

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 129

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO OFF-HIGHWAY VEHICLES; AMENDING SECTION 49-116, IDAHO CODE,
2 TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION
3 49-426, IDAHO CODE, RELATING TO EXEMPTIONS FROM OPERATING FEES; AMEND-
4 49-426, IDAHO CODE, RELATING TO EXEMPTIONS FROM OPERATING FEES; AMEND-
5 ING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
6 49-426, IDAHO CODE, TO PROVIDE FOR EXEMPTIONS FROM OPERATING FEES; AND
7 AMENDING SECTION 49-421, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
8 ENCE.

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

10 SECTION 1. That Section 49-116, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-116. DEFINITIONS -- O. (1) "Off-highway vehicle" or "OHV" means an
13 off-highway vehicle as defined in section 67-7101, Idaho Code.

14 (2) "Operator" means every person who is in actual physical control of a
15 motor vehicle upon a highway or private property open to public use.

16 (23) "Out-of-service order" means a temporary prohibition against op-
17 erating a commercial vehicle as declared by an authorized enforcement offi-
18 cer of a federal, state, Canadian, Mexican, or local jurisdiction and which
19 is applicable to a driver, a commercial motor vehicle, or a motor carrier op-
20 eration pursuant to federal regulations 49 CFR ~~part~~ 386.72, 392.5, 395.13,
21 or 396.9, or compatible laws, or to the North American uniform out-of-ser-
22 vice criteria.

23 (34) "Owner" means a person, other than a lienholder, having the prop-
24 erty in or title to a vehicle. The term includes a person entitled to the use
25 and possession of a vehicle subject to a security interest in another person,
26 but excludes a lessee under a lease not intended as security. "Owner," for
27 the purposes of chapter 12, title 49, Idaho Code, means the person legally
28 responsible for the operation of a vehicle upon the highways of the state of
29 Idaho, whether as owner, lessee, or otherwise.

30 SECTION 2. That Section 49-426, Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 3. That Chapter 4, Title 49, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 49-426, Idaho Code, and to read as follows:

35 49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chap-
36 ter with respect to operating fees must not apply to:

37 (1) Motor vehicles owned or leased by the United States, the state, a
38 city, a county, any department thereof, any political subdivision or munic-
39 ipal corporation of the state, any taxing district of the state, any state
40 registered nonprofit subscription fire protection unit, or any organiza-

1 tion, whether incorporated or unincorporated, organized for the operation,
2 maintenance, or management of an irrigation project or irrigation works or
3 system or for the purpose of furnishing water to its members or shareholders,
4 but in other respects the provisions of this chapter are applicable.

5 (2) Farm tractors, implements of husbandry, manufactured homes that
6 qualify for an exemption under the provisions of section 49-422, Idaho Code,
7 road rollers, wheel-mounted tar buckets, portable concrete or mortar mix-
8 ers, wheel-mounted compressors, tow dollies, portable toilet trailers,
9 street sweepers, other construction equipment, forestry equipment, lawn
10 and grounds equipment, and similar devices as determined by the depart-
11 ment that are temporarily operated or moved upon the highways need not be
12 registered under the provisions of this chapter, nor will implements of hus-
13 bandry be considered towed units under registration of vehicle combinations
14 as defined in section 49-108(2), Idaho Code. In addition, self-propelled
15 wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts,
16 lawn mowers, and scooters operated by persons who by reason of physical dis-
17 ability are otherwise unable to move about as pedestrians are exempt from
18 registration requirements under the provisions of this chapter. Motorcy-
19 cles and off-highway vehicles need not be licensed under the provisions of
20 this chapter or numbered pursuant to the provisions of sections 67-7122 and
21 67-7124, Idaho Code, if they are being used exclusively in connection with
22 agricultural, horticultural, dairy and livestock growing and feeding opera-
23 tions, or used exclusively for snow removal purposes. Travel upon the public
24 highways must be limited to travel between farm or ranch locations. Motor-
25 cycles and off-highway vehicles used for this purpose must meet the emblem
26 requirements of section 49-619, Idaho Code.

27 (3) Off-highway vehicles licensed pursuant to this chapter and num-
28 bered pursuant to section 67-7122 or 67-7124, Idaho Code, and those vehicles
29 exempt from licensing and numbering pursuant to subsection (2) of this sec-
30 tion are permitted to operate on:

31 (a) All highways that are not state highways and that are not interstate
32 highways;

33 (b) Any non-full access-controlled state highway within the boundaries
34 of a municipality and extending one (1) mile from such boundary lines
35 where the posted speed limit is sixty (60) miles per hour or less; and

36 (c) Any non-full access-controlled state highway outside of municipal-
37 ities where the posted speed limit is sixty (60) miles per hour or less
38 for continuous distances of no more than five (5) miles for the limited
39 purpose of connecting between OHV trails, obtaining access to or from an
40 OHV trail, or to access necessary services such as fuel, lodging, food
41 and beverage, and maintenance.

42 (4) Off-highway vehicles licensed pursuant to this chapter and num-
43 bered pursuant to section 67-7122 or 67-7124, Idaho Code, and those vehicles
44 exempt from licensing and numbering pursuant to subsection (2) of this sec-
45 tion must be permitted to cross a highway, except interstate highways and
46 full access-controlled state highways, at a public road intersection and
47 at any point where an OHV trail intersects, provided the vehicle comes to a
48 full and complete stop before making the crossing and yields to any highway
49 traffic.

1 (5) The operation of off-highway vehicles licensed pursuant to this
2 chapter and numbered pursuant to section 67-7122 or 67-7124, Idaho Code,
3 and those vehicles exempt from licensing and numbering pursuant to subsec-
4 tion (2) of this section are not permitted on interstate highways and full
5 access-controlled state highways, provided that the Idaho transportation
6 board may designate sections of such state highways upon which off-highway
7 vehicles may travel.

8 (6) The Idaho transportation board may, after sufficient public notice
9 is given and a public hearing held, designate sections of state highways that
10 are closed or limited to off-highway vehicle use. The Idaho transportation
11 board must deliver written notice to the director of the Idaho department of
12 parks and recreation at least thirty (30) days before the public hearing and
13 must accept and consider any comment from the director of the Idaho depart-
14 ment of parks and recreation received within the thirty (30) day period or at
15 the public hearing.

16 (7) Any political subdivision of the state of Idaho may, but only after
17 sufficient public notice is given and a public hearing held, adopt local or-
18 dinances or resolutions designating highways or sections of highways under
19 its jurisdiction that are closed or limited to off-highway vehicle use. No-
20 tice of any such public hearing must be delivered in writing at least thirty
21 (30) days in advance to the director of the Idaho department of parks and
22 recreation. A political subdivision must accept and consider any comment
23 from the director of the Idaho department of parks and recreation received
24 within the thirty (30) day period or at the public hearing.

25 (8) When operating an off-highway vehicle upon highways, off-highway
26 vehicles must not travel at speeds greater than the posted speed limit or
27 forty-five (45) miles per hour, whichever is less.

28 (9) The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13, and
29 14, title 49, Idaho Code, apply to the operation of off-highway vehicles upon
30 highways.

31 (10) Off-highway vehicles may be used on highways located on state lands
32 or federal lands that are not part of the highway system of the state of
33 Idaho, provided the numbering requirements of section 67-7122 or 67-7124,
34 Idaho Code, are met.

35 SECTION 4. That Section 49-421, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 49-421. REGISTRATION CARDS. (1) Upon the registration of a vehicle,
38 the registering agency shall issue to the owner, as defined in section
39 49-116(34), Idaho Code, a registration card that shall contain the date is-
40 sued, the registration number assigned the owner and to the vehicle, the name
41 and address of the owner, a description of the registered vehicle, identifi-
42 cation number, and any other information the department may require.

43 (2) The owner, upon receiving a registration card, shall validate proof
44 of compliance with the insurance requirements of section 49-1229, Idaho
45 Code.

46 (3) Upon a change of address, the registrant shall report such change to
47 the county assessor or the department within thirty (30) days following the
48 change of address.

1 (4) It is an infraction for any person to fail to notify the department
2 of a change of address as required by the provisions of subsection (3) of this
3 section.