

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 74

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO RECREATIONAL ACTIVITIES; AMENDING SECTION 19-4705, IDAHO CODE,
2 TO PROVIDE FOR FINES AND FORFEITURES REGARDING FAILURE TO OBTAIN A CER-
3 TIFICATE OF NUMBER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
4 49-426, IDAHO CODE, TO PROVIDE FOR OFF-HIGHWAY VEHICLES AND TO MAKE
5 TECHNICAL CORRECTIONS; AMENDING SECTION 67-7101, IDAHO CODE, TO DEFINE
6 A TERM AND REVISE DEFINITIONS; AMENDING SECTION 67-7103, IDAHO CODE,
7 TO REVISE PROVISIONS REGARDING SNOWMOBILE CERTIFICATES OF NUMBER;
8 AMENDING SECTION 67-7104, IDAHO CODE, TO REVISE PROVISIONS REGARDING A
9 NONRESIDENT SNOWMOBILE OWNER OR APPLICANT; AMENDING SECTION 67-7106,
10 IDAHO CODE, TO REVISE PROVISIONS REGARDING DISTRIBUTION OF MONEYS TO
11 SNOWMOBILE FUNDS; AMENDING SECTION 67-7108, IDAHO CODE, TO CLARIFY THE
12 PROHIBITION AGAINST NUMBERING OFF-HIGHWAY VEHICLES AND SNOWMOBILES
13 BY POLITICAL SUBDIVISIONS; AMENDING SECTION 67-7111, IDAHO CODE, TO
14 CLARIFY PROVISIONS REGARDING ACCIDENTS INVOLVING OFF-HIGHWAY VEHICLES
15 OR SNOWMOBILES; AMENDING SECTION 67-7113, IDAHO CODE, TO ESTABLISH A
16 VIOLATION REGARDING OFF-HIGHWAY VEHICLES AND TO MAKE TECHNICAL CORREC-
17 TIONS; AMENDING SECTION 67-7114, IDAHO CODE, TO PROVIDE THAT IT SHALL
18 BE UNLAWFUL TO DRIVE OR OPERATE AN OFF-HIGHWAY VEHICLE WHILE UNDER
19 THE INFLUENCE OF ALCOHOL, DRUGS, OR ANY OTHER INTOXICATING SUBSTANCE;
20 AMENDING SECTION 67-7115, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING
21 SECTION 67-7122, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFI-
22 CATES OF NUMBER AND VALIDATION STICKERS; AMENDING SECTION 67-7123,
23 IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS;
24 AMENDING SECTION 67-7126, IDAHO CODE, TO REVISE PROVISIONS REGARD-
25 ING FEES COLLECTED FOR CERTIFICATES OF NUMBER AND USER CERTIFICATES;
26 AMENDING SECTION 67-7127, IDAHO CODE, TO REVISE TERMINOLOGY, TO SPECIFY
27 CERTAIN REQUIREMENTS REGARDING MOTORBIKE RECREATION ACCOUNT MONEYS,
28 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7128, IDAHO
29 CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 67-7132, IDAHO CODE, TO
30 PROVIDE THAT THE BOARD, RATHER THAN THE DIRECTOR, SHALL ADOPT AND EN-
31 FORCE ADMINISTRATIVE RULES AND REGULATIONS; AMENDING SECTION 67-7133,
32 IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL PROMULGATE RULES AND TO MAKE
33 A TECHNICAL CORRECTION; AND AMENDING CHAPTER 71, TITLE 67, IDAHO CODE,
34 BY THE ADDITION OF A NEW SECTION 67-7134, IDAHO CODE, TO ESTABLISH AN
35 OPTIONAL BIENNIAL FEE.
36

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

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

40 19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT
41 -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsec-
42 tion (2) of this section:

1 (a) All fines and forfeitures collected pursuant to the judgment of
2 any court of the state shall be remitted to the court in which the judg-
3 ment was rendered. The judgment shall then be satisfied by entry in the
4 docket of the court. The clerk of the court shall daily remit all fines
5 and forfeitures to the county auditor who shall at the end of each month
6 apportion the proceeds according to the provisions of this chapter.
7 Other existing laws regarding the disposition of fines and forfeitures
8 are hereby repealed to the extent such laws are inconsistent with the
9 provisions of this chapter except as provided in section 49-1013(5),
10 Idaho Code.

11 (b) Fines and forfeitures remitted for violations of fish and game
12 laws shall be apportioned two and one-half percent (2 1/2%) to the
13 state treasurer for deposit in the state general fund, ten percent
14 (10%) to the search and rescue account, twenty-two and one-half percent
15 (22 1/2%) to the district court fund and sixty-five percent (65%) to the
16 fish and game fund.

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

41 (d) Fines and forfeitures remitted for violation of any state law not
42 involving fish and game laws, or motor vehicle laws, or state driving
43 privilege laws, or state laws prohibiting driving while under the in-
44 fluence of alcohol, drugs or any other intoxicating substances, shall
45 be apportioned ten percent (10%) to the state treasurer, of which
46 eighty-six percent (86%) shall be deposited to the state general fund
47 and fourteen percent (14%) shall be deposited to the peace officers
48 standards and training fund authorized in section 19-5116, Idaho Code,
49 and ninety percent (90%) to the district court fund of the county in
50 which the violation occurred.

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

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

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

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

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

39 (j) Fines remitted for violations of section 18-7008, Idaho Code, shall
40 be apportioned ten percent (10%) to the district court fund, sixty-five
41 percent (65%) to the county where the trespass occurred for appropria-
42 tion to the sheriff's office, and twenty-five percent (25%) to the Idaho
43 rangeland resources commission for expanded education programs regard-
44 ing private property rights and land user responsibility.

45 (2) Any fine or forfeiture remitted for any misdemeanor violation for
46 which an increase in the maximum fine became effective on or after July 1,
47 2005, shall be apportioned as follows:

48 (a) Any funds remitted, up to the maximum amount that could have been
49 imposed before July 1, 2005, as a fine for the misdemeanor violation,

1 shall be apportioned according to the applicable provisions of subsec-
2 tion (1) of this section; and

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

8 (3) As used in this section, the term "city law enforcement official"
9 shall include an official of any governmental agency ~~which is~~ providing law
10 enforcement services to a city in accordance with the terms of a contract or
11 agreement, when such official makes the arrest or issues a citation within
12 the geographical limits of the city and when the contract or agreement pro-
13 vides for payment to the city of fines and forfeitures resulting from such
14 service.

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

17 49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chap-
18 ter with respect to operating fees shall not apply to:

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

27 (2) Farm tractors, implements of husbandry, those manufactured homes
28 which qualify for an exemption under the provisions of section 49-422, Idaho
29 Code, road rollers, wheel-mounted tar buckets, portable concrete and/or
30 mortar mixers, wheel-mounted compressors, tow dollies, portable toilet
31 trailers, street sweepers, other construction equipment, forestry equip-
32 ment, lawn and grounds equipment and similar devices as determined by the
33 department which are temporarily operated or moved upon the highways need
34 not be registered under the provisions of this chapter, nor shall implements
35 of husbandry be considered towed units under registration of vehicle combi-
36 nations as defined in section 49-108(2), Idaho Code. In addition, self-pro-
37 pelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf
38 carts, lawn mowers, and scooters operated by persons who by reason of phys-
39 ical disability are otherwise unable to move about as pedestrians shall be
40 exempt from registration requirements under the provisions of this chapter.
41 ~~Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles~~
42 Off-highway vehicles, as that term is defined in section 67-7101, Idaho
43 Code, and motorcycles need not be licensed under the provisions of this
44 chapter or numbered pursuant to the provisions of section 67-7122 chapter
45 71, title 67, Idaho Code, if they are being used exclusively in connection
46 with agricultural, horticultural, dairy and livestock growing and feeding
47 operations or used exclusively for snow removal purposes. Travel upon the
48 public highways shall be limited to travel between farm or ranch locations.
49 ~~Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles~~

1 Off-highway vehicles and motorcycles used for this purpose shall meet the
2 emblem requirements of section 49-619, Idaho Code.

3 (3) Any political subdivision of the state of Idaho may, but only af-
4 ter sufficient public notice is given and a public hearing held, adopt local
5 ordinances or resolutions designating highways or sections of highways un-
6 der its jurisdiction which are closed to ~~all-terrain vehicles, utility type~~
7 ~~vehicles, specialty off-highway vehicles and motorbikes~~ off-highway vehi-
8 cles, as that term is defined in section 67-7101, Idaho Code, licensed pur-
9 suant to this chapter and numbered pursuant to section 67-7122 the provi-
10 sions of chapter 71, title 67, Idaho Code. The operation of licensed and num-
11 bered ~~all-terrain vehicles, utility type vehicles and motorbikes~~ off-high-
12 way vehicles and those vehicles exempt from licensing and numbering pursuant
13 to subsection (2) of this section shall not be permitted on controlled-ac-
14 cess highways, except as provided in subsection (4) of this section. The
15 requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49,
16 Idaho Code, shall apply to the operation of any ~~all-terrain vehicle, utility~~
17 ~~type vehicle or motorbike~~ off-highway vehicle upon highways. Costs related
18 to the posting of signs on highways or sections of highways that are closed
19 to such vehicles, indicating the ordinance, are eligible for reimbursement
20 through the motorbike recreation account created in section 67-7126, Idaho
21 Code.

22 (4) The Idaho transportation board may designate sections of state
23 highways upon which ~~all-terrain vehicles, utility type vehicles, specialty~~
24 ~~off-highway vehicles and motorbikes~~ off-highway vehicles, as that term
25 is defined in section 67-7101, Idaho Code, may travel. ~~All-terrain vehi-~~
26 ~~cles, utility type vehicles, specialty off-highway vehicles and motorbikes~~
27 Off-highway vehicles shall be permitted to cross a non-full-access-con-
28 trolled highway at a public road intersection. ~~All-terrain vehicles,~~
29 ~~utility type vehicles, specialty off-highway vehicles and motorbikes~~
30 Off-highway vehicles shall be permitted to travel upon that portion of any
31 non-full-access-controlled state highway with a speed limit of forty-five
32 (45) miles per hour or less lying within and extending one (1) mile beyond the
33 boundaries of a municipality unless restricted by the Idaho transportation
34 board or closed as provided in subsection (3) of this section. The require-
35 ments of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code,
36 shall apply to the operation of ~~all-terrain vehicles, utility type vehicles,~~
37 ~~specialty off-highway vehicles and motorbikes~~ off-highway vehicles when
38 upon state highways.

39 (5) ~~All-terrain vehicles, utility type vehicles, specialty off-high-~~
40 ~~way vehicles and motorbikes~~ Off-highway vehicles, as that term is defined in
41 section 67-7101, Idaho Code, may be used on highways located on state lands
42 or federal lands which are not part of the highway system of the state of
43 Idaho, provided the numbering requirements of section 67-7122 chapter 71,
44 title 67, Idaho Code, are met.

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

47 67-7101. DEFINITIONS. In this chapter:

48 (1) "All-terrain vehicle" or "ATV" means any recreational motor vehi-
49 cle designed for or capable of traveling off developed roadways and highways

1 with three (3) or more tires and fifty (50) inches or less in width, ~~having~~
 2 with a wheelbase of sixty-one (61) inches or less, ~~has and with~~ handlebar
 3 steering and a seat designed to be straddled by the operator.

4 (2) "Applicant" means any person completing a request for and the pur-
 5 chase of a certificate of number and validation sticker.

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

8 (34) "Bona fide snowmobile program" means services or facilities as ap-
 9 proved by the department that will benefit snowmobilers such as snowmobile
 10 trail grooming, plowing and maintaining snowmobile parking areas and facil-
 11 ities, and trail signing.

12 (45) "Dealer" means any person who engages in the retail sales of or
 13 rental of snowmobiles, motorbikes, utility type vehicles or all-terrain ve-
 14 hicles.

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

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

18 (78) "Director" means the director of the department of parks and
 19 recreation.

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

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

27 (101) "Off-highway vehicle" or "OHV" means an all-terrain vehicle, mo-
 28 torbike, specialty off-highway vehicle or utility type vehicle as defined in
 29 this section.

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

33 (123) "Owner" means every any person holding record title to having a
 34 property interest in or entitled to the use or possession of a motorbike,
 35 all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or
 36 snowmobile and entitled to the use or possession thereof, other than a lien-
 37 holder or other person having a security interest only. Property interest
 38 may be verified by possession of a title, bill of sale, prior certificate of
 39 number, or other documents as the department may determine.

40 (134) "Person" means an individual, partnership, association, corpora-
 41 tion, or any other body or group of persons, whether incorporated or not, and
 42 regardless of the degree of formal organization.

43 (145) "Public roadway" means all portions of any highway ~~which are con-~~
 44 trolled by an authority other than the Idaho transportation department.

45 (156) "Snowmobile" means any self-propelled vehicle under two thousand
 46 (2,000) pounds unladen gross weight, designed primarily for travel on snow
 47 or ice or over natural terrain, which may be steered by tracks, skis, or run-
 48 ners.

49 (167) "Specialty off-highway vehicle" means any vehicle manufactured,
 50 designed or constructed exclusively for off-highway operation that does not

1 fit the definition of an all-terrain vehicle, utility type vehicle or motor-
 2 bike as defined in this section. The vehicle classification provided for in
 3 this subsection shall become effective on January 1, 2010.

4 (178) "Utility type vehicle" or "UTV" means any recreational motor ve-
 5 hicle other than an ATV, motorbike or snowmobile as defined in this section,
 6 designed for and capable of travel over designated roads, traveling on four
 7 (4) or more tires, maximum width less than seventy-four (74) inches, maximum
 8 weight less than two thousand (2,000) pounds, and having a wheelbase of one
 9 hundred ten (110) inches or less. A utility type vehicle must have a minimum
 10 width of fifty (50) inches, a minimum weight of at least nine hundred (900)
 11 pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle
 12 does not include golf carts, vehicles specially designed to carry a disabled
 13 person, implements of husbandry as defined in section 49-110(2), Idaho Code,
 14 or vehicles otherwise registered under title 49, Idaho Code. A "utility type
 15 vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

16 (189) "Vendor" means any entity authorized by the department to sell
 17 recreational certificates of number.

18 (1920) "Winter recreational parking locations" means designated
 19 parking areas established and maintained with funds acquired from the
 20 cross-country skiing recreation account.

21 SECTION 4. That Section 67-7103, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF VALIDATION STICKERS
 24 -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF
 25 CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) ~~On or before November 1~~
 26 ~~of each year the owner of each snowmobile requiring numbering by the state~~
 27 ~~of Idaho~~ An owner or applicant shall file an application for certificate
 28 of number with a vendor authorized by the department on forms approved by
 29 ~~it.~~ The application shall be signed by the owner applicant and shall, ex-
 30 cept as provided in subsection (7) of this section, be accompanied by a fee
 31 of thirty-one dollars (\$31.00). Upon receipt of the application, the de-
 32 partment shall issue to the applicant a certificate of number stating the
 33 validation sticker number assigned to the snowmobile, the designated use
 34 area, and the name and address of the owner. This subsection shall not pro-
 35 hibit the department from collecting such further information as it may deem
 36 necessary or helpful to its administrative duties under this chapter. The
 37 owner or applicant shall attach to the snowmobile the validation sticker
 38 in a manner as may be prescribed by rules of the department. The validation
 39 sticker shall be located on the right and left side of the cowling of affixed
 40 to the snowmobile, and shall be completely visible, and shall be maintained
 41 in legible condition. The certificate of number shall be pocket size and
 42 shall be available at all times upon request for inspection on the snowmobile
 43 for which issued, wherever the snowmobile is in operation available upon
 44 request for inspection.

45 (2) The department may issue any certificate of number directly or may
 46 authorize any persons to act as vendor for the issuance. In the event a per-
 47 son accepts the authorization, ~~he~~ that person may be assigned a block of val-
 48 idation stickers and certificates of number which, upon issue, in conformity
 49 with this chapter and with any rules of the department, shall be valid as if

1 issued directly by the department. All certificates of number issued shall
 2 be valid beginning November 1 through October 31 of the following year.

3 (3) All records of the department made or kept pursuant to this section
 4 shall be public records.

5 (4) Each snowmobile must be numbered before it leaves the premises at
 6 the time of sale from any retail snowmobile dealer.

7 (5) The purchaser of a snowmobile shall, within fifteen (15) days im-
 8 mediately after acquisition, make application to the department for trans-
 9 fer ~~to him~~ of the certificate of number issued to the snowmobile, giving ~~his~~
 10 the purchaser's name, address, and the certificate of number of the snow-
 11 mobile and shall at the same time pay to the department a fee of three dol-
 12 lars (\$3.00). Upon receipt of the application and fee, the department shall
 13 transfer the certificate of number issued for the snowmobile to the new owner
 14 or owners. Unless the application is made and fee paid within fifteen (15)
 15 days, the snowmobile shall be considered to be without a certificate of num-
 16 ber and it shall be unlawful for any person to operate that snowmobile until
 17 the certificate is issued.

18 (6) No number other than the validation stickers issued to a snowmobile
 19 pursuant to this chapter shall be painted, attached, or otherwise displayed
 20 on the snowmobile, except a temporary number may be attached to identify a
 21 snowmobile for the purpose of racing or other sporting events.

22 (7) ~~Resident and nonresident~~ All owners of snowmobiles used for rental
 23 purposes shall purchase a certificate of number and validation stickers for
 24 sixty-one dollars (\$61.00), and the validation stickers shall be displayed
 25 on the machine at all times as provided in this section.

26 SECTION 5. That Section 67-7104, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. ~~The owner~~
 29 ~~of a nonresident,~~ (1) Before operating within the state of Idaho, the non-
 30 resident owner or applicant of a noncommercial snowmobile shall not be re-
 31 quired to comply with the certificate of numbering requirements of the state
 32 of Idaho, but shall be required to obtain a nonresident snowmobile user cer-
 33 tificate. A fee of thirty-one dollars (\$31.00) shall be imposed for the is-
 34 suance of a nonresident snowmobile user certificate. The validation stick-
 35 ers shall be displayed in the same manner as provided in section 67-7103,
 36 Idaho Code. Nonresident snowmobile user certificates and validation stick-
 37 ers shall be valid beginning November 1 through October 31 of the following
 38 year. Issuance and administration of nonresident snowmobile user certifi-
 39 cates shall be conducted in the same manner as provided in section 67-7103,
 40 Idaho Code, for numbering of snowmobiles.

41 (12) For purposes of this section, "nonresident" shall be as defined in
 42 section 36-202, Idaho Code.

43 (23) In the absence of a bona fide program in the area or upon the re-
 44 quest of the bona fide county snowmobile advisory committee of the nearest
 45 affected county in Idaho, the requirements for the nonresident snowmobile
 46 user certificate may be waived by the parks and recreation board on specific
 47 trails where the snowmobile trail grooming is solely supported by a state
 48 other than Idaho.

1 SECTION 6. That Section 67-7106, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND
4 -- STATE SNOWMOBILE FUND -- STATE SNOWMOBILE SEARCH AND RESCUE FUND. (1) Each
5 vendor shall not later than the fifteenth day of each month remit all moneys
6 collected under the provisions of sections 67-7103 and 67-7104, Idaho Code,
7 to the state treasurer for credit to the state snowmobile fund, established
8 in the dedicated fund, to be administered by the director, except that one
9 dollar (\$1.00) per each valid year from each snowmobile certificate of num-
10 ber fee, one dollar (\$1.00) per each valid year from each rental certificate
11 of number fee, and one dollar (\$1.00) per each valid year from each nonres-
12 ident snowmobile user certificate issued by the vendor shall be credited by
13 the state treasurer to the state snowmobile search and rescue fund created in
14 section 67-2913A, Idaho Code.

15 (2) Each county with a bona fide snowmobile program shall be entitled to
16 receive from the department eighty-five percent (85%) of the moneys gener-
17 ated for that county during that certificate of number period. Counties with
18 a bona fide snowmobile program may use up to fifteen percent (15%) of their
19 county snowmobile moneys upon recommendation by their county snowmobile ad-
20 visory committee for snowmobile law enforcement purposes.

21 (3) Up to fifteen percent (15%) of the revenue generated from snowmo-
22 bile certificates of number each year may be used by the department to defray
23 administrative costs. Any moneys unused at the end of the fiscal year shall
24 be returned to the state treasurer for deposit in the state snowmobile fund.

25 (4) Vendors shall be entitled to charge an additional one dollar and
26 fifty cents (\$1.50) handling fee per ~~certificate of number~~ transaction for
27 the distribution of certificates of number and user certificates. Handling
28 fees collected by the department shall be deposited to the state snowmobile
29 fund.

30 (5) For those certificates of number not designated to a bona fide
31 county snowmobile program, the moneys generated shall be deposited to the
32 state snowmobile fund, and such fund shall be available to the department for
33 snowmobile-related expenses.

34 SECTION 7. That Section 67-7108, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVI-
37 SIONS. The provisions of this chapter shall govern the numbering and
38 registration of ~~snowmobiles, all-terrain vehicles, motorbikes, specialty~~
39 ~~off-highway vehicles and utility type vehicles~~ off-highway vehicles and
40 snowmobiles operated in this state. All political subdivisions of the
41 state are expressly prohibited from numbering or registering ~~snowmobiles,~~
42 ~~all-terrain vehicles, motorbikes, specialty off-highway vehicles and util-~~
43 ~~ity type vehicles~~ off-highway vehicles and snowmobiles in any respect.

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

1 67-7111. ACCIDENT RESULTING IN PERSONAL INJURIES OR PROPERTY DAM-
2 AGE. The operator of any off-highway vehicle or snowmobile involved in any
3 accident resulting in injuries to or death to any person or property damage
4 in the estimated amount of two hundred dollars (\$200) or more, or a person
5 acting for the operator, or the owner of the off-highway vehicle or snowmo-
6 bile having knowledge of the accident should ~~the operator of the snowmobile~~
7 be unknown, shall immediately notify a proper law enforcement agency of the
8 facts relating to the accident and within five (5) days file a report of the
9 circumstances with the department on forms prescribed by the department.
10 This section shall not apply with respect to an accident resulting in prop-
11 erty damage only to the operator's off-highway vehicle or snowmobile where
12 the accident occurs off of a highway or public roadway. For any accident
13 occurring on a highway or public roadway, the owner, the operator, or both
14 shall be subject to the provisions of section 49-2417, Idaho Code.

15 SECTION 9. That Section 67-7113, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. (1) Unless
18 otherwise provided in this chapter, any person who violates any provision
19 of this chapter, or any rule promulgated by the department pursuant to this
20 chapter, shall be guilty of an infraction and shall be punished by a fine of
21 one hundred dollars (\$100).

22 (2) In addition thereto, the operator ~~and/or~~ owner of the off-highway
23 vehicle or snowmobile shall be responsible and held accountable to the owner
24 of any lands where trees, shrubs or other property have been damaged as the
25 result of travel over ~~their~~ such owner's premises.

26 SECTION 10. That Section 67-7114, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER
29 INTOXICATING SUBSTANCE. Any person driving or operating a ~~snowmobile, mo-~~
30 ~~torbike, utility type vehicle, specialty off-highway vehicle or all-terrain~~
31 ~~vehicle~~ an off-highway vehicle or snowmobile while under the influence of
32 alcohol, drugs or any other intoxicating substance on a public roadway or
33 highway or off-highway shall be guilty of a misdemeanor.

34 SECTION 11. That Section 67-7115, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 67-7115. WINTER RECREATIONAL PARKING PERMIT -- FEE -- FINES -- PERMITS
37 FOR SNOWMOBILE OWNERS -- EXEMPTIONS. (1) Except as hereinafter provided, no
38 person shall, from November 15 of any year to April 30 of the next year, park
39 a vehicle in a winter recreational parking location unless the vehicle dis-
40 plays an annual or temporary parking permit. The annual permit shall be per-
41 manently affixed and the temporary permit shall be temporarily affixed on
42 the front window of the vehicle nearest the driver's seat in such a manner
43 that they are completely visible and shall be kept in a legible condition at
44 all times.

1 (2) The fee for the annual permit and the temporary permit shall be set
 2 by the board, but shall not exceed thirty dollars (\$30.00) for the annual
 3 permit or ten dollars (\$10.00) for the temporary permit.

4 (3) The owner of any vehicle, as defined in chapter 1, title 49, Idaho
 5 Code, that violates the provisions of subsection (1) of this section has
 6 committed an infraction punishable as provided under section 18-113A, Idaho
 7 Code, and shall be punished with a fine of not less than twenty dollars
 8 (\$20.00) or more than fifty dollars (\$50.00). The fact that a motor vehicle
 9 which is illegally parked under the provisions of this chapter is registered
 10 or leased in the name of a person shall be considered prima facie evidence
 11 that the person was in control of the vehicle at the time of parking.

12 (4) Snowmobile ~~owners~~ operators, when snowmobiling, shall be allowed
 13 to park their transportation vehicles in a designated winter recreational
 14 parking area without displaying a parking permit.

15 (5) No parking permit shall be required under the provisions of this
 16 section for a vehicle owned and operated by the United States, any state or a
 17 political subdivision of a state, or a vehicle registered in another state,
 18 if that vehicle displays a similar cross-country skiing permit, but only to
 19 the extent that an exception or privilege is granted under the laws of that
 20 state for permit holders from this state.

21 SECTION 12. That Section 67-7122, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 67-7122. APPLICATION FOR CERTIFICATE OF NUMBER -- ATTACHMENT OF VAL-
 24 IDATION STICKERS -- CERTIFICATE -- FEES. (1) ~~On or before January 1 of each~~
 25 ~~year, the owner of any all-terrain vehicle, motorbike, specialty off-high-~~
 26 ~~way vehicle or utility type vehicle as defined in section 67-7101, Idaho~~
 27 ~~Code, Before operating within the state of Idaho, the owner or applicant~~
 28 ~~of any off-highway vehicle or any motorcycle as defined in section 49-114,~~
 29 ~~Idaho Code, used off public highways, on highways located on state lands~~
 30 ~~or federal lands which are not part of the highway system of the state of~~
 31 ~~Idaho or on highways as prescribed in section 49-426(3) and (4), Idaho Code,~~
 32 ~~but excluding those vehicles used exclusively on private land for agri-~~
 33 ~~cultural use or used exclusively for snow removal purposes as provided in~~
 34 ~~section 49-426(2), Idaho Code, shall obtain a number file an application~~
 35 ~~for a certificate of number for that vehicle at any vendor authorized by the~~
 36 ~~department. Effective January 1, 2010, a fee of twelve dollars (\$12.00)~~
 37 ~~shall be charged for each number certificate, which fee includes a one dollar~~
 38 ~~and fifty cent (\$1.50) fee to be retained by the vendor and the remainder of~~
 39 ~~which shall be remitted to the department together with information noting~~
 40 ~~the number of the certificate issued, the identity of the owner that pur-~~
 41 ~~chased the number certificate, the owner's designated county use area and~~
 42 ~~the type of machine to which the owner will affix the certificate of number,~~
 43 ~~e.g., motorbike, all-terrain vehicle, utility type vehicle or specialty~~
 44 ~~off-highway vehicle A fee of twelve dollars (\$12.00) shall be charged for~~
 45 ~~each certificate of number. The certificate of number shall note the iden-~~
 46 ~~tity of the owner, the designated county use area, and the type of machine to~~
 47 ~~which the owner or applicant will affix the validation sticker, e.g., motor-~~
 48 ~~bike, all-terrain vehicle, utility type vehicle, or specialty off-highway~~
 49 ~~vehicle. The certificate of number shall be available upon request for in-~~

1 spection. The foregoing shall not prohibit the department from collecting
2 such further information as it may deem necessary or helpful to its adminis-
3 trative duties under this chapter.

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

9 (a3) Application ~~blanks forms~~ and validation stickers shall be sup-
10 plied by the department and the validation sticker shall be issued to the
11 person making application for number certificate.

12 (b4) All number certificates of number that are issued shall be in foree
13 valid January 1 through December 31 of the issued year. All number certifi-
14 icates shall be renewed by the owner of the ~~all-terrain vehicle, motorbike,~~
15 ~~specialty off-highway vehicle or utility type vehicle~~ in the same manner
16 provided for in the initial securing of the same or with any vendor autho-
17 rized by the department. A vendor issuing a renewal number certificate shall
18 retain a one dollar and fifty cent (\$1.50) vendor fee and remit the remainder
19 of the ~~twelve dollar (\$12.00) renewal number certificate fee~~ to the depart-
20 ment together with information noting the number of the certificate issued,
21 the identity of the owner that purchased the number certificate, the owner's
22 designated county use area, and the type of machine to which the owner will
23 affix the validation stickers, e.g., ~~motorbike, all-terrain vehicle, util-~~
24 ~~ity type vehicle or specialty off-highway vehicle~~. The foregoing shall not
25 prohibit the department from collecting such additional information as it
26 may deem necessary or helpful to its administrative duties under this chap-
27 ter.

28 (e5) The issued validation sticker shall be placed upon the restricted
29 vehicle license plate of the ~~all-terrain off-highway vehicle, motorbike or~~
30 ~~utility type vehicle~~, or upon the right fork of a vehicle registered pur-
31 suant to section 49-402(3), Idaho Code, or of a motorbike if used exclusively
32 off-highway, or upon the rear fender of an all-terrain vehicle, specialty
33 off-highway vehicle or utility type vehicle if used exclusively off-high-
34 way. The placement shall be made in such a manner that it is completely vis-
35 ible, does not cover the license plate numbers or letters, if licensed, and
36 shall be kept in a legible condition at all times.

37 (36) For operation of a motorbike that meets the requirements speci-
38 fied in section 49-114(10), Idaho Code, on the public highways, the vehicle
39 shall also be registered pursuant to the provisions of section 49-402(3),
40 Idaho Code. A motorbike that meets the requirements specified in sec-
41 tion 49-114(10), Idaho Code, and that is registered pursuant to section
42 49-402(3), Idaho Code, shall not be required to obtain a restricted license
43 plate pursuant to section 49-402(4), Idaho Code. A ~~motorbike, all-terrain~~
44 ~~vehicle, specialty off-highway vehicle or utility type~~ An off-highway vehi-
45 cle operated exclusively off-highway or on highways located on state lands
46 or federal lands which are not part of the highway system of the state of
47 Idaho and that meet the registration requirements specified in this section
48 shall not be required to obtain a restricted vehicle license plate pursuant
49 to section 49-402(4), Idaho Code.

1 ~~(4) Nonresidents shall be allowed to purchase a restricted vehicle li-~~
 2 ~~ense plate pursuant to section 49-402(4), Idaho Code, and/or a number cer-~~
 3 ~~tificate for an all-terrain vehicle, motorbike or utility type vehicle.~~

4 (7) As of January 1, 2020, all owners of off-highway vehicles used
 5 for rental purposes shall purchase a certificate of number and validation
 6 sticker for twenty-two dollars and fifty cents (\$22.50). The validation
 7 sticker shall be displayed on the off-highway vehicle at all times as pro-
 8 vided in this section.

9 SECTION 13. That Section 67-7123, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 67-7123. TRANSFER OF ~~NUMBER~~ CERTIFICATES OF NUMBER AND RESTRICTED VE-
 12 HICLE LICENSE PLATE. The purchaser of an ~~all-terrain vehicle, utility type~~
 13 ~~vehicle or motorbike, which~~ off-highway vehicle that has been previously is-
 14 sued a ~~number~~ certificate of number pursuant to section 67-7122, Idaho Code,
 15 and issued a restricted vehicle license plate pursuant to section 49-402,
 16 Idaho Code, shall within fifteen (15) days after acquiring same, make appli-
 17 cation to the county assessor or county motor vehicle office as may be des-
 18 ignated by the county assessor for transfer ~~to him~~ of the certificate of num-
 19 ber certificate and restricted vehicle license plate issued to the vehicle,
 20 giving the same information as on the original application ~~and the number of~~
 21 for the number certificate of number and restricted vehicle license plate,
 22 and shall at the same time pay a transfer fee of one dollar and fifty cents
 23 (\$1.50).

24 SECTION 14. That Section 67-7126, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is
 27 established in the state treasurer's office an account to be known and desig-
 28 nated as the "motorbike recreation account." The ~~twelve dollar (\$12.00) fee~~
 29 ~~collected for off-highway vehicle number certificates~~ of number under the
 30 provisions of section 67-7122, Idaho Code, shall be allocated as follows:

31 (1) Vendors shall charge and retain one dollar and fifty cents (\$1.50)
 32 for a handling fee per transaction;

33 (2) Up to fifteen percent (15%) shall be allotted to the department for
 34 administration and for the production of ~~number~~ certificates of number and
 35 validation stickers, which moneys shall be placed in the motorbike recre-
 36 ation account. The department shall annually publish a report specifically
 37 identifying the uses of account moneys;

38 (3) One dollar (\$1.00) per each valid year shall be deposited into the
 39 off-highway vehicle law enforcement fund. Moneys in said fund shall be paid
 40 and used as follows:

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

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

1 (4) One dollar (\$1.00) per each valid year shall be allocated to the
 2 Idaho department of lands to provide off-highway vehicle opportunities and
 3 to repair damage directly related to off-highway vehicle use. The depart-
 4 ment of lands shall annually publish a report specifically identifying the
 5 uses of moneys allocated pursuant to this subsection; and

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

10 Collection of fees for off-highway vehicle ~~number~~ certificates of num-
 11 ber shall not impose any additional liability on the state of Idaho or any of
 12 its political subdivisions or upon the employees of the state and of its po-
 13 litical subdivisions, and those entities and persons shall retain the limi-
 14 tations of liability provided by section 36-1604, Idaho Code, regardless of
 15 the use of such fees.

16 SECTION 15. That Section 67-7127, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 67-7127. OFF-HIGHWAY VEHICLES -- USE OF MONEYS IN MOTORBIKE RECRE-
 19 ATION ACCOUNT. The board shall administer the motorbike recreation account.
 20 The moneys derived from this account shall be used as follows:

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

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

28 (3) To finance the formulation and implementation under the board's di-
 29 rection of an off-the-road rider education program; and

30 (4) To acquire applicable federal matching funds.

31 SECTION 16. That Section 67-7128, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 67-7128. OFF-ROAD MOTOR VEHICLE ADVISORY COMMITTEE -- CREATION --
 34 SELECTION -- TERM OF OFFICE -- DUTY. (1) The ~~park and recreation~~ board shall
 35 appoint an off-road motor vehicle advisory committee (ORMV) of nine (9)
 36 members. The membership of the advisory committee shall consist of three
 37 (3) members each from northern Idaho, southwestern Idaho, and southeastern
 38 Idaho. Two (2) members from each area shall represent the following groups:
 39 motorbikes, ATV or UTV riders and snowmobilers. One (1) member interested
 40 in ORMV projects shall be appointed from each area without regard to the
 41 recreational activity in which that member participates and shall represent
 42 interests other than motorbike, ATV or UTV riders and snowmobilers. Each
 43 member of the advisory committee shall be chosen by the ~~park and recreation~~
 44 board to serve a term of three (3) years, except that the term of the initial
 45 appointees shall commence on the date of appointment and shall be of stag-
 46 gered lengths. Each member of the advisory committee shall be a qualified
 47 elector of the state. Duties shall include:

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

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

5 (c) Advising the department as to how funds can be used to rehabilitate
6 areas on public or private lands and how the department can assist in the
7 enforcement of laws and regulations governing the use of ~~off-road~~ off-
8 highway vehicles in the state of Idaho;

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

13 (2) The committee shall be compensated as provided in section
14 59-509(f), Idaho Code, and authorized by the department.

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

17 67-7132. RULES AND REGULATIONS. The ~~director board~~ shall adopt and en-
18 force administrative rules and regulations under the provisions of chapter
19 52, title 67, Idaho Code, as necessary to carry out the provisions of this
20 chapter.

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

23 67-7133. RESPONSIBILITY FOR ENFORCEMENT. The provisions of this
24 chapter, and any rule promulgated by the ~~department~~ board pursuant to this
25 chapter, shall be enforced by the law enforcement personnel of the Idaho
26 state police, the department of fish and game, employees of the department of
27 parks and recreation authorized by the director of the Idaho state police,
28 the sheriffs and their deputies of the various counties in the state, and
29 peace officers of each city.

30 SECTION 19. That Chapter 71, Title 67, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 67-7134, Idaho Code, and to read as follows:

33 67-7134. OPTIONAL BIENNIAL FEE. (1) No later than September 1, 2020,
34 any applicant for a certificate of number as required by section 67-7103,
35 Idaho Code, may elect to purchase a certificate of number valid for a period
36 of two (2) years for a fee that is double the fee currently assessed for an an-
37 nual certificate of number for a snowmobile as set forth in section 67-7103,
38 Idaho Code.

39 (2) No later than September 1, 2020, any applicant for a snowmobile user
40 certificate as required by section 67-7104, Idaho Code, may elect to pur-
41 chase a user certificate valid for a period of two (2) years for a fee that is
42 double the fee currently assessed for an annual user certificate as set forth
43 in section 67-7104, Idaho Code.

44 (3) No later than October 1, 2020, any applicant for a certificate of
45 number as required by section 67-7122, Idaho Code, may elect to purchase a

1 certificate of number valid for a period of two (2) years for a fee that is
2 double the fee currently assessed for an annual certificate of number as set
3 forth in section 67-7122, Idaho Code.

4 (4) No later than October 1, 2020, any applicant for an off-highway ve-
5 hicle user certificate required by section 67-7124, Idaho Code, may elect to
6 purchase a user certificate valid for a period of two (2) years for a fee that
7 is double the fee currently assessed for an annual user certificate as set
8 forth in section 67-7124, Idaho Code.