

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 479

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO RECREATIONAL ACTIVITIES; AMENDING SECTION 67-7101, IDAHO CODE,  
TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING  
AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-7101, Idaho Code, be, and the same is hereby  
amended to read as follows:

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" or "ATV" means any recreational motor vehicle designed for or capable of traveling off developed roadways and highways with three (3) or more tires and fifty-five (55) inches or less in width, with a wheelbase of sixty-one (61) inches or less, and with handlebar steering and a seat designed to be straddled by the operator.

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

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

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

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

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

(7) "Director" means the director of the department of parks and recreation.

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

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

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

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

(12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle

1 or snowmobile and entitled to the use or possession thereof, other than a  
2 lienholder or other person having a security interest only.

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

6 (14) "Public roadway" means all portions of any highway controlled by an  
7 authority other than the Idaho transportation department.

8 (15) "Snowmobile" means any self-propelled vehicle under two thousand  
9 (2,000) pounds unladen gross weight, designed primarily for travel on snow  
10 or ice or over natural terrain, ~~which~~ that may be steered by tracks, skis, or  
11 runners.

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

17 (17) "Utility type vehicle" or "UTV" means any recreational motor vehi-  
18 cle other than an ATV, motorbike or snowmobile as defined in this section,  
19 designed for and capable of travel over designated roads, traveling on four  
20 (4) or more tires, and having a maximum width less than eighty (80) inches,  
21 ~~and having a wheelbase of one hundred ten (110) inches or less.~~ A utility  
22 type vehicle must have a minimum width of fifty (50) inches, and a minimum  
23 weight of at least nine hundred (900) pounds ~~or a wheelbase of over sixty-one~~  
24 ~~(61) inches.~~ Utility type vehicle does not include golf carts, vehicles spe-  
25 cially designed to carry a disabled person, implements of husbandry as de-  
26 fined in section 49-110(2), Idaho Code, or vehicles otherwise registered un-  
27 der title 49, Idaho Code. A "utility type vehicle" or "UTV" also means a  
28 recreational off-highway vehicle or ROV.

29 (18) "Vendor" means any entity authorized by the department to sell  
30 recreational certificates of number and nonresident user certificates.

31 (19) "Winter recreational parking locations" means designated parking  
32 areas established and maintained with funds acquired from the cross-country  
33 skiing recreation account.

34 SECTION 2. An emergency existing therefor, which emergency is hereby  
35 declared to exist, this act shall be in full force and effect on and after  
36 July 1, 2022.