

IN THE SENATE

SENATE BILL NO. 1102

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO ELECTRONIC MOTOR VEHICLE REGISTRATION; AMENDING SECTION
2 49-401A, IDAHO CODE, TO REVISE PROVISIONS REGARDING MOTOR VEHICLE REG-
3 ISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 4, TITLE
4 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-401C, IDAHO CODE, TO
5 PROVIDE FOR ELECTRONIC VEHICLE CREDENTIAL PROVIDERS; AMENDING SECTION
6 49-504, IDAHO CODE, TO PROVIDE FOR THE RETENTION OF CERTAIN RECORDS,
7 TO PROVIDE FOR ELECTRONIC VEHICLE CREDENTIAL PROVIDERS, AND TO MAKE
8 TECHNICAL CORRECTIONS; AMENDING SECTION 49-505, IDAHO CODE, TO PROVIDE
9 FOR ELECTRONIC RECORDS OF TITLE AND TO MAKE A TECHNICAL CORRECTION; AND
10 AMENDING SECTION 49-522, IDAHO CODE, TO CLARIFY TERMINOLOGY AND TO MAKE
11 TECHNICAL CORRECTIONS.
12

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

14 SECTION 1. That Section 49-401A, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 49-401A. OWNER TO SECURE REGISTRATION FROM A COUNTY ASSESSOR OR THE
17 DEPARTMENT. (1) Every owner of a motor vehicle, trailer or semitrailer who
18 intends to operate the vehicle upon any highway in this state shall, before
19 the same is so operated, apply to a county assessor or to the department or
20 an agent of the department and obtain registration for vehicles ~~in~~ pursuant
21 to sections 49-402(1) through (3), 49-402A, 49-402B and 49-422, Idaho Code.
22 All others shall be obtained from the department except as provided in sub-
23 section (2) of this section. Owners of vehicles specified in section 49-426,
24 Idaho Code, are exempt from the provisions of this section. Owners of ve-
25 hicles operating on a temporary basis as provided in sections 49-431(3),
26 49-432 and 49-433, Idaho Code, are exempt from the provisions of this section
27 to the extent that the temporary permits in use are unexpired.

28 (2) Commercial vehicles in excess of twenty-six thousand (26,000)
29 pounds gross weight, farm and noncommercial vehicles in excess of sixty
30 thousand (60,000) pounds gross weight and all vehicles registered under
31 section 49-435, Idaho Code, shall be registered by the department. All other
32 commercial, farm and noncommercial vehicles and the vehicles in paragraphs
33 (a), (b), and (c) of this subsection, shall be registered by the county as-
34 sessor or by the department or an agent of the department.

35 (a) Motor vehicles equipped primarily to haul passengers on a commer-
36 cial basis, doing strictly an intrastate business, and having gross
37 weights of twenty-six thousand (26,000) pounds or less.

38 (b) Any farm vehicle or combination of vehicles where each vehicle or
39 combination of vehicles shall not exceed a gross weight of sixty thou-
40 sand (60,000) pounds.

41 (c) Nonresident vehicles or combination of vehicles owned by transient
42 labor used in hauling unprocessed agricultural products for hire and

1 not exceeding sixty thousand (60,000) pounds gross weight shall regis-
2 ter their vehicle for the appropriate gross weight scale for the annual
3 fee if registered on or before June 30, and for one-half (1/2) the annual
4 fee if not registered until on or after July 1 of any year, with the as-
5 sessor of the county in which the owner resides.

6 (3) Commercial, farm and noncommercial vehicles of any weight doing
7 strictly an intrastate business may be registered by the county assessor or
8 by the department or an agent of the department by mutual agreement between
9 the department and the county.

10 SECTION 2. That Chapter 4, Title 49, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 49-401C, Idaho Code, and to read as follows:

13 49-401C. ELECTRONIC VEHICLE CREDENTIAL PROVIDERS. (1) In order to
14 continue improving the quality of its products and services, the department
15 may establish contracts with electronic vehicle credential (EVC) providers
16 that operate programs that provide vehicle registration services. An autho-
17 rized EVC provider may act on behalf of the department and county assessors
18 in receiving, processing, and transmitting to the department registration
19 applications and related fees.

20 (2) The department shall establish any additional requirements for the
21 purpose of safeguarding privacy and protecting the information authorized
22 for handling under this section.

23 (3) The department may establish the maximum amount that an EVC
24 provider may charge its customers in providing the services authorized under
25 subsection (1) of this section.

26 (4) The department shall adopt procedures that ensure adequate over-
27 sight and monitoring of an EVC provider to protect vehicle owners from im-
28 proper use of vehicle records.

29 (5) The number of EVC providers that may be established in Idaho shall
30 not exceed ten (10).

31 (6) The department is authorized to promulgate rules to administer the
32 EVC provider program.

33 SECTION 3. That Section 49-504, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE --
36 IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be
37 made upon a form furnished by the department and shall contain the owner's
38 Idaho driver's license number, Idaho identification card number or social
39 security number or individual taxpayer identification number. In the case
40 of a business, the employer tax identification number is required. Every
41 application shall also contain the owner's true and full legal name. In
42 the event that the owner does not possess a social security number, Idaho
43 driver's license number, Idaho identification card number or individual
44 taxpayer identification number, the owner shall present written documenta-
45 tion sufficient to the department to determine that no social security num-
46 ber has been issued. In the event that a business, trust, or other statuto-
47 rily created entity is not required to have and does not possess an employer

1 tax identification number, the applicant shall provide a written statement
2 certifying that the entity does not possess an employer tax identification
3 number. The form must contain the owner's physical domicile address or
4 in the case of a business, trust or other statutorily created entity, such
5 entity's physical address and any mailing address if different from the
6 physical address. If the owner has submitted an application pursuant to the
7 provisions of chapter 58, title 19, Idaho Code, then the owner may state, in
8 the application required pursuant to this section, the applicant's alterna-
9 tive Idaho mailing address in place of his or her physical domicile address.
10 Such application must be signed by the owner and contain a full description
11 of the vehicle, including the make, identification numbers, and the odometer
12 reading at the time of sale or transfer, and whether the vehicle is new or
13 used, together with a statement of the applicant's title and of any liens or
14 encumbrances upon the vehicle, and the name and address of the person to whom
15 the certificate of title shall be delivered, and any other information as the
16 department may require. The application shall be filed with the department,
17 and, if a certificate of title has previously been issued for that vehicle in
18 this state, shall be accompanied by the certificate of title duly assigned,
19 unless otherwise provided for in this chapter. The department may promul-
20 gate rules to provide for exceptions to the odometer requirement. Social
21 security numbers collected shall not appear on certificates of title, and
22 all applications on file shall be exempt from disclosure, except as provided
23 in sections 49-202, 49-203 and 49-203A, Idaho Code.

24 (2) If the current certificate of title was not issued for the vehicle
25 in this state, the application, unless otherwise provided for in this chap-
26 ter, shall be accompanied by a certificate of title, bill of sale or other ev-
27 idence of ownership required by the law of any other jurisdiction from which
28 the vehicle was brought into this state, and a vehicle identification number
29 inspection completed by any city, county or state peace officer or other spe-
30 cial agent authorized by the department.

31 (3) In the case of a new vehicle being titled for the first time, no cer-
32 tificate of title or registration shall be issued unless the application is
33 ~~indorsed~~ endorsed by a franchised new vehicle dealer licensed to sell a new
34 vehicle. Each application shall be accompanied by a statement completed by
35 the franchised new car dealer that it is authorized to transfer the vehicle
36 to the purchaser. The dealer shall retain in its records a manufacturer's
37 certificate of origin or manufacturer's statement of origin executed by the
38 manufacturer and delivered to his agent or his franchised vehicle dealer.
39 The certificate or statement of origin shall be in a form prescribed by the
40 board and shall contain the year of manufacture or the model year of the vehi-
41 cle, the manufacturer's vehicle identification number, the name of the man-
42 ufacturer, the number of cylinders, a general description of the body, if
43 any, and the type or model. Upon sale of a new vehicle, the manufacturer,
44 his agent or franchised dealer shall execute and deliver to the purchaser an
45 assignment of the certificate or statement, together with any lien or encum-
46 brance to which the vehicle is subject. The certificate or statement will be
47 retained by the dealer for five (5) years so that it is available for inspec-
48 tion by the department.

49 (4) The department shall retain the evidence of title presented by the
50 applicant and on which the certificate of title is issued. The department

1 shall maintain an identification numbers index of registered vehicles, and,
2 upon receiving an application for a certificate of title, shall first check
3 the identification number shown in the application against the index. The
4 department, when satisfied that the applicant is the owner of the vehicle and
5 that the application is in proper form, shall issue in the name of the owner
6 of the vehicle a certificate of title bearing a title number, the date issued
7 and a description of the vehicle as determined by the department, together
8 with a statement of the owner's title and of all liens or encumbrances upon
9 the vehicle, and whether possession is held by the owner under a lease, con-
10 tract or conditional sale, or other like agreement.

11 (5) In all cases of transfer of vehicles, the application for certifi-
12 cates of title shall be filed within thirty (30) calendar days after the de-
13 livery of the vehicles. Licensed dealers need not apply for certificate of
14 title for vehicles in stock or when they are acquired for stock purposes.

15 (6) In the case of the sale of a vehicle by a dealer to a general pur-
16 chaser or user, the certificate of title shall be obtained in the name of the
17 purchaser by the dealer upon application signed by the purchaser. If a lien
18 is to be recorded, the title documentation as required in this section shall
19 be submitted to the department by the dealer or the lienholder upon applica-
20 tion signed by the purchaser. A copy of this application shall be given to
21 the purchaser to be used as a seventy-two (72) hour temporary permit. In all
22 other cases, the certificates shall be obtained by the purchaser and the cer-
23 tificate of title properly assigned and dated by the seller, or the seller's
24 bill of sale shall serve as a seventy-two (72) hour permit. The seventy-two
25 (72) hour time period for temporary permits shall be calculated excluding
26 weekend days and legal holidays observed by the state of Idaho. This tempo-
27 rary permit allows operation of any noncommercial vehicle or unladen com-
28 mercial vehicle or vehicle combination without license plates for the period
29 of time specified in the permit. A laden commercial vehicle or vehicle
30 combination may also operate without license plates for the period of time
31 specified in the temporary permit provided that the owner or operator has
32 also obtained a permit issued under the provisions of section 49-432, Idaho
33 Code.

34 (7) If the vehicle has no identification number, then the department
35 shall designate an identification number for that vehicle at the time of is-
36 suance of the certificate of title. The identification number shall be per-
37 manently affixed to or indented upon the frame of the vehicle and legibly
38 maintained by the owner at all times while a certificate of title to the vehi-
39 cle shall be issued and outstanding.

40 (8) An EVC provider authorized pursuant to section 49-401C, Idaho Code,
41 may act on behalf of the department in receiving, processing, and transmit-
42 ting applications for title and any related fees to the department. The se-
43 curity, oversight, and processing requirements in chapter 4, title 49, Idaho
44 Code, shall also apply to titling transactions conducted by an EVC provider.

45 (9) The department may allow a person to submit a required document by
46 using electronic media deemed feasible by the department instead of requir-
47 ing an original document. If a signature on a document is required by law and
48 the document is submitted electronically, the signature requirement will
49 be satisfied by an authenticated electronically submitted signature. An
50 electronically submitted document, once accepted by the department, shall

1 be deemed the same as an original document and shall be admissible in all
 2 administrative, quasi-judicial, and judicial proceedings.

3 SECTION 4. That Section 49-505, Idaho Code, be, and the same is hereby
 4 amended to read as follows:

5 49-505. ISSUANCE OF CERTIFICATES OF TITLE BY DEPARTMENT -- DELIVERY --
 6 ELECTRONIC FILE FOR LIENHOLDERS. Certificates of title shall be printed by
 7 the department. The original copy shall be delivered to the applicant if
 8 there are no liens or encumbrances on the certificate. If there are liens or
 9 encumbrances recorded, the certificate shall be delivered or mailed to the
 10 holder of the lien or encumbrance who is first in time~~r~~ on the date of the ap-
 11 plication.

12 In place of physically issuing a paper certificate of title, the depart-
 13 ment may create a paperless electronic record of title ~~and lien filing~~ and
 14 suspend the requirement to issue a certificate of title ~~if~~. If a lien is be-
 15 ing recorded, the department and the lienholder will enter into a written
 16 agreement authorizing the creation of the electronic record of the certifi-
 17 cate of title. Any reference to a "certificate of title" in this chapter
 18 shall also apply to an "electronic record of title." The department may re-
 19 quire that lienholders, licensed dealers, and rental car vendors be issued
 20 an electronic record of title in lieu of the issuance of paper certificates
 21 if the department determines such method to be more cost effective than a pa-
 22 per system.

23 SECTION 5. That Section 49-522, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 49-522. ~~INDORSEMENT~~ ENDORSEMENT "FOR JUNK ONLY" ON CERTIFICATE WHEN
 26 VEHICLE SOLD OR TRANSFERRED -- OPERATION PROHIBITED. (1) The owner of any ve-
 27 hicle who sells or transfers it to another with the intention or understand-
 28 ing that the vehicle is not to be used as an operating unit shall, at the time
 29 of sale or transfer, ~~indorse~~ endorse on the face of the certificate of title
 30 to that vehicle the words "for junk only,"~~r~~ and the department shall place
 31 those words on the face of each subsequent certificate of title to that vehi-
 32 cle.

33 (2) No person shall operate upon a highway any vehicle, the certificate
 34 of title to which has been so ~~indorsed~~ endorsed, and no person shall sell or
 35 attempt to sell that vehicle for use as an operating unit.