

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 638

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-426, IDAHO  
2 CODE, TO PROVIDE FOR CERTAIN OFF-HIGHWAY VEHICLE OPERATION AND TO A  
3 MAKE TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN  
4 EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 49-426, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chap-  
10 ter with respect to operating fees must not apply to:

11 (1) Motor vehicles owned or leased by the United States, the state,  
12 a city, a county, any department thereof, any political subdivision or  
13 municipal corporation of the state, any taxing district of the state, any  
14 state-registered nonprofit subscription fire protection unit, or any or-  
15 ganization, whether incorporated or unincorporated, organized for the  
16 operation, maintenance, or management of an irrigation project or irriga-  
17 tion works or system or for the purpose of furnishing water to its members  
18 or shareholders, but in other respects the provisions of this chapter are  
19 applicable.

20 (2) Farm tractors, implements of husbandry, manufactured homes that  
21 qualify for an exemption under the provisions of section 49-422, Idaho Code,  
22 road rollers, wheel-mounted tar buckets, portable concrete or mortar mix-  
23 ers, wheel-mounted compressors, tow dollies, portable toilet trailers,  
24 street sweepers, other construction equipment, forestry equipment, lawn  
25 and grounds equipment, and similar devices as determined by the depart-  
26 ment that are temporarily operated or moved upon the highways need not be  
27 registered under the provisions of this chapter, nor will implements of hus-  
28 bandry be considered towed units under registration of vehicle combinations  
29 as defined in section 49-108(2), Idaho Code. In addition, self-propelled  
30 wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts,  
31 lawn mowers, and scooters operated by persons who by reason of physical dis-  
32 ability are otherwise unable to move about as pedestrians are exempt from  
33 registration requirements under the provisions of this chapter. Motorcyc-  
34 les and off-highway vehicles need not be licensed under the provisions of  
35 this chapter or numbered pursuant to the provisions of sections 67-7122 and  
36 67-7124, Idaho Code, if they are being used exclusively in connection with  
37 agricultural, horticultural, dairy and livestock growing and feeding opera-  
38 tions, or used exclusively for snow removal purposes. Travel upon the public  
39 highways must be limited to travel between farm or ranch locations. Motor-  
40 cycles and off-highway vehicles used for this purpose must meet the emblem  
41 requirements of section 49-619, Idaho Code.

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

5 (a) All highways that are not state highways and that are not interstate  
6 highways;

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

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

16 (d) Any non-full access-controlled state highway outside of municipal-  
17 ities where the posted speed limit is greater than sixty (60) miles per  
18 hour, provided that the off-highway vehicle is operated on the shoulder  
19 of the road for continuous distances of no more than five (5) miles, for  
20 the limited purpose of connecting between off-highway vehicle trails,  
21 obtaining access to or from an off-highway vehicle trail, or to access  
22 necessary services such as fuel, lodging, food and beverage, and main-  
23 tenance.

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

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

39 (6) The Idaho transportation board may, after sufficient public notice  
40 is given and a public hearing held, designate sections of state highways that  
41 are closed or limited to off-highway vehicle use. The Idaho transportation  
42 board must deliver written notice to the director of the Idaho department of  
43 parks and recreation at least thirty (30) days before the public hearing and  
44 must accept and consider any comment from the director of the Idaho depart-  
45 ment of parks and recreation received within the thirty (30) day period or at  
46 the public hearing.

47 (7) Any political subdivision of the state of Idaho may, but only after  
48 sufficient public notice is given and a public hearing held, adopt local or-  
49 dinances or resolutions designating highways or sections of highways under  
50 its jurisdiction that are closed or limited to off-highway vehicle use. No-

1 tice of any such public hearing must be delivered in writing at least thirty  
2 (30) days in advance to the director of the Idaho department of parks and  
3 recreation. A political subdivision must accept and consider any comment  
4 from the director of the Idaho department of parks and recreation received  
5 within the thirty (30) day period or at the public hearing.

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

9 (9) The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13, and  
10 14, title 49, Idaho Code, apply to the operation of off-highway vehicles upon  
11 highways.

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

16 SECTION 2. An emergency existing therefor, which emergency is hereby  
17 declared to exist, this act shall be in full force and effect on and after  
18 July 1, 2022.