

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 90

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1  
2 RELATING TO RECREATIONAL ACTIVITIES; AMENDING SECTION 67-7101, IDAHO CODE,  
3 TO REVISE THE DEFINITIONS OF "ATV" AND "UTV" AND TO MAKE TECHNICAL COR-  
4 RECTIONS.

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

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

8 67-7101. DEFINITIONS. In this chapter:

9 (1) "All-terrain vehicle" or "ATV" means any recreational motor vehi-  
10 cle designed for or capable of traveling off developed roadways and highways  
11 with three (3) or more tires and fifty-five (505) inches or less in width,  
12 having a wheelbase of sixty-one (61) inches or less, has handlebar steering  
13 and a seat designed to be straddled by the operator.

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

16 (3) "Bona fide snowmobile program" means services or facilities as ap-  
17 proved by the department that will benefit snowmobilers such as snowmobile  
18 trail grooming, plowing and maintaining snowmobile parking areas and facil-  
19 ities, and trail signing.

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

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

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

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

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

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

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

37 (11) "Operator" means any person who is in physical control of a motor-  
38 bike, all-terrain vehicle, utility type vehicle, specialty off-highway ve-  
39 hicle or snowmobile.

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

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

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

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

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

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

17 (17) "Utility type vehicle" or "UTV" means any recreational motor vehi-  
18 cle other than an ATV, motorbike or snowmobile as defined in this section,  
19 designed for and capable of travel over designated roads, traveling on  
20 four (4) or more tires, maximum width less than ~~seventy-four~~ eighty (7480)  
21 inches, ~~maximum weight less than two thousand (2,000) pounds,~~ and having a  
22 wheelbase of one hundred ten (110) inches or less. A utility type vehicle  
23 must have a minimum width of fifty (50) inches, a minimum weight of at least  
24 nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches.  
25 Utility type vehicle does not include golf carts, vehicles specially de-  
26 signed to carry a disabled person, implements of husbandry as defined in  
27 section 49-110(2), Idaho Code, or vehicles otherwise registered under title  
28 49, Idaho Code. A "utility type vehicle" or "UTV" also means a recreational  
29 off-highway vehicle or ROV.

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

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