

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 75

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO RECREATIONAL ACTIVITIES; REPEALING SECTION 67-7124, IDAHO CODE,  
2 RELATING TO A NONRESIDENT CERTIFICATE EXEMPTION; AMENDING CHAPTER 71,  
3 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7124, IDAHO  
4 CODE, TO ESTABLISH PROVISIONS REGARDING NONRESIDENT OFF-HIGHWAY VE-  
5 HICLE USER CERTIFICATES; AND AMENDING SECTION 67-7126, IDAHO CODE, TO  
6 PROVIDE FOR USER CERTIFICATES AND TO MAKE A TECHNICAL CORRECTION.  
7

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

9 SECTION 1. That Section 67-7124, Idaho Code, be, and the same is hereby  
10 repealed.

11 SECTION 2. 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 67-7124, Idaho Code, and to read as follows:

14 67-7124. OFF-HIGHWAY VEHICLES -- NONRESIDENT -- OFF-HIGHWAY VEHICLE  
15 USER CERTIFICATE REQUIRED. (1) As of January 1, 2020, before operat-  
16 ing within Idaho, any nonresident owner or applicant of a noncommercial  
17 off-highway vehicle shall be required to obtain a nonresident off-highway  
18 vehicle (OHV) user certificate. A fee of twelve dollars (\$12.00) shall be  
19 imposed for the issuance of a nonresident OHV user certificate. The vali-  
20 dation sticker shall be displayed in the same manner as provided in section  
21 67-7122, Idaho Code. Nonresident OHV user certificates shall be valid Jan-  
22 uary 1 through December 31. Issuance and administration of nonresident OHV  
23 user certificates shall be conducted in the same manner as provided in sec-  
24 tion 67-7122, Idaho Code, for numbering off-highway vehicles.

25 (2) For purposes of this section, "nonresident" shall be as defined in  
26 section 36-202, Idaho Code.

27 (3) Nonresidents shall be allowed to purchase a restricted vehicle li-  
28 cense plate pursuant to section 49-402(4), Idaho Code.

29 SECTION 3. That Section 67-7126, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is  
32 established in the state treasurer's office an account to be known and desig-  
33 nated as the "motorbike recreation account." The twelve dollar (\$12.00) fee  
34 collected for off-highway vehicle number certificates and user certificates  
35 under the provisions of section 67-7124, Idaho Code, shall be allocated as  
36 follows:

37 (1) Vendors shall charge and retain one dollar and fifty cents (\$1.50)  
38 for a handling fee;

39 (2) Up to fifteen percent (15%) shall be allotted to the department for  
40 administration and for the production of number certificates and validation

1 stickers, which moneys shall be placed in the motorbike recreation account.  
2 The department shall annually publish a report specifically identifying the  
3 uses of account moneys;

4 (3) One dollar (\$1.00) shall be deposited into the off-highway vehicle  
5 law enforcement fund. Moneys in said fund shall be paid and used as follows:

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

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

12 (4) One dollar (\$1.00) shall be allocated to the Idaho department of  
13 lands to provide off-highway vehicle opportunities and to repair damage di-  
14 rectly related to off-highway vehicle use. The department of lands shall an-  
15 nually publish a report specifically identifying the uses of moneys allo-  
16 cated pursuant to this subsection; and

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

21 Collection of fees for off-highway vehicle number certificates shall  
22 not impose any additional liability on the state of Idaho or any of its po-  
23 litical subdivisions or upon the employees of the state and of its political  
24 subdivisions, and those entities and persons shall retain the limitations of  
25 liability provided by section 36-1604, Idaho Code, regardless of the use of  
26 such fees.