii.** The message may not represent a club, membership, or gang that is commonly known to promote violence, illegal substances or illegal acts. (3-20-14)

**c.** The criteria in Paragraph 202.08.b. of these rules is not to be considered an exhaustive list. A compilation of offensive or obscene words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho. (3-20-14)

**d.** When a complaint is received from the public concerning an issued plate, the name of the caller will not be recorded nor, if known, revealed. (1-3-92)

**e.** Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process shall include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision. (4-2-08)

**09. Message Preferences.** Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail. (4-2-08)

**10. Recalled Plates.** Personalized plates may be recalled by the Department for the following reasons: (1-3-92)

**a.** Error in manufacturing; or (1-3-92)

**b.** Clerical error. (1-3-92)

**c.** Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. (4-2-08)

**11. Unexpired Fees.** If a set of personalized plates is recalled, the personalized plate program fee, unexpired portion of the registration fee, E.M.S. fee, plate fee, (if plates are returned to the Department), and all other applicable special plate fees, will be refunded or transferred to a new issue of personalized plates. (4-2-08)

**12. Expired Plates.** Personalized plates that are allowed to expire shall become immediately available for reissue to another applicant. There is no grace period. (1-3-92)

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

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

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

(4-2-08)

**02. Certified Documentation.** Eligibility shall be documented by a copy of the applicant's 53.55 or DD-214 Separation from Active Duty papers, or other specific documentation received from the Veterans Administration that certifies that the applicant was a prisoner of war during the recognized war periods stated above. (1-3-92)

**204. -- 299. (RESERVED)**

**300. PROVISIONS FOR SAMPLE PLATES.**

Sample plates are issued at twelve dollar (\$12) per plate on the "Scenic Idaho/Famous Potatoes" red, white, and blue plate as follows: (1-3-92)

**01. Plate Size.** Plates carrying the word SAMPLE in both passenger car size (six inches by twelve inches (6" x 12")) and motorcycle size (four inches by seven inches (4" x 7")). (1-3-92)

**02. Personalized Sample Plates.** Personalized Sample plates are issued on both plate sizes, passenger car with maximum of seven (7) characters and motorcycle size with a maximum of six (6). (1-3-92)

**a.** The applicant completes an Application for Personalized Sample License Plate Form. (4-2-08)

**b.** The acceptability screening process used is the same as that used for regular personalized plate application. (1-3-92)

**c.** The Department shall adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations. (1-3-92)

**d.** The department may include other special license plate programs for sample plate sale, when not prohibited by code, or that would not cause a compromise of a special eligibility plate program. (4-2-08)

**03. Penalties.** There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code). (1-3-92)

**301. -- 999. (RESERVED)**

**IDAPA 39  
TITLE 03  
CHAPTER 03**

**39.03.03 – RULES GOVERNING SPECIAL PERMITS –  
GENERAL CONDITIONS AND REQUIREMENTS**

**000. LEGAL AUTHORITY.**

This rule, governing the movement of vehicles or loads that are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code, is adopted under the authority of Sections 40-312, 49-201, 49-1001, 49-1004, and 49-1005 Idaho Code. (7-1-19)

**001. TITLE AND SCOPE.**

**01. Title.** This rule is titled IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” IDAPA 39, Title 03, Chapter 03. (7-1-19)

**02. Scope.** This rule states the general conditions and requirements for special permits. (7-1-19)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (7-1-19)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter will be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (7-1-19)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (7-1-19)

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. (7-1-19)

**02. Office Hours.** Daily office hours are 7:30 a.m. to 5:00 p.m. except Saturday, Sunday, and state holidays. (7-1-19)

**03. Telephone and FAX Numbers.** The central office may be contacted during office hours by phone at 208-334-8420, 1-800-622-7133, or by fax at 208-334-8419. (7-1-19)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. (7-1-19)

**007. – 009. (RESERVED)**

**010. DEFINITIONS.**

Refer to IDAPA 39.03.01, “Rules Governing Definitions Regarding Special Permits,” for definitions of the terms used in this rule. (7-1-19)

**01. Loaded Truck.** A truck or truck combination equipped with VLS axles shall be considered to be hauling a load when VLS axles need to be fully deployed to reduce loads on fixed axles and groups of axles that would otherwise exceed legally prescribed weight limits as set forth in Section 49-1001, Idaho Code. (7-1-19)

**011. – 049. (RESERVED)**

**050. SAFETY INSPECTION REQUIREMENTS FOR PERMITTED VEHICLES AND/OR LOADS.**

**01. Inspections.** All vehicles, tractors, trailers, and dolly converters operating under the authority of a special permit issued by the Department must have a valid annual inspection at the time a permit is issued. The inspection shall be completed in compliance with 49 CFR Part 396.17. (7-1-19)

**02. Inspectors.** Inspectors completing required annual inspections shall meet the certifications requirement in 49 CFR 396.19 and brake inspector qualification in 49 CFR 396.25. (7-1-19)

**03. Drivers.** All drivers shall meet the special training requirements for Longer Combination Vehicles as outlined in 49 CFR Part 380. (7-1-19)

**04. Motor Carriers.** By applying for a special permit, motor carriers self-certify that they have performed inspections as set forth in 49 CFR Part 396.17. (7-1-19)

**05. Exemption.** Oversize vehicles and/or loads operating under an exemption outlined in Section 67-2901B (2), Idaho Code, are exempt from this safety inspection requirement. (7-1-19)

**051. – 059. (RESERVED)**

**060. BRAKES.**

Brakes shall meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. (7-1-19)

**061. – 069. (RESERVED)**

**070. LIGHTING REQUIREMENTS FOR LOADS TRAVELING AFTER DARK.**

Those over dimensional vehicles and/or loads traveling during hours of darkness shall be required to display lights to mark the extremities of the vehicle and/or loads and shall be in addition to those clearance lights required on legal size vehicles when traveling at night. (7-1-19)

**01. Standards for Lights on Oversize Vehicles and/or Loads.** (7-1-19)

**a.** Lights are required on those vehicles traveling sunset to sunrise. (7-1-19)

**b.** The lights must be visible from a minimum of five hundred (500) feet. (7-1-19)

**c.** The lights may be flashing or steady burning. (7-1-19)

**d.** The color of the lights shall be as follows: (7-1-19)

**i.** Lights visible from the front of the oversized vehicle and/or loads and the extremities in the middle or near the front of the oversized vehicle and/or load shall be amber. (7-1-19)

**ii.** Lights visible from the back of the oversized vehicle and/or load and the extremities near the back of the oversized vehicle and/or load shall be red. (7-1-19)

**02. Standards for Lights on Rear Overhang.** Lights are required when rear overhang exceeds the end of the trailer by four (4') feet or more. (7-1-19)

**a.** If the overhang is two (2') feet wide or less, only one (1) light is required on the end of the overhang. (7-1-19)

**b.** If the overhang is over two (2') feet wide, two (2) lights are required on the end of the overhang to show the maximum width of the overhang. (7-1-19)

**071. – 079. (RESERVED)**

**080. FLAGGING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.**

Warning flags for oversize vehicles and/or loads, excluding extra-length vehicle combinations, shall be marked by warning flags meeting the following: (7-1-19)

**01. Warning Flags.** Warning flags are required on all overwidth vehicles and/or loads, and when the rear overhang exceeds the end of the trailer by four (4') feet or more. (7-1-19)

**02. Size.** Minimum size of flags is eighteen (18") inches by eighteen (18") inches. (7-1-19)

**03. Color.** Red or fluorescent orange. (7-1-19)

**04. Placement of Flags.** On overwidth vehicles and/or loads flags shall be placed at the four (4) corners and/or extremities of the vehicle and/or load as follows: (7-1-19)

**a.** Front. Fastened to each front corner of the oversized vehicle and/or load if it exceeds legal width. (7-1-19)

**b.** Rear. Fastened to each rear corner of the oversized vehicle and/or load if it exceeds legal width. (7-1-19)

**c.** Side. Fastened to mark any extremity, when extremity is wider than the front or the rear of the vehicle and/or load. (7-1-19)

**d.** Overhang. If the overhang is two (2') feet wide or less, only one (1) flag is required on the end of the overhang. If the overhang is over two (2') feet wide, two (2) flags are required on the end of the overhang to show the maximum width of the overhang. (7-1-19)

**081. – 089. (RESERVED)**

**090. SIGN REQUIREMENTS FOR VEHICLES COMBINATIONS INCLUSIVE OF LOAD.**  
Refer to IDAPA39.03.05, "Rules Governing Special Permits – Oversize Non-Reducible," for conditions in this rule. (7-1-19)

**091. –099. (RESERVED)**

**100. RESPONSIBILITY OF ISSUING AUTHORITY.**

**01. Primary Concerns.** The primary concern of the Department, in the issuance of special permits, shall be the safety and convenience of the general public and the preservation of the highway system. (7-1-19)

**02. Permit Issuance.** The Department shall, in each case, predicate the issuance of a special permit on a reasonable determination of the necessity and feasibility of the proposed movement. (7-1-19)

**101. –199. (RESERVED)**

**200. AUTHORITY TO ISSUE PERMITS.**  
The authority to issue permits on state highways is described in Subsection 200.01. Subsection 200.02 describes the Department's authority to issue special permits on local jurisdiction highways pursuant to an agreement between the Department and the local highway jurisdictions. (7-1-19)

**01. Special Permit.** The special permit authority of the Department shall cover travel on state highways only and special permits issued by the Department shall be valid only on completed sections of state highway, described on the permit by route number or otherwise. The right to use county highways or city streets is neither granted nor implied. The special permit authority of the Department shall include those sections of state highways within corporate limits of cities and towns, but will not include sections of state highways intersecting with local highways, when travel is occurring on the local highway(s). Contractors hauling loads within the limits of state highway construction projects do not require special permits, but the loads must comply with the weight limits specified in the state highway contract. (7-1-19)

**02. Authority.** Special permit authority agreed to by the Department and local highway jurisdiction shall include travel on the local jurisdiction's highways under the rules of this title, IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements." (7-1-19)

**201. – 299. (RESERVED)**

**300. OFFICES FOR ISSUANCE OF SPECIAL PERMITS.**

The Department shall maintain a centralized special permit office at the Department Headquarters, making permits available electronically at the following listed office and Ports of Entry throughout the State. Permits will be available Monday through Friday, state holidays excluded, from 7:30 a.m. to 5 p.m. Mountain Time. Special permits can also be obtained online at [itd.idaho.gov](http://itd.idaho.gov) or by phone. (7-1-19)

- 01. Headquarters.**  
Idaho Transportation Department  
Special Permit Office  
P.O. Box 7129  
3311 West State Street  
Boise, Idaho 83707-1129  
(208) 334-8420 (7-1-19)
- 02. Huetter Port of Entry, District One.**  
Mile Post 8.5 I-90  
Coeur d'Alene, Idaho 838145  
(208) 769-1551 (7-1-19)
- 03. Lewiston Port of Entry, District Two.**  
33443 US Hwy 95  
Lewiston, Idaho 83501-0837  
(208) 799-4824 (7-1-19)
- 04. East Boise Port of Entry, District Three.**  
Mile Post 66.5 I-84 EB  
Boise, Idaho 83634  
(208) 334-3272 (7-1-19)
- 05. Cotterell Port of Entry, District Four.**  
Mile Post 229 I-84 EB  
Cotterell, Idaho 83223  
(208) 349-5650 (7-1-19)
- 06. Inkom Port of Entry, District Five.**  
Mile Post 59 I-15 NB  
Inkom, Idaho 83245  
(208) 775-3322 (7-1-19)
- 07. Sage Junction Port of Entry, District Six.**  
2452 E 1500 N  
Terreton, Idaho 83450  
(208) 228-3636 (7-1-19)

**301. – 399. (RESERVED)**

**400. INSURANCE OR BOND FOR EXTRAORDINARY HAZARD.**

Evidence of insurance or the posting of a bond shall be required when necessary because of loads creating an extraordinary hazard to the traveling public or to protect the public investment when a load presents an extraordinary hazard to the highway system. In such cases of extraordinary hazard to the roadway or structures, the Department

may require the posting of a cash bond in such amount as to cover the maximum damage that could be expected to occur to the highway with the permittee also required to reimburse the Department for any engineering required to ascertain the extent of damages, if any, occurring to the roadway during the movement of the excessive load.

(7-1-19)

**401. – 449. (RESERVED)**

**450. RESPONSIBILITY OF PERMITTEE.**

**01. General Responsibilities.** The permittee shall determine and declare the gross weight, distribution of weight, and the dimensions of the vehicle and load and shall submit all other required information before issuance of the permit. The acceptance of a special permit by the permittee is his agreement that the vehicle and load covered by the permit can and will be moved in compliance with the terms and limitations set forth in the permit. When a permit has been accepted by the permittee, such action shall be deemed an unequivocal assurance that he has complied, or will comply with all operating, licensing, and financial responsibility requirements. (7-1-19)

**02. Permit to Be Carried in Vehicle.** (7-1-19)

**a.** The special permit must be carried or available electronically in the vehicle to which it refers during the time of movement and shall upon demand be delivered for inspection to any peace officer or authorized agent of the Idaho Transportation Board or any officer or employee charged with the care and protection of the public highways. (7-1-19)

**b.** When the route of the permitted vehicle will not pass in the vicinity of a state operated transceiver station, the applicant may complete Form ITD-216, APPLICATION FOR SPECIAL PERMIT NUMBER, and provide pertinent information by telephone to the special permit office. If the special permit office approves the application, a special permit number will be assigned to complete the Form ITD-216. Form ITD-216 will serve as evidence of intent to obtain the special permit and will be honored by law enforcement subject to the officer checking with the special permit office. The applicant must qualify for this procedure by obtaining a permit fee account number. The special permit office will complete the Special Permit Form ITD-216 and charge the fee to the applicant's permit fee account number. (7-1-19)

**03. Certification Load Is Non-Reducible.** Upon application, the permittee must certify that steps have been taken to reduce the dimensions, the weight of vehicle, or the load, or all three, concerned in the permit to legal limitations or, if that is impractical, to reduce the excess to a minimum. (7-1-19)

**04. Basic Limitations Shall Not Be Exceeded.** Special permits shall not be issued for vehicles or loads in excess of the maximum limitations of size or weight or that otherwise exceed the limitations for loads as set forth in these rules unless exception is made by the Transportation Board, or as otherwise provided herein. (7-1-19)

**05. Hazardous Travel Conditions Restrictions.** Extreme caution in the operation of a special-permitted vehicle shall be exercised when hazardous conditions exist. The driver of a permitted vehicle is responsible for checking the conditions of the permitted route before travel. The movement of vehicles or loads operating on valid permits shall automatically become invalid en route when: (7-1-19)

**a.** The Idaho Transportation Department, Idaho State Police, or other law enforcement office determines and provides public notice by any available means that a hazardous road condition exists. (7-1-19)

**b.** The driver reasonably knows that hazardous road conditions exist along route. (7-1-19)

**c.** Whenever a road is marked "Difficult" on 511 or as having a hazardous condition. (7-1-19)

**d.** Hazardous road conditions may include, but are not limited to: (7-1-19)

**i.** Loss of traction on roadways due to ice, snow, frost, excessive water, or mud; (7-1-19)

**ii.** Whenever a roadway is under conditions of wind over forty (40) mph; (7-1-19)



- iii. Visibility is less than five hundred (500) feet due to snow, rain, smoke, dust, or fog; (7-1-19)
- iv. Whenever a roadway becomes obstructed due to snow, water, mud, rocks, or other debris; or (7-1-19)
- v. Whenever a roadway is subject to a natural disaster or emergency. (7-1-19)

**06. Delaying Movement.** Enforcement personnel responsible for any section of highway shall carry out enforcement action for violations involving special permit operations and may delay movements. (7-1-19)

**451. – 499. (RESERVED)**

**500. ALLOWABLE TOLERANCE, LEGAL OR PERMITTED SIZE LIMITS.**

**01. Determination of Vehicular Dimensions.** Determination of vehicular length and/or width as defined by Idaho Code or by Board rule shall be exclusive of those external devices or appurtenances whose function is related to safe and efficient operation. (7-1-19)

**02. Appurtenances.** Rearview mirrors, turn signal lamps, splash and spray suppressant devices; awnings on recreational vehicles, load induced tire bulge, and other noncargo carrying appurtenances shall be excluded from the calculation of allowable width. Front mounted refrigeration units, energy conservation devices, bolsters, mechanical fastening devices, hydraulic lift gates, external front mounted side curtain rollers, and other noncargo carrying appurtenances or devices shall be excluded from a determination of allowable length. (7-1-19)

**03. Other Appurtenances.** Other appurtenances not listed above may not extend beyond three (3) inches on each side or end of a vehicle or load. Other appurtenances may include, but shall not be limited to, clearance lights, door handles, handholds, window fasteners, door and window trim, moldings, and load securement devices. (7-1-19)

**501. – 509. (RESERVED)**

**510. DROMEDARY TRACTORS.**

A truck tractor containing a dromedary box, deck, or plate in legal operation on or before December 1, 1982, shall be authorized to continue to operate, notwithstanding its cargo carrying capacity, throughout its useful life. Proof of such legal operation on December 1, 1982, shall rest upon the operator of the equipment. (7-1-19)

**511. – 519. (RESERVED)**

**520. LOAD OVERHANG.**

The overhang or extension of a load shall not extend beyond the limits as set forth in Section 49-1010, Idaho Code. (7-1-19)

**521. – 599. (RESERVED)**

**600. GENERAL.**

A special permit, in writing, shall be required for any movement on any completed section of highway under the jurisdiction of the Department by any vehicle or vehicles with reducible or non-reducible loads that exceed the allowable weights or sizes established in Sections 49-1001, 49-1002 and 49-1010, Idaho Code. (7-1-19)

**601. – 619. (RESERVED)**

**620. COMPLIANCE WITH OTHER LAWS AND ORDINANCES.**

The special permit will be effective only insofar as the Department has authority for its issue and does not release the permittee from complying with other existing laws, local ordinances or resolutions which may govern the movement. (7-1-19)

**621. – 629. (RESERVED)**

**630. WAIVER OF LIMITATIONS FOR EMERGENCY MOVEMENTS.**

Notwithstanding other provisions of these rules, the Idaho Transportation Board may waive existing permit policy limitations in the event of an emergency, subject to such limitations or special requirements as the Board may impose. (7-1-19)

**01. Military Emergency Affecting National Security.** Any movement by or for a military or other government agency which is in excess of permit policy maximum limits of weight or size or which is otherwise outside established rules must be certified as a military necessity involving national security before receiving any special consideration to provide any waiver of normal permit rules. Certification of military necessity must be made by an official designated as having such authority by the Department of Defense Directory, issued by the Office of the Chief of Transportation, Department of Army. All applications for military emergency movements must be channeled through the Special Permit Office, Idaho Transportation Department. (7-1-19)

**02. Emergencies Endangering the Public Health, Safety, or Welfare Including but Not Limited to Fire, Flood, or Earthquake.** During an emergency endangering the public health, safety or welfare, there may be an urgent and immediate need for equipment and it will not be in the public interest to require that a special permit be in the vehicle prior to an over legal movement. Verbal approval to proceed without a special permit in the vehicle may be obtained from the Special Permit Office or an Idaho Port-of-Entry. Once the emergency movement is completed, formal application for a Special Permit must be submitted to the Special Permit Office. (7-1-19)

**03. Emergency Movement of Implements of Husbandry.** It shall be considered an emergency when an implement of husbandry being operated on an official state holiday or a weekend breaks down and a dealer brings replacement equipment to the farmer that exceeds legal height, length, and weight. Verbal approval to proceed without a special permit in the vehicle may be obtained from the Special Permit on-call staff. That verbal authorization may include escort vehicle requirements based on the route of travel and dimensions of load. Once the emergency movement is completed, the permittee shall make formal application for a permit to the Special Permit Office on the first working day after the occurrence. (7-1-19)

**04. Economic Emergencies.** When a circumstance occurs in which an economic hardship is expected to result due to the application of existing rules or limitations, the Transportation Board may consider a petition for the temporary waiver of those rules or limitations which are perceived as being the cause of such economic hardship. (7-1-19)

**631. – 699. (RESERVED)**

**700. SPRING BREAKUP SEASON TYPE OF LOAD RESTRICTIONS.**

Depending upon the type of road construction, the amount of moisture, temperature conditions, and severity of frost heaves and breakup, routes or sections of routes will be posted for restricted loadings to one (1) of the following categories as required to protect the roadway and in the interests of public safety: (7-1-19)

- 01. Legal Weight. Maximum of legal allowable weight; (7-1-19)
- 02. 16,000 Pounds. Maximum of sixteen thousand (16,000) pounds on any axle; (7-1-19)
- 03. 14,000 Pounds. Maximum of fourteen thousand (14,000) pounds on any axle; and (7-1-19)
- 04. 12,000 Pounds. Maximum of twelve thousand (12,000) pounds on any axle. (7-1-19)

**701. – 709. (RESERVED)**

**710. WEIGHT LIMITS BASED ON TIRE SIZES.**

In administering load limits based on tire sizes or width of tires, credit for tubed tires will be based on the manufacturer's width marked on the tire; for example, a ten point zero-zero by twenty-four (10.00 x 24) tire will be given credit for ten (10") inches of tire width. Tubeless tires will be given credit for the width of the conventional tubed tires that they replace. (7-1-19)

**711. – 719. (RESERVED)**

**720. WIDTH LIMITATION ON TWO LANE ROAD.**

A spring breakup weight restriction to less than legal weight shall automatically place a restriction on width allowed by special permit. On any section of highway restricted to less than legal weight, the maximum width by special permit shall be restricted to twelve feet six (12'6") inches during the period of the weight restriction. (7-1-19)

**721. – 729. (RESERVED)**

**730. SPEED RESTRICTIONS.**

On those sections of highways which are posted for a maximum of legal loads, or to less than legal loads, trucks and buses with a gross weight of ten thousand (10,000) pounds or more will be restricted in critical areas to a maximum speed of thirty (30) miles per hour. Restricted speed zones will be marked by red and green markers. A red marker will mean speed is restricted to thirty (30) miles per hour and a green marker will mean that legal speed may be resumed. These markers will generally be attached to existing highway sign posts and when properly used will afford protection to the highway subgrade and surface as well as speeding the flow of traffic. (7-1-19)

**731. – 739. (RESERVED)**

**740. SPECIAL PERMIT POLICY DURING SPRING BREAKUP.**

**01. Suspended Weight Limits.** Normal overweight special permit limits will be suspended on all highways in the area when seasonal load and speed restrictions are imposed. (7-1-19)

**02. Weight Restrictions.** Spring breakup weight restrictions are primarily concerned with limiting the weight imposed on the highway by individual axles rather than the total gross weight of vehicles or vehicle combination. It will therefore be permissible to issue special permits that exceed legal allowable total gross load for a vehicle combination subject to these conditions: (7-1-19)

- a.** Minimum tire width is ten (10") inches or larger. (7-1-19)
- b.** Maximum axle weight on single axle having two (2) single wheels shall not exceed ten thousand (10,000) pounds. (7-1-19)
- c.** Maximum axle weight on single axle having four (4) or more tires shall not exceed fourteen thousand (14,000) pounds. (7-1-19)
- d.** Permits for nonreducible loads only. (7-1-19)

**741. – 749. (RESERVED)**

**750. LEGAL WEIGHT LIMITS MAINTAINED ON CERTAIN HIGHWAYS.**

The policy of the Department will be to maintain legal load limits on the Interstate highway system and arterials serving through state traffic or connecting major terminals, unless conditions are such that severe breakup will result. (7-1-19)

**751. – 759. (RESERVED)**

**760. ENFORCEMENT OF POSTED WEIGHT AND/OR SPEED RESTRICTIONS.**

The Districts will sign and mark affected state highways the day before the weight and/or speed restrictions are in effect. The weight and/or speed restrictions will be enforced the day after the Districts sign and mark a state highway. (7-1-19)

**761. – 769. (RESERVED)**

**770. TEMPORARY SUSPENSION OF POSTED WEIGHT AND SPEED RESTRICTIONS.**

**01. Why Required.** Spring breakup restrictions are required because of a seasonal characteristic in which freeze/thaw cycles occur, making the roadway unstable and reducing its load-bearing capability. The load-bearing capacity may be temporarily restored by a freeze-up of the pavement after a section has been posted for load and speed restrictions. (7-1-19)

**02. Temporary Waiver of Spring Breakup.** District Engineers may provide a temporary waiver of the spring breakup restrictions by posting GREEN markers on the speed limit signs, and on other signs, if appropriate, within a section of highway posted for reduced loads. (7-1-19)

**771. – 779. (RESERVED)**

**780. SPECIAL ALLOWANCES FOR EMERGENCY AND CRITICAL SERVICE VEHICLES.**

District Engineers may allow exceptions to the spring breakup weight restrictions for emergency and critical service vehicle(s), ie. fire trucks, heating fuel trucks, and other such service vehicles that are critical to the health and safety of the public. Documentation of special allowance shall be in writing from the District Engineer and must be carried in the vehicle. (7-1-19)

**781. – 799. (RESERVED)**

**800. SPECIAL PERMIT FEES COSTS TO BE BORNE BY PERMITTEE.**

The movement of oversize or overweight vehicles or vehicles with special loads is a privilege not accorded every user of the highway. Administrative cost incurred in the processing, issuance and enforcement of special permits shall be borne by such permittees and not by the general traveling public through expenditure of highway user funds. Special permits issued for non-reducible, overweight vehicles and/or loads will be charged a road use fee as set forth in Section 49-1004(2), Idaho Code. Tax supported agencies are required to obtain special permits if their loads exceed the sizes or weights stated in Idaho Code, but they are exempt from paying fees for the permits. (7-1-19)

**801. – 909. (RESERVED)**

**910. PAYMENT OF SPECIAL PERMIT FEES.**

**01. Payment of Fees.** The Idaho Constitution prohibits the state from extending credit to any individual, corporation, municipality, or association. Permit fees are collectible at the time of issuance. (7-1-19)

**02. Refund.** Permit fees are not refundable once they have been processed into the Department's accounting system, unless the permittee contacts the Special Permit Office no more than two (2) working days (during office hours) following the start date of the special permit or the Department issued the special permit in error. (7-1-19)

**03. Permit Costs.** Special permit fees listed below are intended to cover cost of administration and are subject to periodic change depending on costs incurred in processing, issuance, and enforcement of special permit rules. (7-1-19)

**04. Current Schedule of Fees.** Periodic changes to the fee schedule will be subject to legislative review and approval procedures in accordance with Chapter 52, Title 67, Idaho Code, Administrative Procedure Act. (7-1-19)

**a.** Oversize only, single trip, thirty dollars (\$30). (7-1-19)

**b.** Oversize only, two (2) trips, thirty six dollars (\$36). (7-1-19)

**c.** Oversize single trip exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty-three dollars (\$33). (7-1-19)

**d.** Reducible Loads, annual, twelve (12) consecutive months: Cylindrical hay bales, two (2) wide, Multiple width loads of kiln stacked lumber, reducible loads, up to and including fifteen (15') feet high, Disabled

Vehicle, forty-five dollars (\$45). (7-1-19)

**e.** Oversize Non-Reducible, annual, twelve (12) consecutive months: Manufactured homes, modular building and office trailers; Farm tractors exceeding nine (9') feet width on Interstate and implements of husbandry; Oversize/Overweight Snowplow; Multiple width loads of crane booms; Multiple width loads of conveyer units; East port/Canadian Weight; forty five dollars (\$45). (7-1-19)

**f.** Extra Length/Weight (reducible) annual, twelve (12) consecutive months, authority to exceed eighty thousand (80,000) lbs. on reducible loads up to one hundred twenty nine thousand (129,000) pounds, or exceeding the length limits imposed in Section 49-1010, Idaho Code, forty five dollars (\$45). (7-1-19)

**g.** Overweight/Oversize or Overweight only (non-reducible) single trip, thirty-three dollars (\$33). (7-1-19)

**h.** Overweight/Oversize or Overweight only (non-reducible), two (2) trips, thirty-three dollars (\$33). (7-1-19)

**i.** Overweight/Oversize (non-reducible) single trip, exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty- three dollars (\$33). (7-1-19)

**j.** Overweight/Oversize (non-reducible) two (2) trips within seven (7) days, exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty-three dollars (\$33). (7-1-19)

**k.** Overweight/Oversize (non-reducible) annual permit fee for twelve (12) consecutive months, one hundred twenty-eight dollars (\$128). (7-1-19)

**l.** Fee for reissuance or transfers, fifteen dollars (\$15). (7-1-19)

**m.** Annual special permits purchased online will be five dollars (\$5) less than the listed price. (7-1-19)

**05. Additional Fees.** The Department may require reimbursement of actual costs incurred for extraordinary services provided, incidental and necessary to the planning and/or movement of loads that require a special permit moving under the requirements of a traffic control plan. (7-1-19)

**911. – 949. (RESERVED)**

**950. REVOCATION OF PERMIT FOR NON-COMPLIANCE WITH THE LIMITATIONS OR PROVISIONS OF THE PERMIT.**

**01. Disqualification of Permits.** The permit shall become invalid and the cited vehicle may be disqualified for reissuance of permits if convicted of the following: (7-1-19)

**a.** The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. (7-1-19)

**b.** The vehicle combination violates permitting conditions (other than weight) for the following: (7-1-19)

**i.** Failure to travel on Extra Length or Up to 129,000 Pound designated routes. (7-1-19)

**ii.** Failure to properly display required flags and/or signs. (7-1-19)

**iii.** Failure to provide required number of pilot cars and/or proper placement. (7-1-19)

**iv.** Failure to provide required lighting for travel during hours of darkness. (7-1-19)

**v.** Failure to travel during the hours of operation as specified on the permit. (7-1-19)

vi. Failure to comply with wind velocity requirements when moving manufactured housing, office trailers, and modular buildings. (7-1-19)

vii. Failure to comply when travel conditions become hazardous. Hazardous conditions include, but are not limited to, ice, snow or frost; or when visibility is restricted to less than five hundred (500) feet. (7-1-19)

c. The vehicle combination violates weight limits under Section 49-1001 (1)(2) and (9), Idaho Code. (7-1-19)

i. Violating weight limits for single, tandem, tridem, quad, or other type axle groups by more than fifteen percent (15%). (7-1-19)

ii. Violating gross or bridge weight allowances by more than seven percent (7%). (7-1-19)

d. The motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration as described in Part 386 (386.73) of the Federal Motor Carrier Safety Regulations. (7-1-19)

**02. Permit Revocation Process.** A copy of the judgment of conviction from the court and the special permit authorizing operation must be provided to the Permit Office by enforcement personnel. Paperwork will be reviewed for compliance with the provisions of this rule and, if met, notification will be sent to the company informing them of the pending revocation that will occur within ten (10) days of the letter being issued. (7-1-19)

**03. Disqualification Periods.** When a permit has become invalid, the vehicle identified on the invalidated permit may be disqualified for reapplication for permit for a period of thirty (30) days after the first violation, for a period of six (6) months after the second violation, and for a period of one (1) year after the third violation. (7-1-19)

**04. Penalties.** In addition to revocation of permits as authorized in this rule, the permittee shall be subject to all applicable penalties provided by law with regard to the provisions violated. (7-1-19)

**951. – 979. (RESERVED)**

**980. PERMITTEE RESPONSIBLE FOR INJURY TO PERSONS OR PROPERTY.**

The permittee shall assume all responsibility for injury to persons or damage to public or private property caused directly or indirectly by the transportation of a vehicle or vehicle and load under special permit; and he shall hold harmless the Department and all its officers, agents, employees, and servants from all suits, claims, damages or proceedings, of any kind, as a direct or indirect result of the transportation of the vehicle or vehicle with a load that requires a special permit. (7-1-19)

**981. – 999. (RESERVED)**