

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 510

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO OVER-SNOW VEHICLES; AMENDING SECTION 67-7101, IDAHO CODE, TO RE-  
2 VISE DEFINITIONS; AMENDING SECTION 67-7102, IDAHO CODE, TO REVISE PRO-  
3 VISIONS REGARDING NUMBERING REQUIREMENTS; AMENDING SECTION 67-7103,  
4 IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES OF NUMBER;  
5 AMENDING SECTION 67-7104, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
6 NONRESIDENT SNOWMOBILE USER CERTIFICATES; AMENDING SECTION 67-7105,  
7 IDAHO CODE, TO REVISE PROVISIONS REGARDING GOVERNMENT-OWNED VEHICLES  
8 AND TO PROVIDE AN EXCEPTION FOR CERTAIN GOVERNMENT EMPLOYEES; AMENDING  
9 SECTION 67-7106, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN  
10 MONEYS; AMENDING SECTION 67-7107, IDAHO CODE, TO REVISE PROVISIONS RE-  
11 GARDING A CERTAIN COMMITTEE; AMENDING SECTION 67-7108, IDAHO CODE, TO  
12 REVISE PROVISIONS REGARDING A PROHIBITION AGAINST NUMBERING; AMENDING  
13 SECTION 67-7109, IDAHO CODE, TO REVISE PROVISIONS REGARDING OPERATION  
14 OF OVER-SNOW VEHICLES ON HIGHWAYS; AMENDING SECTION 67-7110, IDAHO  
15 CODE, TO REVISE PROVISIONS REGARDING OVER-SNOW VEHICLE RESTRICTIONS;  
16 AMENDING SECTION 67-7111, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
17 CERTAIN ACCIDENTS; REPEALING SECTION 67-7112, IDAHO CODE, RELATING TO  
18 GROOMED SNOWMOBILE TRAILS; AMENDING CHAPTER 71, TITLE 67, IDAHO CODE,  
19 BY THE ADDITION OF A NEW SECTION 67-7112, IDAHO CODE, TO ESTABLISH PRO-  
20 VISIONS REGARDING GROOMED SNOWMOBILE TRAILS; AMENDING SECTION 67-7113,  
21 IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN VIOLATIONS; AMEND-  
22 ING SECTION 67-7114, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE  
23 OPERATION OF CERTAIN VEHICLES UNDER THE INFLUENCE OF INTOXICATING SUB-  
24 STANCES; AMENDING SECTION 67-7115, IDAHO CODE, TO REVISE PROVISIONS  
25 REGARDING PARKING; AMENDING CHAPTER 71, TITLE 67, IDAHO CODE, BY THE  
26 ADDITION OF A NEW SECTION 67-7119, IDAHO CODE, TO ESTABLISH PROVISIONS  
27 REGARDING NUMBERING OF OVER-SNOW TRAVELERS; AMENDING CHAPTER 71, TITLE  
28 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7131, IDAHO CODE, TO  
29 PROVIDE FOR DONATIONS TO A CERTAIN FUND; AND AMENDING SECTION 67-2913A,  
30 IDAHO CODE, TO REVISE TERMINOLOGY.  
31

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

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

35 67-7101. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

13 (8) "Groomed snowmobile trail" means any over-snow vehicle trail lo-  
 14 located within the state that is maintained and groomed for the use of over-  
 15 snow vehicles during the winter snowmobiling season by the department or by a  
 16 county, a club or an organization through the use of funds provided or allo-  
 17 cated by the department from the sale of certificates of number.

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

20 (10) "Motorbike" means any self-propelled two (2) wheeled motorcycle  
 21 or motor-driven cycle, excluding tractor, designed for or capable of travel-  
 22 ing off developed roadways and highways and also referred to as trailbikes,  
 23 enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

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

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

30 (13) "Over-snow traveler" means any person engaged in over-snow travel  
 31 on a groomed snowmobile trail without the use of a motor vehicle or an off-  
 32 highway vehicle including, but not limited to, a person traveling by bicy-  
 33 cle, cross-country skis, dog sled, horseback, horse-drawn sleigh, snowshoe,  
 34 or other apparatus or mechanized equipment.

35 (14) "Over-snow vehicle" or "OSV" means a snowmobile, as defined in  
 36 this section, or an off-highway vehicle, as defined in this section, that  
 37 is permitted to operate on groomed snowmobile trails pursuant to section  
 38 67-7112, Idaho Code.

39 (15) "Owner" means every person holding record title to a motorbike,  
 40 all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or  
 41 snowmobile and entitled to the use or possession thereof, other than a lien-  
 42 holder or other person having a security interest only.

43 (16) "Person" means an individual, partnership, association, corpora-  
 44 tion, or any other body or group of persons, whether incorporated or not, and  
 45 regardless of the degree of formal organization.

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

48 (18) "Snowmobile" means any self-propelled vehicle under two thousand  
 49 (2,000) pounds unladen gross weight, designed primarily for travel on snow

1 or ice or over natural terrain, which may be steered by tracks, skis, or run-  
2 ners.

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

8 (1720) "Utility type vehicle" or "UTV" means any recreational motor ve-  
9 hicle other than an ATV, motorbike or snowmobile as defined in this section,  
10 designed for and capable of travel over designated roads, traveling on four  
11 (4) or more tires, maximum width less than seventy-four (74) inches, maximum  
12 weight less than two thousand (2,000) pounds, and having a wheelbase of one  
13 hundred ten (110) inches or less. A utility type vehicle must have a minimum  
14 width of fifty (50) inches, a minimum weight of at least nine hundred (900)  
15 pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle  
16 does not include golf carts, vehicles specially designed to carry a disabled  
17 person, implements of husbandry as defined in section 49-110(2), Idaho Code,  
18 or vehicles otherwise registered under title 49, Idaho Code. A "utility type  
19 vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

20 (1821) "Vendor" means any entity authorized by the department to sell  
21 recreational certificates of number.

22 (1922) "Winter recreational parking locations" means designated  
23 parking areas established and maintained with funds acquired from the  
24 cross-country skiing recreation account.

25 SECTION 2. That Section 67-7102, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 67-7102. OVER-SNOW VEHICLES -- REQUIREMENT THAT SNOWMOBILE BE NUM-  
28 BERED OF NUMBERING. Except as otherwise provided, no ~~snowmobile~~ over-snow  
29 vehicle shall be operated within the jurisdiction of the state of Idaho un-  
30 less numbered as provided in this chapter.

31 SECTION 3. That Section 67-7103, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 67-7103. OVER-SNOW VEHICLES -- APPLICATION FOR NUMBER -- ATTACHMENT  
34 OF VALIDATION STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CER-  
35 TIFICATE -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1)  
36 ~~On or before November 1 of each year~~ operating any over-snow vehicle, the  
37 owner of each ~~snowmobile~~ over-snow vehicle requiring numbering by the state  
38 of Idaho shall file an application for number with the department on forms  
39 approved by it. The application shall be signed by the owner and shall,  
40 except as provided in subsection (7) of this section, be accompanied by a  
41 fee of thirty-one dollars (\$31.00). Upon receipt of the application, the  
42 department shall issue to the applicant a certificate of number stating the  
43 number assigned to the ~~snowmobile~~ over-snow vehicle and the name and address  
44 of the owner. The owner shall attach to the ~~snowmobile~~ over-snow vehicle the  
45 validation sticker in a manner as may be prescribed by rules of the depart-  
46 ment. The validation sticker shall be ~~located on the right and left side of~~  
47 ~~the cowling of the snowmobile~~ and shall be completely visible and shall be

1 maintained in legible condition. The certificate of number shall be ~~pocket~~  
 2 ~~size and shall be~~ available at all times for inspection on the ~~snowmobile~~  
 3 over-snow vehicle for which issued, wherever the ~~snowmobile~~ over-snow vehi-  
 4 cle is in operation.

5 (2) The department may issue any certificate of number directly or  
 6 may authorize any persons to act as vendor for the issuance. In the event a  
 7 person accepts the authorization, he may be assigned a block of validation  
 8 stickers and certificates of number which, upon issue, in conformity with  
 9 this chapter and with any rules of the department, shall be valid as if issued  
 10 directly by the department.

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

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

15 (5) The purchaser of a snowmobile shall, within fifteen (15) days im-  
 16 mediately after acquisition, make application to the department for trans-  
 17 fer to him of the certificate of number issued to the snowmobile, giving his  
 18 name, address and the number of the snowmobile and shall at the same time pay  
 19 to the department a fee of three dollars (\$3.00). Upon receipt of the appli-  
 20 cation and fee, the department shall transfer the certificate of number is-  
 21 sued for the snowmobile to the new owner or owners. Unless the application  
 22 is made and fee paid within fifteen (15) days, the snowmobile shall be con-  
 23 sidered to be without a certificate of number and it shall be unlawful for any  
 24 person to operate that snowmobile until the certificate is issued.

25 (6) No number other than the validation stickers issued to a ~~snowmobile~~  
 26 an over-snow vehicle pursuant to this chapter shall be painted, attached, or  
 27 otherwise displayed on the ~~snowmobile~~ over-snow vehicle, except a temporary  
 28 number may be attached to identify a ~~snowmobile~~ an over-snow vehicle for the  
 29 purpose of racing or other sporting events.

30 (7) Resident and nonresident owners of ~~snowmobiles~~ over-snow vehicles  
 31 used for rental purposes shall purchase validation stickers for sixty-one  
 32 dollars (\$61.00), and the validation stickers shall be displayed on the ma-  
 33 chine at all times as provided in this section.

34 (8) All certificates of number issued pursuant to this section shall  
 35 be in force through October 31 of the year issued, provided that the board  
 36 shall, by rules promulgated and effective no later than October 31, 2019, of-  
 37 fer and allow an option for the purchase of a certificate pursuant to this  
 38 section that is valid for a two (2) year period. The vendor fee allowed by  
 39 section 67-7106(4), Idaho Code, shall be the same for the one (1) and two (2)  
 40 year certificates of number.

41 SECTION 4. That Section 67-7104, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 67-7104. OVER-SNOW VEHICLES -- NONRESIDENT SNOWMOBILE USER CERTIFI-  
 44 CATE REQUIRED. (1) The owner of a nonresident, noncommercial ~~snowmobile~~  
 45 over-snow vehicle shall not be required to comply with the certificate of  
 46 numbering requirements of the state of Idaho, but shall be required to ob-  
 47 tain a nonresident snowmobile user certificate. A fee of thirty-one dollars  
 48 (\$31.00) shall be imposed for the issuance of a nonresident snowmobile user  
 49 certificate. The validation stickers shall be displayed in the same manner

1 as provided in section 67-7103, Idaho Code. Nonresident snowmobile user  
 2 certificates shall be valid beginning November 1 through October 31 of the  
 3 following year. Issuance and administration of nonresident snowmobile user  
 4 certificates shall be conducted in the same manner as provided in section  
 5 67-7103, Idaho Code, for numbering of snowmobiles.

6 ~~(2)~~ For purposes of this section, "nonresident" shall ~~be as defined~~  
 7 have the same meaning as provided in section 36-202, Idaho Code.

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

14 (4) All nonresident user certificates issued pursuant to this section  
 15 shall be in force through October 31 of the year issued, provided that the  
 16 board shall, by rules promulgated and effective no later than October 31,  
 17 2019, offer and allow an option for the purchase of a certificate pursuant to  
 18 this section that is valid for a two (2) year period. The vendor fee allowed  
 19 by section 67-7106(4), Idaho Code, shall be the same for one (1) and two (2)  
 20 year certificates.

21 SECTION 5. That Section 67-7105, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 67-7105. GOVERNMENT OWNERSHIP AND GOVERNMENT-RELATED TRAVEL. Cer-  
 24 tificate of number and registration portions of this chapter shall not apply  
 25 to ~~snowmobiles, all-terrain vehicles, utility type vehicles, specialty~~  
 26 ~~over-snow vehicles and off-highway vehicles and motorbikes~~ owned and oper-  
 27 ated by the federal government, a state government or a subdivision of it.  
 28 Certificate of number provisions of this chapter also shall not apply to  
 29 over-snow travelers while acting in the course and scope of employment under  
 30 the employ of the federal government, a state government or a subdivision of  
 31 it.

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

34 67-7106. OVER-SNOW VEHICLES -- DISTRIBUTION OF MONEYS COLLECTED --  
 35 COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE FUND -- STATE SNOWMOBILE SEARCH  
 36 AND RESCUE FUND. (1) Each vendor shall not later than the fifteenth day  
 37 of each month remit all moneys collected under the provisions of sections  
 38 67-7103, and 67-7104, and 67-7119, Idaho Code, to the state treasurer for  
 39 credit to the state snowmobile fund, established in the dedicated fund, to  
 40 be administered by the director, except that one dollar (\$1.00) from each  
 41 snowmobile certificate of number fee, one dollar (\$1.00) from each rental  
 42 certificate of number fee, and one dollar (\$1.00) from each nonresident  
 43 snowmobile user certificate issued by the vendor shall be credited by the  
 44 state treasurer to the state snowmobile search and rescue fund created in  
 45 section 67-2913A, Idaho Code.

46 (2) Each county with a bona fide ~~snowmobile~~ OSV program shall be enti-  
 47 tled to receive from the department eighty-five percent (85%) of the moneys

1 generated for that county during that certificate of number period. Coun-  
 2 ties with a bona fide ~~snowmobile~~ OSV program may use up to fifteen percent  
 3 (15%) of their county snowmobile moneys upon recommendation by their county  
 4 ~~snowmobile~~ OSV advisory committee for ~~snowmobile~~ OSV law enforcement pur-  
 5 poses.

6 (3) Up to fifteen percent (15%) of the revenue generated from  
 7 ~~snowmobile certificates of number~~ fees collected pursuant to sections  
 8 67-7103, 67-7104, and 67-7119, Idaho Code, each year may be used by the de-  
 9 partment to defray administrative costs. Any moneys unused at the end of the  
 10 fiscal year shall be returned to the state treasurer for deposit in the state  
 11 snowmobile fund.

12 (4) Vendors shall be entitled to charge an additional one dollar and  
 13 fifty cents (\$1.50) handling fee per certificate of number for the distri-  
 14 bution of certificates of number. Handling fees collected by the department  
 15 shall be deposited to the state snowmobile fund.

16 (5) For those certificates of number not designated to a bona fide  
 17 county ~~snowmobile~~ OSV program, the moneys generated shall be deposited to  
 18 the state snowmobile fund, and such fund shall be available to the department  
 19 for ~~snowmobile~~ OSV-related expenses.

20 SECTION 7. That Section 67-7107, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 67-7107. OVER-SNOW VEHICLES -- COUNTY ADVISORY COMMITTEE. The county  
 23 commissioners of any county ~~may~~ with a bona fide OSV program shall appoint  
 24 ~~snowmobile~~ an OSV advisory committees to serve without salaries and wages  
 25 in an advisory capacity relating to the establishment and maintenance of  
 26 parking and unloading areas on public and private property, and the expen-  
 27 diture of moneys deposited in the county ~~snowmobile~~ OSV fund; and to serve  
 28 at the pleasure of the county commissioners. No less than two-thirds (2/3)  
 29 of tThe persons selected shall be active ~~snowmobilers~~ OSV users represent-  
 30 ing ~~snowmobile~~ OSV clubs, organizations, or merchants engaged in the sale  
 31 or rental of ~~snowmobiles~~ over-snow vehicles, or be a member of the general  
 32 public actively engaged in ~~the sport of snowmobiling~~ OSV recreation. The  
 33 remaining persons selected may be of the class previously mentioned or may be  
 34 active over-snow travelers representing clubs or organizations or persons  
 35 actively engaged in over-snow travel.

36 The board of county commissioners of any county with a bona fide OSV pro-  
 37 gram is hereby authorized, upon advisement of the special advisory commit-  
 38 tee, to use and expend the special fund created in section 67-7106, Idaho  
 39 Code, outside the county.

40 SECTION 8. That Section 67-7108, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVI-  
 43 SIONS. The provisions of this chapter shall govern the numbering and  
 44 registration of ~~snowmobiles, all-terrain vehicles, motorbikes, specialty~~  
 45 over-snow vehicles, over-snow travelers and off-highway vehicles and util-  
 46 ity type vehicles operated in or traveling upon groomed snowmobile trails  
 47 in this state . All political subdivisions of the state are expressly

1 prohibited from numbering or registering ~~snowmobiles, all-terrain vehi-~~  
 2 ~~cles, motorbikes, specialty over-snow vehicles, over-snow travelers and~~  
 3 ~~off-highway vehicles and utility type vehicles~~ in any respect.

4 SECTION 9. That Section 67-7109, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 67-7109. OVER-SNOW VEHICLES -- PROHIBITION AGAINST HIGHWAY OPERATION  
 7 -- EXCEPTIONS. No person shall operate a ~~snowmobile~~ an over-snow vehicle  
 8 upon any highway or public roadway in this state, with the following excep-  
 9 tions:

10 (1) Properly numbered ~~snowmobiles~~ over-snow vehicles may cross, as di-  
 11 rectly as possible after a full and complete stop, highways and public road-  
 12 ways, except controlled access highways, provided that the crossing can be  
 13 made in safety and that it does not interfere with the free movement of ve-  
 14 hicular traffic approaching from either direction on the highway or public  
 15 roadway. It shall be the responsibility of the operator of the ~~snowmobile~~  
 16 over-snow vehicle to yield the right-of-way to all vehicular traffic upon  
 17 any highway or public roadway before crossing.

18 (2) Loading or unloading shall be done without causing a hazard to ve-  
 19 hicular traffic approaching from either direction on a highway or public  
 20 roadway. Loading or unloading shall be accomplished with regard to safety,  
 21 at the nearest possible point to the area of operation.

22 (3) The prohibition against operating ~~snowmobiles~~ over-snow vehicles  
 23 upon highways and public roadways shall not apply to any highway or public  
 24 roadway drifted or covered with snow to an extent that travel on it by other  
 25 motor vehicles is impractical or impossible.

26 (4) ~~Snowmobiles~~ Over-snow vehicles may be operated on that portion of  
 27 a highway or public roadway right-of-way that is not maintained or utilized  
 28 for the operation of conventional motor vehicles.

29 (5) Local authorities may, by ordinance, specifically designate public  
 30 roadways upon which ~~snowmobiles~~ over-snow vehicles may be operated.

31 SECTION 10. That Section 67-7110, Idaho Code, be, and the same is hereby  
 32 amended to read as follows:

33 67-7110. OVER-SNOW VEHICLES -- RESTRICTIONS. It shall be unlawful for  
 34 any person to drive or operate any ~~snowmobile~~ over-snow vehicle:

35 (1) At a rate of speed greater than reasonable and prudent under the ex-  
 36 isting conditions.

37 (2) In a negligent manner so as to endanger the person or property of  
 38 another, or to cause injury or damage to either, or to harass, chase or annoy  
 39 any wild game animals or birds or domestic animals.

40 (3) Without a lighted headlight and taillight between the hours of dusk  
 41 and dawn, or when upon or crossing any public roadway or highway, or when oth-  
 42 erwise required for the safety of others.

43 (4) Without an adequate braking device which may be operated by either  
 44 hand or foot.

45 (5) Without an adequate muffler, except when used in conjunction with  
 46 public racing events.

1 (6) Upon a public roadway or highway without a valid motor vehicle oper-  
 2 ator's license, unless the public roadway or highway is closed to other motor  
 3 vehicle travel.

4 SECTION 11. That Section 67-7111, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 67-7111. ACCIDENT RESULTING IN PERSONAL INJURIES OR PROPERTY DAM-  
 7 AGE. The operator of any ~~snowmobile~~ over-snow vehicle or off-highway vehicle  
 8 involved in any accident resulting in injuries to or death to any person or  
 9 property damage in the estimated amount of two hundred dollars (\$200) or  
 10 more, or a person acting for the operator, or the owner of the ~~snowmobile~~  
 11 over-snow vehicle or off-highway vehicle having knowledge of the accident  
 12 should the operator ~~of the snowmobile~~ be unknown, shall immediately notify  
 13 a proper law enforcement agency of the facts relating to the accident and  
 14 within five (5) days file a report of the circumstances with the department  
 15 on forms prescribed by the department. For any accident occurring on a high-  
 16 way or public roadway, the owner, the operator, or both shall be subject to  
 17 the provisions of section 49-2417, Idaho Code.

18 SECTION 12. That Section 67-7112, Idaho Code, be, and the same is hereby  
 19 repealed.

20 SECTION 13. That Chapter 71, Title 67, Idaho Code, be, and the same is  
 21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 22 ignated as Section 67-7112, Idaho Code, and to read as follows:

23 67-7112. GROOMED SNOWMOBILE TRAILS. (1) No person shall travel upon or  
 24 operate any motor vehicle upon any groomed snowmobile trail, except as au-  
 25 thorized in this section.

26 (2) Snowmobiles weighing one thousand (1,000) pounds unladen gross  
 27 weight or less, if numbered as an OSV under the provisions of this chapter,  
 28 shall be permitted to travel upon and operate upon any groomed snowmobile  
 29 trails.

30 (3) Snowmobiles weighing ~~over~~ more than one thousand (1,000) pounds un-  
 31 laden gross weight, and ATVs, UTVs, and motorbikes, if numbered as an OSV un-  
 32 der the provisions of this chapter, shall be permitted to travel upon groomed  
 33 snowmobile trails, provided that counties shall have the option to prohibit,  
 34 restrict, limit or regulate the manner, method and weight of such vehicles  
 35 while traveling on groomed snowmobile trails, or portions of such trails,  
 36 that are maintained by the county. Any such vehicle operating on groomed  
 37 snowmobile trails shall be numbered as an OSV under the provisions of this  
 38 chapter.

39 (4) Over-snow travelers issued a certificate of number pursuant to the  
 40 provisions of this chapter shall be entitled to travel upon groomed snow-  
 41 mobile trails, provided that counties shall have the option to prohibit,  
 42 restrict, limit or regulate the manner, method and weight of over-snow  
 43 travel on groomed snowmobile trails, or portions of such trails, that are  
 44 maintained by the county.

45 (5) If a county exercises its authority granted under this section to  
 46 prohibit, restrict, limit or regulate use of groomed snowmobile trails main-



1 tained by the county, the county shall conspicuously post, by signage, such  
 2 prohibitions, restrictions, limits or regulations along the groomed snow-  
 3 mobile trails where such prohibitions, restrictions, limits or regulations  
 4 apply.

5 SECTION 14. That Section 67-7113, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7 67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. (1) Unless  
 8 otherwise provided in this chapter, any person who violates any provision  
 9 of this chapter, or any rule promulgated by the department pursuant to this  
 10 chapter, shall be guilty of an infraction and shall be punished by a fine of  
 11 one hundred dollars (\$100).

12 (2) In addition thereto, the operator ~~and/or~~ owner of the ~~snowmobile~~  
 13 over-snow vehicle or off-highway vehicle shall be responsible and held ac-  
 14 countable to the owner of any lands where trees, shrubs or other property  
 15 have been damaged as the result of travel over ~~their~~ such owner's premises.

16 SECTION 15. That Section 67-7114, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18 67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER  
 19 INTOXICATING SUBSTANCE. Any person driving or operating a ~~snowmobile, mo-~~  
 20 ~~torbike, utility type vehicle, specialty~~ an over-snow vehicle or off-high-  
 21 way vehicle or all-terrain vehicle while under the influence of alcohol,  
 22 drugs or any other intoxicating substance on a public roadway or highway or  
 23 off-highway shall be guilty of a misdemeanor.

24 SECTION 16. That Section 67-7115, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 67-7115. WINTER RECREATIONAL PARKING PERMIT -- FEE -- FINES -- PERMITS  
 27 FOR ~~SNOWMOBILE~~ OVER-SNOW VEHICLE OWNERS -- EXEMPTIONS. (1) Except as here-  
 28 inafter provided, no person shall, from November 15 of any year to April 30 of  
 29 the next year, park a vehicle in a winter recreational parking location un-  
 30 less the vehicle displays an annual or temporary parking permit. The annual  
 31 permit shall be permanently affixed and the temporary permit shall be tem-  
 32 porarily affixed on the front window of the vehicle nearest the driver's seat  
 33 in such a manner that they are completely visible and shall be kept in a legi-  
 34 ble condition at all times.

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

38 (3) The owner of any vehicle, as defined in chapter 1, title 49, Idaho  
 39 Code, that violates the provisions of subsection (1) of this section has  
 40 committed an infraction punishable as provided under section 18-113A, Idaho  
 41 Code, and shall be punished with a fine of not less than twenty dollars  
 42 (\$20.00) or more than fifty dollars (\$50.00). The fact that a motor vehicle  
 43 which is illegally parked under the provisions of this chapter is registered  
 44 or leased in the name of a person shall be considered prima facie evidence  
 45 that the person was in control of the vehicle at the time of parking.

1           (4) ~~Snowmobile~~ Owners of over-snow vehicles that are numbered as an  
2 OSV under this chapter, when ~~snowmobiling~~ operating their over-snow vehi-  
3 cles, shall be allowed to park their transportation vehicles in a designated  
4 winter recreational parking area without displaying a parking permit.

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

11           SECTION 17. That Chapter 71, Title 67, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 67-7119, Idaho Code, and to read as follows:

14           67-7119. REQUIREMENT THAT OVER-SNOW TRAVELERS BE NUMBERED. (1) Except  
15 as otherwise provided, no over-snow traveler shall travel upon any groomed  
16 snowmobile trail within the jurisdiction of the state of Idaho unless num-  
17 bered as provided in this chapter. The foregoing applies to residents and  
18 nonresidents of the state.

19           (2) Before traveling upon a groomed snowmobile trail, every over-snow  
20 traveler shall file an application for number with the department on forms  
21 approved by the department. The application shall be signed by the over-snow  
22 traveler and shall be accompanied by a fee of thirty-one dollars (\$31.00).  
23 Upon receipt of the application, the department shall issue to the appli-  
24 cant a certificate of number stating the number assigned to the over-snow  
25 traveler and the name and address of the over-snow traveler. The over-snow  
26 traveler shall attach or carry the validation certificate in a manner as may  
27 be prescribed by rules of the department. The certificate of number shall  
28 be available at all times for inspection wherever the over-snow traveler is  
29 traveling upon a groomed snowmobile trail.

30           (3) The department may issue any certificate of number directly or may  
31 authorize any persons to act as vendor for the issuance. In the event a per-  
32 son accepts the authorization, the person may be assigned a block of vali-  
33 dation stickers and certificates of number that, upon issue, in conformity  
34 with this chapter and with any rules of the department, shall be valid as if  
35 issued directly by the department.

36           (4) Vendors shall be entitled to charge an additional one dollar and  
37 fifty cents (\$1.50) handling fee per certificate of number for the distri-  
38 bution of certificates of number. Handling fees collected by the department  
39 shall be deposited to the state snowmobile fund.

40           (5) Fees collected pursuant to this section shall be allocated and dis-  
41 tributed in accordance with section 67-7106, Idaho Code.

42           (6) All records of the department made or kept pursuant to this section  
43 shall be public records.

44           (7) The issuance of a certificate of number to an over-snow traveler  
45 shall be personal to the over-snow traveler to whom it is issued and shall not  
46 be transferable or assignable.

47           (8) All issued certificates of number pursuant to this section shall  
48 expire at 11:59 p.m. on October 31 of each year.

1 (9) The board shall, by rules ~~to be~~ promulgated and effective no later  
2 than October 31, 2019, offer and allow an option for the purchase of a cer-  
3 tificate pursuant to this section that is valid for a two (2) year period.

4 (10) It shall be unlawful for any person, while engaged in over-snow  
5 travel on a groomed snowmobile trail, to:

6 (a) Act in a negligent manner so as to endanger the person or property of  
7 another, or to cause injury or damage to either, or to harass, chase or  
8 annoy any wild game animals or birds or domestic animals; or

9 (b) Travel without an illuminated headlamp between the hours of dusk  
10 and dawn, or when upon or crossing any public roadway or highway, or when  
11 otherwise required for the safety of others.

12 SECTION 18. That Chapter 71, Title 67, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 67-7131, Idaho Code, and to read as follows:

15 67-7131. VOLUNTARY DONATIONS TO FUND. An applicant for a certificate  
16 of number for an over-snow vehicle pursuant to sections 67-7103 and 67-7104,  
17 Idaho Code, and for a certificate of number for an over-snow traveler pur-  
18 suant to section 67-7119, Idaho Code, who makes application for the same  
19 directly from the department, and not through a vendor, may make a voluntary  
20 donation of two dollars and fifty cents (\$2.50) or more to support the state  
21 snowmobile fund in conjunction with the application for certificate. The  
22 department shall include an accommodation to notify an applicant of the op-  
23 portunity and to allow an applicant to designate such a donation, and shall  
24 transfer all such funds received to the state snowmobile fund, as estab-  
25 lished by section 67-7106, Idaho Code, on or before the fifteenth day of each  
26 month. None of the proceeds from voluntary donations pursuant to the forego-  
27 ing shall be used for administrative expenses of the department.

28 SECTION 19. That Section 67-2913A, Idaho Code, be, and the same is  
29 hereby amended to read as follows:

30 67-2913A. SNOWMOBILE SEARCH AND RESCUE FUND -- ADVISORY COMMIT-  
31 TEE. (1) There is hereby created in the state treasury the snowmobile search  
32 and rescue fund. Moneys in the snowmobile search and rescue fund shall be  
33 perpetually appropriated to and shall be used by the director of the Idaho  
34 state police for the purpose of defraying costs of search and rescue oper-  
35 ations ~~which~~ that are conducted by a county sheriff's office to assist or  
36 recover individuals riding ~~snowmobiles~~ over-snow vehicles, as that term is  
37 defined in section 67-7101, Idaho Code, and for no other purpose. One hun-  
38 dred percent (100%) of the moneys distributed to the fund pursuant to section  
39 67-7106, Idaho Code, shall be deposited to the credit of the state snowmobile  
40 search and rescue fund. The fund shall be administered in the same manner  
41 as the state search and rescue fund created in section 67-2913, Idaho Code.  
42 The director of the Idaho state police is authorized to allocate up to ten  
43 percent (10%) of the moneys for reimbursement of administrative expenses.

44 (2) In the event the balance in the state snowmobile search and rescue  
45 fund exceeds thirty thousand dollars (\$30,000) on July 1 of any year, moneys  
46 in excess of thirty thousand dollars (\$30,000) shall be divided into two (2)  
47 equal parts and distributed to the:

1 (a) Training subaccount of the search and rescue fund created in sec-  
2 tion 67-2913, Idaho Code; and

3 (b) State snowmobile fund created in section 67-7106, Idaho Code, to  
4 be used exclusively by the director of the Idaho department of parks and  
5 recreation for snowmobile trail groomer replacement.

6 (3) The state treasurer shall invest all moneys in the state snowmobile  
7 search and rescue fund, and the interest and proceeds earned on such invest-  
8 ments shall be returned to the state snowmobile search and rescue fund.

9 (4) In the event that all moneys in the state snowmobile search and res-  
10 cue fund are exhausted or no longer available, nothing in this chapter shall  
11 be construed to absolve any entity ~~which that~~ would otherwise provide ap-  
12 plicable services, from conducting search and rescue operations to assist  
13 or recover individuals riding ~~snowmobiles~~ over-snow vehicles, as that term  
14 is defined in section 67-7101, Idaho Code. Nothing in this chapter shall be  
15 construed to limit recovery of moneys solely to the state snowmobile search  
16 and rescue fund for search and rescue operations assisting or recovering in-  
17 dividuals riding ~~snowmobiles~~ over-snow vehicles, as that term is defined in  
18 section 67-7101, Idaho Code.

19 (5) A three (3) member advisory committee shall review the operation  
20 and disbursement of moneys from the fund at the end of each fiscal year, and  
21 shall report to the fund administrator any proposed guidelines or policies  
22 deemed appropriate to improve operation of the fund. The committee shall  
23 be comprised of one (1) representative from the Idaho state snowmobile as-  
24 sociation, one (1) representative from the Idaho sheriffs' association, and  
25 one (1) representative appointed by the director of the Idaho department of  
26 parks and recreation. The respective organizations shall be responsible for  
27 reimbursing their member representative for any expenses incurred for ser-  
28 vice on the committee.