

## 2021-22 ITD Rulemakings

### Zero-Based Regulation – Executive Order No. 2020-01

### 5-Year Rule Review Schedule

#### E.O. ZBR Rules Review

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## FY22 ITD Word Counts

### Omnibus Non-Fee Rulemakings

IDAPA Chapter	Deleted Restrictions	Added Words	Deleted Words	Total
<a href="#">39.02.01</a> (Repeal)*	9	0	461	-461
<a href="#">39.02.09</a>	15	74	400	-326
<a href="#">39.02.27</a>	11	22	366	-344
<a href="#">39.02.43</a>	2	14	131	-117
<a href="#">39.02.45</a>	2	23	29	-6
<a href="#">39.02.80</a>	4	10	248	-238
<a href="#">39.03.47</a>	0	51	139	-88
<a href="#">39.03.80</a>	9	10	92	-82
<a href="#">39.03.05</a>	98	176	145	+31
<a href="#">39.03.81</a> (Repeal)*	25	0	1,588	-1,588
<b>Total:</b>	<b>-175</b>			<b>-3,219</b>

\*Complete chapter repeal/deletion

### Omnibus Fee Rulemakings

IDAPA Chapter	Deleted Restrictions	Added Words	Deleted Words	Total
<a href="#">39.02.04</a>	5	15	74	-59
<a href="#">39.02.05</a>	50	487	524	-37
<a href="#">39.02.26</a>	0	29	53	-24
<a href="#">39.02.41</a>	8	129	632	-503
<a href="#">39.02.60</a>	10	115	1,326	-1,211
<b>Total:</b>	<b>-73</b>			<b>-1,834</b>

### Snapshot of Overall Cuts

2018 Totals		FY19 – FY21	FY22 Cuts	Total Cuts	Current Totals
80	# of Chapters	-36 (-45%)	-2	-38 (-47.5%)	42
121,995	# of Words	-17,637 (-14.5%)	-5,053	-22,690 (-18.6%)	99,305
1,809	# of Restrictive Words	-319 (-17.5%)	-248	-567 (-31.3%)	1,242



## ~~IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT~~

### ~~39.02.01 – RULES GOVERNING VEHICLE MANUFACTURER AND DISTRIBUTOR FRANCHISE REQUIREMENTS~~

#### ~~000. — LEGAL AUTHORITY.~~

~~This rule is adopted under the authority of Sections 49-201, 49-501, 49-504, 49-519, 49-1602 and 49-1606, Idaho Code. (9-14-92)~~

#### ~~001. — TITLE AND SCOPE.~~

~~This rule is titled IDAPA 39.02.01, “Rules Governing Vehicle Manufacturer and Distributor Franchise Requirements.” and clarifies the operating procedures of vehicle manufacturers and distributors who franchise through vehicle dealers. (12-26-90)~~

#### ~~002. – 009. — (RESERVED)~~

#### ~~010. — DEFINITIONS.~~

~~01. — Finished Vehicle. A vehicle offered for sale and delivered by the manufacturer for sale at retail. (12-26-90)~~

~~02. — New Vehicle. A vehicle that has not been previously titled or registered and has not been previously required to be titled or registered. (9-14-92)~~

~~03. — Used Vehicle. A vehicle that has been previously titled or registered or previously required to have been titled or registered. (9-14-92)~~

~~04. — MCO/MSO. Manufacturer’s certificate of origin or manufacturer’s statement of origin. (9-14-92)~~

~~05. — Motor Home. A vehicle designed to provide temporary living quarters which are built into or permanently attached to a self-propelled vehicle chassis or van. In addition to sleeping and dining facilities, the vehicle must contain permanently installed independent life support systems that provide at least four (4) of the following: (9-14-92)~~

~~a. — A potable water supply system including plumbing, a faucet and a sink, designed as either self-contained or to be connected with an external water supply, or both; (12-26-90)~~

~~b. — Permanently installed cooking facilities; (12-26-90)~~

~~c. — A permanently installed ice box or refrigeration unit; (12-26-90)~~

~~d. — A permanently installed 110-125 volt electrical power supply or L.P. gas supply, or both; (12-26-90)~~

~~e. — A permanently installed heating or air conditioning system, or both; (12-26-90)~~

~~f. — A permanently installed, self-contained toilet. (12-26-90)~~

#### ~~011. – 099. — (RESERVED)~~

#### ~~100. — GENERAL PROVISIONS.~~

~~01. Vehicle Manufacturer or Distribution Licensing. The Department shall issue a manufacturer or distributor license to firms that own the finished vehicle and either: (12-26-90)~~

~~a. Completely manufacture and assemble new vehicles; (2-26-90)~~

~~b. Install on previously assembled vehicle chassis: equipment designed for non transportation, contractor purposes such as cranes, backhoes, etc.; equipment designed for ambulance or mortuary purposes or for the transportation of physically handicapped persons confined to wheelchairs; equipment designed for special purpose use, such as van conversions, tank trucks, ambulances, etc.; or (12-26-90)~~

~~c. Construct or convert and equip previously assembled vehicles or chassis for use as motor homes. (12-26-90)~~

~~02. Licensed Manufacturers Provisions. Licensed Manufactures may franchise any Idaho dealer; shall display the make, name and chassis identification number approved by the Society of Automotive Engineers on each vehicle; and furnish an MCO/MSO for each completed vehicle to dealers. (12-26-90)~~

~~03. Motor Home MCO/MSO Requirements. MCOs for motor homes shall indicate the independent life support system features installed on the vehicle. (12-26-90)~~

~~101, -- 999. (RESERVED)~~

**39.02.09 – RULES GOVERNING REQUIREMENTS FOR MANUFACTURER'S  
CERTIFICATE OF ORIGIN (MCO)**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-504 and 49-507, Idaho Code. (12-26-90)

**001. ~~TITLE AND SCOPE~~PURPOSE.**

This rule ~~is titled IDAPA 39.02.09, "Rules Governing Requirements for Manufacturer's Certificate of Origin (MCO)."~~  
~~The purpose of this rule is to~~ outline the requirements for a manufacturer's certificate of origin (MCO). All provisions of this rule also apply to any Manufacturer's Statement of Origin (MSO). (7-1-21)T

**002. -- 099. (RESERVED)**

**100. MCO REQUIREMENTS FOR TITLE APPLICATION.**

**01. Title Application Endorsement.** New vehicles sold in Idaho being titled for the first time ~~must~~ will have the title application endorsed by an Idaho-licensed, franchised new vehicle dealer. (7-1-21)T

**02. Manufacturer's Certificate of Origin Required.** Title applications for new vehicles ~~must~~ will be accompanied by a manufacturer's certificate of origin. (7-1-21)T

**03. Out-of-State Purchases.** New vehicles purchased out-of-state by Idaho residents ~~shall~~ will be ~~titled on the~~ accompanied by an MCO that meets the legal requirements of the state where the vehicle was purchased. (7-1-21)T

**101. -- 199. (RESERVED)**

**200. CERTIFICATE CONTENTS.**

**01. MCO Content Requirements.** Each ~~manufacturer's certificate of origin~~ MCO accompanying application for title ~~shall~~ will contain the following information: (7-1-21)T

a. Date; (12-26-90)

b. Invoice number and document ~~serial~~ control number; (7-1-21)T

c. Name of distributor or dealer; (12-26-90)

d. Issuing location - city and state; (12-26-90)

e. Manufacturer's name and signature of authorized manufacturer's representative; (12-26-90)

f. Manufacturer statement - "I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer"; (12-26-90)

g. Year, make, body type, series or model; (12-26-90)

h. Vehicle identification number, approved by the American Society of Automotive Engineers; (12-26-90)

i. Shipping weight, horsepower (SAE), and number of cylinders when applicable, Gross Vehicle Weight and Rating (GVWR); (7-1-21)T

j. Certification attesting to the first transfer in ordinary trade or commerce: "It is further certified that this is the first transfer of such new vehicle in ordinary trade and commerce." (12-26-90)

**02. Additional Motor Home Requirements.** If the vehicle is a motor home, the following statement ~~must~~ will be included: "The undersigned certifies that the vehicle described hereon is a motor home, equipped with at least four (4) of the following life support systems: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, a potable water supply system including a faucet and sink, separate 110-115 volt electrical power supply and/or an LP as supply, all of which meet ANSI A119.2 standards." (7-1-21)T

**03. MCO Assignments and Reassignments.** The reverse side of the certificate ~~shall contain information on~~ will provide for distributor/dealer assignments and reassignments: ~~See Exhibit "A" Attached.~~ (7-1-21)T

**201. CERTIFICATE DESIGN.**

Each ~~manufacturer's certificate of origin must~~ MCO will be printed on safety paper meeting the following standards: (7-1-21)T

**01. Security Features.** At a minimum, a ~~All~~ "Certificates of Origin" ~~should~~ will contain the following ~~nine~~ (9) security features: (7-1-21)T

~~a. Paper: Sensitized Security Paper -- paper that is reactive to chemicals commonly used to alter documents; Non-Optical Brightener Paper -- paper without added optical brighteners which will not fluoresce under ultraviolet light;~~ (12-26-90)

~~b. Engraved Border -- a border produced from engraved art work which shall appear on the front of the document;~~ (12-26-90)

~~c. Prismatic -- rainbow printing which is used as a deterrent to color copying; and/or~~ (12-26-90)

~~d. Copy Void Pantograph -- the word "void" appears when the document is copied;~~ (12-26-90)

~~e. Complex Colors -- colors which are developed by using a mixture of two (2) or more of the primary colors (red, yellow or blue) and black if required;~~ (12-26-90)

~~f. Erasable Fluorescent Background Inks -- fluoresces under ultraviolet light and reacts to any attempt to erase in such a manner as to be immediately detectable;~~ (12-26-90)

~~g. Background Security Design -- a repetitious design consisting of a pattern which hinders counterfeiting efforts; and~~ (7-1-21)T

~~h. Microline -- a line of small alpha characters in capitol letters which requires a magnifying glass to read;~~ (12-26-90)

~~i.b. Consecutively Numbered -- documents that contain a number which is consecutively numbered for control purposes;~~ (7-1-21)T

~~j. Security Thread -- with or without watermark; and/or~~ (12-26-90)

~~k. Intaglio Print -- with or without latent image.~~ (12-26-90)

**02. Document Size.** ~~"Certificates of Origin" size specifications shall be s~~ Seven (7) inches by eight (8)

inches. (7-1-21)T

**03. Paper Stock.** ~~Sixty (60) pound offset or equivalent durability~~ Minimum twenty-eight (28) pound, number one (1) bond, smooth-surface. Paper will be of sufficient weight to preclude bleeding through or shadowing. (7-1-21)T

**04. Construction.** ~~Unless otherwise specified by the user, the forms should be constructed and fanfolded for use on high-speed pinfed computer printer and/or continuous typewriters.~~ (12-26-90)

**05. Layout.** Text matter space for one-tenth (1/10) inch horizontal and one-sixth (1/6) inch deep characters. (7-1-21)T

**20206. FACILITY SECURITY** ~~Facility Security.~~

To insure the integrity of the manufacturer's "Certificates of Origin", the user should require the vendor to maintain secure printing and storage facilities. (7-1-21)T

**2032. -- 299. (RESERVED)**

**300. APPLICATION TO WAIVE SAFETY PAPER REQUIREMENTS APPROVAL BY DEPARTMENT.**

**01. Sample Requirement Waives.** ~~A request to waive requirements must be submitted and approved prior to application for title.~~ (12-26-90)

**a.** ~~A sample copy of the proposed MCO or a complete list of printing specifications~~ will be submitted to the Department for approval for titling purposes ~~accompany the request.~~ (7-1-21)T

**b.** ~~The certificate shall contain all information specified in Section 4 Certificate Contents.~~ (12-26-90)

**02. Waiver Authorization.** ~~The Titles/Dealer Operations Manager or his designee may waive safety paper requirements upon written application documenting the reason for the requested action, and the benefits to the manufacturer and public.~~ (12-26-90)

**03. Minimum Requirement.** ~~As a minimum requirement, the certificate shall be printed with MICR-type inks on number one (1) bond, smooth-surface, safety-check paper.~~ (12-26-90)

**04. Control Numbers.** ~~The certificate shall have a control number for audit purposes.~~ (12-26-90)

**301. -- 399. (RESERVED)**

**400. EFFECTIVE DATE AND APPLICABILITY.**

~~This regulation is applicable to all motor vehicles bearing a 1981 or later model year or, in the case of manufacturer who does not assign a model year to his motor vehicles, this rule is applicable to those motor vehicles manufactured on and after 12:01 a.m., October 1, 1980.~~ (12-26-90)

**401. -- 999. (RESERVED)**

**39.02.27 – RULES GOVERNING TITLING AND REGISTRATION OF NON-RESIDENT COMMERCIAL VEHICLES AND TRANSIENT FARM LABOR VEHICLES**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, 49-441 and 49-501, Idaho Code. (12-26-90)

**001. TITLE AND SCOPE.**

This rule establishes the procedures for the titling and registering of non-resident commercial vehicles and transient farm labor vehicles. (7-1-21)T

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

~~01. **Established Place of Business.** Means a physical structure owned, leased or rented by the registrant, designated by street number or road location, open during business hours, contains a telephone publicly listed in the name of the registrant and is the location where the operational records of the registrant can be made available. (12-26-90)~~

~~02. **Idaho Trucking Company.** Means a Any entity physically located within Idaho and owned, leased or rented by the registrant, where the operational records of the registrant can be made available. which meets the requirement of “established place of business.” (7-1-21)T~~

~~03. **Lessee.** Means a person, firm or corporation which has legal possession and control of a vehicle and/or motor vehicle under the terms of a written lease agreement. (7-1-21)T~~

~~04. **Lessor.** Means an owner of a vehicle who, pursuant to the terms of a lease agreement, grants the legal right of possession, control and responsibility for the operations of the vehicle and/or motor vehicle to another person or entity. (12-26-90)~~

~~05. **Non-Resident Owner-Operator.** Means a An owner-operator of a vehicle and/or motor vehicle who is not a resident of Idaho, but is leasing transportation equipment, titled in another state jurisdiction, to an Idaho trucking company. (7-1-21)T~~

~~06. **Transient Farm Labor Vehicles.** Means a vehicle, or combination of vehicles, owned by a transient farm laborer, used in hauling unprocessed agricultural products for hire, and not exceeding sixty thousand (60,000) pounds maximum gross weight. (7-1-21)T~~

~~011. -- 099. (RESERVED)~~

~~100. GENERAL PROCEDURE.~~

~~01. **Out of State Title Required.** A non resident owner operator leasing equipment to an Idaho trucking company must submit a copy of the out of state title with a registration application to complete registration requirements. (12-26-90)~~

~~02. **Temporary Clearance.** If the copy is not immediately available, temporary vehicle clearance or temporary registration may be issued. (12-26-90)~~

~~03. **Idaho Title Required.** Non resident owner operators who lease to Idaho trucking companies and intend to obtain an Idaho registration in the name of the owner operator must obtain an Idaho title for the equipment to be registered in Idaho. The non resident owner operator must meet the requirements of “established place of business.” (12-26-90)~~



~~04. Documentation Provided. Once the copy of the out of state title has been provided to the Motor Vehicle Bureau the lessee shall not be required to provide further copies if the lease arrangement and vehicle(s) remain unchanged. (12-26-90)~~

~~05. Registration Only. If no Idaho title is issued, the registration document shall indicate "Reg. Only" in the title space. (12-26-90)~~

~~101. -- 199. (RESERVED)~~

## 200. NON-RESIDENT REGISTRATIONS.

**01. No Reciprocity Agreement.** Non-resident companies operating on an intrastate basis in Idaho when no specific agreement exists between Idaho and the state where the non-resident vehicle(s) are registered must register in Idaho. Idaho titling ~~will~~ is not ~~be~~ required. (7-1-21)T

~~02. Prorate Privilege. Non resident companies operating in Idaho on an intrastate basis, having prorate privileges through a reciprocal agreement between Idaho and the state of registration must either prorate in Idaho, or purchase an Idaho registration or trip permit. (12-26-90)~~

**023. Registration Required.** Vehicles used on an intrastate basis in Idaho by an out-of-state company and are housed or garaged in Idaho, and do not return to the state where registered each day, must register in Idaho. (7-1-21)T

**034. Proof of Ownership Required.** Applicants registering transient farm labor vehicles must provide proof of ownership by one of the following means: (7-1-21)T

- a. Certificate of title in the name of the applicant; (12-26-90)
- b. Valid registration certificate from another state in the name of the applicant; or (12-26-90)
- c. Certified copy of the title in the name of the applicant. (12-26-90)

**05. Employee Owned Vehicles.** Employees of companies who are working in Idaho on a contract or project must purchase Idaho registration for their privately owned vehicles if they establish a place of residence in Idaho. Non-resident employees who return to their state of residence on a daily basis are not required to purchase Idaho registration for their privately owned vehicles. If the assignment is for the duration of the project or contract only, no Idaho titling is required. (12-26-90)

~~201. -- 299. (RESERVED)~~

## ~~300. RECIPROACITY.~~

~~01. Equal Registration Reciprocity. Idaho shall deal fairly and equally in all reciprocity agreements, the International Registration Plan (IRP) and the Uniform Prorate Agreement. (12-26-90)~~

~~02. Equal Treatment. Idaho shall treat out of state residents on the same basis as Idaho residents are being treated by the other state. (12-26-90)~~

~~301. -- 999. (RESERVED)~~

**39.02.43 – RULES GOVERNING REGISTRATION AND TITLE FEE REFUNDS**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201 and 49-507, Idaho Code. (7-1-21)T

**001. TITLE AND SCOPE PURPOSE.**

This rule is titled IDAPA 39.02.43, “Rules Governing Registration and Title Fee Refunds,” and specifies provisions for the refund of vehicle title and registration fees ~~on vehicles and/or motor vehicles~~. (7-1-21)T

**002. -- 099. (RESERVED)**

**100. REQUEST FOR REFUND OF TITLE FEES.**

A refund will be granted if: (7-1-21)T

**01. Withdrawal of Application.** The applicant requests the title application be withdrawn before the county assessor ~~transmits~~ has processed the application ~~to the Motor Vehicle Bureau~~; or (7-1-21)T

**02. Process of Documents.** The title application has been mailed directly to the Department’s Division of Motor Vehicles ~~Bureau in Boise~~ and the request is made before the documents are processed. (7-1-21)T

**101. -- 199. (RESERVED)**

**200. REQUEST FOR REFUND OF REGISTRATION FEES.**

**01. Refund Granted.** A refund may be granted only if: (7-1-21)T

**a.** The applicant can show the motor vehicle was registered in error by the Department or County; and (7-1-21)T

**b.** All plates, stickers and registration certificates are returned to the Department or County. (7-1-21)T

~~**02. Refund Denied.** A refund shall not be granted if: (12-26-90)~~

~~**a.** An error by the Department or County in registering the motor vehicle exists but all plates, validation stickers and registration certificates are not returned to the Department. (12-26-90)~~

~~**b.** The motor vehicle is registered and: The registrant is incapacitated, out of state, in the armed forces, or is otherwise unable to operate the motor vehicle; or the motor vehicle is damaged, destroyed by accident or fire, or is no longer operational; or the registration is rescinded for any violation of the Uniform Motor Vehicle Registration Act or other provisions of Section 49-202 and Section 49-456, Idaho Code. (12-26-90)~~

**03. Mailing and Handling Fees.** The decision to refund the administrative mailing and handling fees for valid refund requests ~~shall~~ will be determined by individual counties or the Department. (7-1-21)T

**201. -- 999. (RESERVED)**

## 39.02.45 – RULES GOVERNING FEES FOR LAPSED REGISTRATION PERIODS

### 000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-201 and 49-401, Idaho Code. (12-26-90)

### 001. ~~TITLE AND SCOPE~~ PURPOSE.

This rule ~~is titled IDAPA 39.02.45, “Rules Governing Fees for Lapsed Registration Periods,” and~~ ensures an applicant for motor vehicle registration renewal will not be charged for time periods when the registration was allowed to lapse beyond the current registration period. (7-1-21)T

### 002. -- 099. (RESERVED)

### 100. GENERAL PROVISIONS.

01. **Expired Registration Renewal.** ~~If a~~An applicant for motor vehicle registration renewal ~~is renewing an expired registration, they will~~ ~~shall~~ be assessed registration fees for the ~~current established~~ registration period, ~~regardless of the month they renew~~ ~~only~~. Registration ~~expired for more than one year will~~ ~~fees shall~~ not be assessed ~~fees~~ retroactively ~~for any time period following expiration of a former registration period~~. (7-1-21)T

02. **Expired License Plate Renewal.** The applicant’s license plate may be used for renewal under the following conditions: (12-26-90)

- a. The license plate was originally issued to the applicant. (12-26-90)
- b. The license plate is designed and numbered correctly. (12-26-90)
- c. The license plate is in serviceable condition. (12-26-90)

### 101. -- 999. (RESERVED)

## 39.02.80 – RULES GOVERNING MOTOR CARRIER FINANCIAL RESPONSIBILITY

### 000. LEGAL AUTHORITY.

This rule is adopted under the authority of Section 49-1233(5) Idaho Code. (4-5-00)

### 001. ~~TITLE AND SCOPE PURPOSE.~~

~~01. Title. This rule is titled IDAPA 39.02.80, “Rules Governing Motor Carrier Financial Responsibility,” IDAPA 39, Title 02, Chapter 80. (4-5-00)~~

~~02. Scope. It is the purpose of t~~This rule ~~to~~ establishes the amount of liability coverage to be carried by motor carriers for personal injury suffered by one (1) person while being transported in a vehicle, any additional amounts for all persons receiving personal injury, and such amount for damage to the property of any person other than the insured. (7-1-21)T

### 002. INCORPORATION BY REFERENCE.

The Idaho Transportation Board incorporates by reference 49 CFR 171.8, 49 CFR 172.101 and its appendix, 49 CFR 173.403, 49 CFR 387 and 49 CFR 387.5, published in the Code of Federal Regulations volume dated October 1, 1997. (4-5-00)

### 003. -- 009. (RESERVED)

### 010. DEFINITIONS.

01. **Common Carrier.** Any person who holds itself out to the general public to engage in the transportation by motor vehicle in commerce in the state of Idaho of passengers or property for compensation. (4-5-00)

02. **Contract Carrier.** Any person who, under individual contracts or agreements, engages in the transportation by motor vehicle of passengers or property in commerce in the state of Idaho for compensation. (4-5-00)

~~03. Environmental Restoration. Restoration for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water of any commodity transported by a motor carrier. This includes the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife. See 49 CFR 387.5. (4-5-00)~~

~~04. Hazardous Material. A substance or material, that has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. The term includes hazardous substances, hazardous wastes, marine pollutants, and elevated temperature materials and materials designated as hazardous under the provisions of 49 CFR 172.101, and materials that meet the defining criteria for hazard classes and divisions in 49 CFR 173. See 49 CFR 171.8, 49 CFR 172.101 and 49 CFR 173. (4-5-00)~~

05. **Injury.** Harm to the body, sickness, or disease resulting from a motor carrier accident, including death from an injury. (4-5-00)

06. **Interstate Carrier.** Any person who owns or operates any motor vehicle in the state of Idaho or on the highways of the state of Idaho, in commerce between the States, or between the States and a foreign Nation, used or maintained for the transportation of persons or property. (4-5-00)

07. **Private Carrier.** Any person not included in the terms “common carrier” or “contract carrier” who or which transports in commerce in the state of Idaho by motor vehicle property of which such person is the owner, lessee, or bailee, when such property is for the purpose of sale, lease, rent or bailment, or in the furtherance

of any commercial enterprise; provided, that a motor vehicle of a private carrier, not in excess of eight thousand (8,000) pounds gross vehicle weight, not engaged in the transport of a hazardous substance, ~~shall be~~ **is** exempt ~~from the provisions of the Motor Carrier Financial Responsibility Rules.~~ (7-1-21)T

**08. Property Damage.** Damage to or loss of use of tangible property. (4-5-00)

**011. -- 019. (RESERVED)**

**020. INSURANCE REQUIREMENTS.**

**01. Insurance Required.** No motor carrier subject to the jurisdiction of the Department may transport property or passengers until the carrier has obtained and has in effect the minimum levels of insurance or a surety bond set forth in this rule. (4-5-00)

**02. Passenger Carriers.** The minimum levels of insurance or surety bond coverage (for injury, death, or property damage) in any one (1) accident for common/contract passenger carriers are: (4-5-00)

**a.** For any vehicle with a seating capacity of twenty-five (25) passengers or more -- five million dollars (\$5,000,000); (4-5-00)

**b.** For any vehicle with a seating capacity of twenty-four (24) passengers or less -- one million, five hundred thousand (\$1,500,000). (4-5-00)

**03. Property Carriers -- Certain Risky or Perilous Cargoes.** The minimum levels of insurance or surety bond coverage (for injury, death, environmental restoration, or property damage in any one accident) for common and contract property carriers are: (4-5-00)

**a.** Five million dollars (\$5,000,000) for carriers of: (4-5-00)

**i.** Any quantity of Division 1.1, 1.2, or 1.3; (4-5-00)

**ii.** Any quantity of Division 2.3, Hazardous Zone A, or Division 6.1, Packing Group 1, Hazardous Zone A; (4-5-00)

**iii.** Highway route controlled quantity of Class 7 material as defined in 49 CFR 173.403; (4-5-00)

**iv.** Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of three thousand, five hundred (3,500) water gallons; (4-5-00)

**v.** Division 2.1 or 2.2 in bulk; (4-5-00)

**b.** One million dollars (\$1,000,000) for carriers of: (4-5-00)

**i.** Oil listed in 49 CFR 172.101; or (4-5-00)

**ii.** Hazardous waste, hazardous materials or hazardous substances as defined in 49 CFR 171.8 and listed in 49 CFR 172.101 or its Appendix, but not mentioned in Subsection 020.03.a. (4-5-00)

**04. Other Property Carriers.** The minimum level of insurance or surety bond coverage (for injury, death or property damage in any one (1) accident) for common and contract carriers of all other property (including drive away and tow away units transported by the carrier) is seven hundred fifty thousand dollars (\$750,000). (4-5-00)

**05. Private Carriers.** Private carriers must maintain the insurance required by Section 49-1229, Idaho Code, except private carriers transporting certain risky or perilous cargoes described in Subsection 020.03 must carry insurance as required by that Subsection. (4-5-00)

**021. CERTIFICATES OF INSURANCE.**

**01. Filing.** Common/contract carriers and interstate carriers who participate in the base state agreement by registering in Idaho as their base state must file with or be verifiable by the Department certificates that the insurance or bond described by the certificate of insurance ~~and required by Section 020~~ is in effect for the account of the motor carrier.

**02. Forms.** The certificates for intrastate common/contract carriers must be either Form E, Department Form E-1 (~~available from the Department~~) or W.C. 3091 that is completed and signed by the insurance company's underwriting department or its authorized representative. ~~For interstate carriers registered under the single state registration system the federal forms authorized by the U.S. Department of Transportation as set forth in Subpart C of 49 CFR 387. Surety bonds must be completed on a form provided by the Department. The Administrator of the Division of Motor Vehicles may prescribe additional forms as necessary.~~ (7-1-21)T

**03. Coverage.** Policies of insurance and surety bonds required and filed with or verified by the Department ~~under IDAPA 39.02.80, "Rules Governing Motor Carrier Financial Responsibility,"~~ remain in effect as described on the certificate filed with the Department until terminated according to Section 49-1233(3), Idaho Code. When certificates of insurance ~~on file with the Department~~ show that insurance has lapsed, the Department shall refuse to renew the carrier's vehicle registrations or ~~shall~~ revoke the carrier's motor vehicle registrations under the authority of Section 49-202(10)(12), Idaho Code. (7-1-21)T

**022. -- 999. (RESERVED)**

### 39.03.47 – RULES GOVERNING CERTIFICATION OF LOCAL IMPROVED ROAD MILEAGE

#### 000. LEGAL AUTHORITY.

~~This rule is adopted u~~nder authority of Sections 40-110(1), 40-312 and 40-709, Idaho Code, ~~the Idaho Transportation Board hereby adopts the following rule concerning the annual certification of county and highway district improved road mileage for the apportionment of highway user revenues.~~ (12-26-90)

#### 001. TITLE AND SCOPE.

~~01. Title.~~ This rule is titled IDAPA 39.03.47, “Rules Governing Certification of Local Improved Road Mileage,” IDAPA 39, Title 03, Chapter 47. (3-30-01)

~~02. Scope.~~ This rule relates to the annual certification of county and highway district improved road mileage for the apportionment of highway user revenues and sets ~~out~~ standards to be followed in determining which roads in counties are improved roads. (3-30-01)

#### 002. INCORPORATION BY REFERENCE.

The Idaho Transportation Department incorporates by reference the “Road Inventory Determination of an Improved Road.” This publication is available on the Department’s website: <https://itd.idaho.gov/>.

#### 003. -- 099. (RESERVED)

#### 010. DEFINITIONS.

~~01. Graded and Drained Earth Road.~~ A traveled way of natural earth, aligned and graded to permit reasonable convenient use by a motor vehicle, and drained by longitudinal and transverse systems, natural or artificial, sufficiently to prevent serious impairment of the roadway by surface water. (12-26-90)

~~02. Improved Road.~~ A graded and drained earth road or better. (12-26-90)

#### 100. DETERMINATION OF AN IMPROVED ROAD.

01. **Status of Improvement.** Highways laid out and marked to include four (4) or more travel lanes shall be considered as two (2) roadways and mileage for each roadway will be eligible for inclusion in the inventory dependent on Status of Improvement as provided below. (12-26-90)

02. **Road Inventory Determination of an Improved Road.** The “Road Inventory Determination of an Improved Road” sets forth standards for an improved road ~~and gives examples and illustrations of roadways that are eligible and are not eligible for inclusion in the inventory. (A copy of “The Road Inventory Determination of an Improved Road” can be obtained at the Idaho Transportation Department.~~ (3-30-01)

#### 101. -- 200. (RESERVED)

#### 201. BORDER LINE ROADS.

01. **City Boundaries.** If city corporate boundaries follow the centerline of an approved improved roadway, one-half (1/2) the mileage for each roadway surface along the length of said city boundary shall be included in county or highway district certification. (12-26-90)

02. **County or Highway District Boundaries.** If county or highway district boundaries follow the centerline of an approved improved roadway, mileage will be determined by agreement of the entities or if there is no agreement, then one-half (1/2) shall be attributed to each entity. (12-26-90)

#### 202. -- 999. (RESERVED)

## 39.03.80 – RULES GOVERNING LEGALIZATION OF OVERLOADED VEHICLES

### 000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 40-312 and 49-1001(8)(c), Idaho Code. (3-3-92)

### 001. ~~TITLE AND SCOPE PURPOSE.~~

This rule ~~is titled IDAPA 39.03.80, "Rules Governing Legalization of Overloaded Vehicles." Section 49-1001(8), Idaho Code,~~ provides that certain overweight vehicles may not proceed past the place of weighing until brought into compliance with the applicable weight limitations; however, these vehicles may be authorized to proceed to a location where they can be safely brought into compliance if it is determined that it would be unsafe or impractical to do so at the place of weighing. ~~This rule addresses the implementation of this procedure.~~ (7-1-21)T

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

**01. Place of Weighing.** That location where a motor vehicle, semitrailer, trailer, or combination thereof, is weighed by enforcement personnel to determine its legal allowable axle, combination of axles, or gross weight. Such locations include: (3-3-92)

a. Permanent ports of entry; (3-3-92)

b. Temporary weigh sites where vehicles are weighed on portable scales; (3-3-92)

c. Privately owned scales which are currently certified by the Idaho Department of Agriculture, Bureau of Weights and Measures ~~(when directed by a peace officer or authorized Idaho Transportation Department employee).~~ (7-1-21)T

**02. Perishable Commodity.** Any product that will spoil, die, or otherwise become unusable for human or animal consumption, or becomes unmarketable when not properly cared for, maintained, or preserved. (3-3-92)

**03. Legalization.** Bringing a vehicle or load into compliance with applicable weight limitations by adjusting or shifting the load on the vehicle or by off-loading a portion of the load to another vehicle or place of storage. (3-3-92)

~~**04. Safely Legalized.** A process which will not create undo risk to the driver of a vehicle, the general public, weight enforcement officials, or the commodity itself during removal of portions of the load from the transport vehicle. (3-3-92)~~

**05. Safe Point of Legalization.** That point closest to the place of weighing where qualified personnel, equipment, or material exist to safely shift, off-load, or transfer cargo from a vehicle to a place of storage or to another vehicle. (7-1-21)T

~~**065. Travel Authorization.** A document authorizing a specific vehicle and its load to travel in an overweight condition from its place of weighing to a safe point of legalization. (7-1-21)T~~

### 011. -- 099. (RESERVED)

### 100. GENERAL PROVISIONS.

**01. Place to Legalize.** All vehicles exceeding the overweight tolerances of Section 49-1001(8), Idaho Code, ~~shall be~~ are required to legalize at the place of weighing unless, in the judgment of the weight enforcement



official, it would be unsafe and/or impractical to do so. (7-1-21)T

**02. Travel Authorization.** Those overweight vehicles, which in the judgment of the weight enforcement official cannot be safely or practically legalized at the place of weighing, ~~shall~~ will obtain a travel authorization to travel to a safe point of legalization by payment of the statutory fee. (7-1-21)T

**a.** The safe point of legalization ~~shall~~ will be determined by the weight enforcement official in consultation with the vehicle operator or other persons having interest in the vehicle or load. (7-1-21)T

**b.** Vehicles hauling the following commodities ~~shall be~~ are considered unsafe or impractical to legalize at the place of weighing. This list is illustrative and not all inclusive of the following: Bulk hazardous materials and hazardous waste as defined by Section 49-109, Idaho Code; livestock; hot asphalt; concrete; dead animals or parts thereof; highly perishable commodities (~~i.e., live fish, fresh milk, etc.~~); bees; and any load where removal of the tie downs may create a possible safety hazard. (7-1-21)T

**c.** The owner or operator of vehicles required to off-load portions of their load ~~shall~~ will adhere to all applicable safety regulations of the Occupational Safety and Health Administration (OSHA), United States Department of Transportation, and the Idaho Department of Commerce and Labor. (7-1-21)T

**d.** A supervisor within the port of entry chain of command ~~shall~~ will determine if loads of questionable safety should be off-loaded at the place of weighing or be allowed to purchase a travel authorization. (7-1-21)T

**03. Permission to Off-Load.** No off-loaded commodity ~~shall~~ will be left at the place of weighing unless done so with permission of the appropriate authority. (7-1-21)T

**a.** Any commodity left at the place of weighing may be removed and stored by the Department at the hauler's expense. (3-3-92)

**b.** A trailer as defined by Section 49-121(6), Idaho Code, may be left at the place of weighing for a reasonable time not to exceed five (5) days if the weight enforcement official determines a traffic hazard will not be created. (3-3-92)

**c.** Any commodity left at a privately owned place of weighing should be done so with the knowledge and express permission of the owner of the site. (3-3-92)

**04. Travel Authorization Restrictions.** (3-3-92)

**a.** Travel authorization ~~shall~~ will not be issued to vehicles traveling under the authority of an overweight permit issued pursuant to Section 49-1004, Idaho Code. (7-1-21)T

**b.** Travel authorization ~~shall~~ will not be issued to allow travel across a restricted structure at weights exceeding its maximum allowable weight or when such weight exceeds the maximum weight that would be permitted under Section 49-1004, Idaho Code. (7-1-21)T

**101. -- 999. (RESERVED)**

**39.02.04 – RULES GOVERNING MANUFACTURER AND NEW VEHICLE DEALER HEARING FEES**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201 and 49-1617(4), Idaho Code, and the Vehicle Dealer Act, Chapter 16, Title 49, Idaho Code. (7-1-21)T

~~001. TITLE AND SCOPE PURPOSE.~~

This rule ~~is titled IDAPA 39.02.04, "Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees,"~~ and clarifies the process of collecting filing fees for hearings conducted by the Department for settling disputes between manufacturers and new vehicle dealers. (7-1-21)T

**002. -- 099. (RESERVED)**

**100. GENERAL PROVISIONS.**

**01. Hearing Officer Appointment.** The Director will appoint a hearing officer in Ada County to hear the dispute, who is not a current employee of either a manufacturer or dealer. (7-1-21)T

~~02. Location of Hearings. All hearings will be held in Ada County, Boise, Idaho. (7-1-21)T~~

**03. Hearing Filing Fee.** The dealer requesting a hearing ~~shall will~~ deposit a filing fee of two-thousand dollars (\$2,000) with the Department. The Department ~~shall will~~ apply the filing fee toward the verifiable hearing costs, ~~which shall~~ include: ( )

- ~~a. The hearing officer fee and expenses; ( )~~
- ~~b. Department legal expenses; ( )~~
- ~~c. Department investigative expenses pertaining to the dispute; ( )~~
- ~~d. A court recorder, hearing transcript, any witness fees; and ( )~~
- ~~e. Other Department verifiable expenses. ( )~~

**03. Hearing Fee Refunds and Additional Charges.** If the total verifiable costs of the hearing are less than ~~two thousand dollars (\$2,000)~~ the filing fee, the Department ~~shall will~~ refund the balance. Any If the costs exceeding the ~~two thousand dollars (\$2,000)~~ filing fee, ~~the Department shall will be~~ billed to the responsible party for the remainder which is payable after the Department renders a decision. (7-1-21)T

**101. -- 999. (RESERVED)**

### 39.02.05 – RULES GOVERNING ISSUANCE OF CERTIFICATES OF TITLE

#### 000. LEGAL AUTHORITY.

Under the authority of Sections 49-201, 49-504, 49-507 and 49-525, Idaho Code, the Department adopts the following rule. (7-1-21)T

#### 001. ~~TITLE AND SCOPE~~ PURPOSE.

~~01. Title. These rules shall be cited as IDAPA 39.02.05 “Rules Governing Issuance of Certificates of Title.” (7-1-21)T~~

~~02. Scope. These rules identify requirements for the issuance of certificates of title, pursuant to Title 49, Chapter 5, Idaho Code. (7-1-21)T~~

#### 003. – 009. (RESERVED)

#### 010. DEFINITIONS.

01. **Appropriate Governmental Entity.** The agency or organization employing the authorized officers who take an abandoned vehicle into custody or direct a vehicle to be stored or towed. (7-1-21)T

02. **Assembled Vehicle.** A vehicle which has been constructed using parts from two (2) or more vehicles and has the same appearance as a vehicle that was manufactured under a specific make and model by a manufacturer. Changes may include frame and/or cab changes. See Section 305 for title application requirements. (7-1-21)T

03. **Body/Center Passenger Area.** The center structure, either of a unibody or frame-type passenger vehicle, consisting of a unit of sheet metal and structural components that extends from the firewall to the back of the rear seat or to the factory seam separating the rear section or the centerline of the rear wheels, i.e. cowl panel, dash panel, floor pans, center side body panels, side rails, rocker panels, and other such component parts that may be pertinent to this section. (7-1-21)T

04. **Brand.** A ~~description~~ designation on a vehicle’s certificate of title or other ownership document, or its title record, as determined by the Department or the equivalent agency of another jurisdiction, which indicates and advises future owners and interested parties that: (7-1-21)T

a. The vehicle has or has had a relevant physical condition, modification, construction, alteration or history of use that may affect the value or safety of the vehicle; or (7-1-21)T

b. Past or present ownership of the vehicle could not be clearly established to the satisfaction of the Department or the equivalent agency of another jurisdiction. (7-1-21)T

05. **Cab.** The passenger compartment of a common truck or pickup truck. It is a unit of sheet metal and structural components including the top/roof and the cowl which may or may not include glass, instrumentation, steering column and seat. (7-1-21)T

06. **Canadian Vehicle.** A vehicle originally manufactured to meet Canadian motor vehicle safety standards. (7-1-21)T

07. **Electronic Title.** A title created and maintained in an electronic format by a jurisdiction. Any reference to a certificate of title in this rule will also apply to an electronic title. (7-1-21)T

**068. Frame.** The heavy metal structure that supports the auto body and other external component parts on body-over-frame constructed vehicles only. (7-1-21)T

**079. Gray Market Vehicle.** A vehicle being imported into the U.S. that was manufactured for use outside of the U.S. ~~for use in other countries that~~ and did not meet U.S. Federal Motor Vehicle Safety Standards or Environmental Protection Agency requirements at the time of manufacture. This does not include vehicles manufactured to meet Canadian Motor Vehicle Safety Standards. (7-1-21)T

**108. Mileage.** Actual distance that a vehicle has traveled. (7-1-21)T

**0911. Replica Street Rod.** A vehicle made to replicate any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle and other suspension components. The body will resemble the same as the manufacturer's original issue. See Section 305 for title application requirements. (7-1-21)T

**120. Street Rod Vehicle.** Any pre-1949 manufactured vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be the same as the manufacturer's original issue. See Section 305 for title application requirements. ( )

**113. Transferee.** Any person to whom the ownership of a motor vehicle is transferred, ~~or any person who, as agent, accepts transfer of ownership of a motor vehicle for another,~~ by purchase, gift or any means other than creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee. (7-1-21)T

**124. Transferor.** Any person who transfers ~~their vehicle~~ ownership of a motor vehicle ~~or any person who, as agent, transfers the ownership of another's motor vehicle~~ by sale, gift or any means other than creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferor. (7-1-21)T

**011. – 099. (RESERVED)**

**100. GENERAL.**

The Department will issue a Certificate of Title on any vehicle if the applicant can show proper documentation of ownership, there are no undisclosed security interests in the vehicle, and other requirements for titling have been satisfied. Unless otherwise specified in statute or administrative rule, such proper documentation of ownership will be limited to: (7-1-21)T

**01. Certificate of Title.** A valid Idaho Certificate of Title ~~or a valid Certificate of Ownership~~ issued by another state, province or country according to the applicable laws of another state, province or country, which has been duly assigned or transferred to the applicant if issued in another's name. (7-1-21)T

**02. MCO/MSO.** A properly executed Manufacturer's Certificate of Origin (MCO) or Manufacturer's Statement of Origin (MSO) in the case of a new vehicle being titled for the first time. (7-1-21)T

**03. Certificate of Registration.** A Certificate of Registration from a non-titling state, province or country, together with a bill of sale from the registrant if other than the applicant. (7-1-21)T

**04. Transfer by Operation of Law.** In the case of a transfer by operation of law, a certified copy of a valid court order, decree, or instrument upon which the claim of possession and ownership is founded, passing title to the applicant as a matter of law (for example: a property settlement, divorce decree, or execution sale's certificate of sale or bill of sale), together with an affidavit by the person or agent of the person to whom possession of the vehicle so passed, setting forth facts entitling him to possession and ownership. (7-1-21)T

**05. Salvage Vehicles.** For a salvage vehicle, a salvage certificate of title or other salvage ownership document issued by another state, province, or country according to the applicable laws of that state, province, or country, duly assigned or transferred to the applicant if issued in another's name. (7-1-21)T

**06. Specially Constructed Vehicles.** (7-1-21)T

**a.** For a specially constructed vehicle as defined by Section 49-123(p)(i) or (iii), Idaho Code, the original ownership document for the vehicle from which the body or cab being used has been taken unless the vehicle is from a state that requires the ownership document to remain with the frame in which case a copy of the ownership document verified to be a true and correct copy of the original, together with a bill of sale from the owner to whom the ownership document was issued if different than the applicant, and a bill of sale, invoice, or other proof of acquisition for any of the following major components used in the vehicle's construction: (7-1-21)T

i. Frame or rails; (7-1-21)T

ii. Engine or short block; (7-1-21)T

iii. Transmission and/or transfer case; (7-1-21)T

iv. Front and rear clips; or (7-1-21)T

v. Truck bed or box; (7-1-21)T

**b.** Each bill of sale for major component parts is to include the following: (7-1-21)T

i. Name of purchaser; (7-1-21)T

ii. Vehicle Identification Number (VIN) or engine number for a motorcycle, if applicable; (7-1-21)T

iii. Description of major component part (by make, body type, year of manufacture, if applicable); (7-1-21)T

iv. Purchase price; and (7-1-21)T

v. Signature of seller. (7-1-21)T

**c.** For a specially constructed vehicle as defined by Section 49-123(p)(ii), Idaho Code, bills of sale, receipts, invoices or other proof of acquisition for the materials used in the construction. (7-1-21)T

**d.** For a specially constructed vehicle as defined by Section 49-123(p)(iv), Idaho Code, a properly executed manufacturer's certificate of origin (MCO) or manufacturer's statement of origin (MSO) for the custom kit, or if no MCO was issued, a factory invoice or bill of sale from the selling dealer, together with a statement certifying no MCO was issued for the kit. (7-1-21)T

**101. – 199. (RESERVED)**

**200. LIEN FILING.**

**01. Date of Lien Filing.** All title applications submitted to the Department or its agent for filing will include the date of filing. (7-1-21)T

**a.** If a lien is listed on a title application, the date the application is received by the Department or its agent will be the date of the filing of the lien. (7-1-21)T

**b.** A lien is perfected as of the date of the filing of a properly completed application with the department or an agent of the department. All liens filed with the department will take priority according to the order in which the properly completed applications are filed with the department or an agent of the department. The priority of liens will not be affected should the department fail to note one or more on the title or on the electronic records of the department due to error. (7-1-21)T

**02. Out-of-State Transfer.** If a lien was previously recorded on an out-of-state title, and the title is being surrendered to Idaho for issuance of a new certificate of title and the lien is still in effect, the Department will honor the previously recorded date shown on the out-of-state title, provided that at least one of the previous owners' names will remain on the new Idaho title. If there is no recorded date on the title, the following will be captured as the recorded date if displayed on the title with priority according to the order listed: (7-1-21)T

**a.** Application date; (7-1-21)T

**b.** Issue date; and (7-1-21)T

**c.** Print date (7-1-21)T

**d.** If none of the aforementioned dates are present, the Department will consider other evidence provided in the documentation submitted with the title application to determine a filing date. (7-1-21)T

**e.** In the event that no other evidence is provided to reasonably determine the date of the lien's filing, the date the title application is filed with the Department will be the recorded date. (7-1-21)T

**03. Name Change Only.** If a name change is being requested on a title containing a recorded lien, and the lien is not being released, the original recorded date will be retained for the lien filing, provided that the new title will retain the name of the same lienholder and at least one (1) of the previous owners. (7-1-21)T

**04. Taxable Transfer of Ownership.** In the case of a taxable transfer of ownership, where the lien was not released, and the new title will have the same lienholder, a new recorded date will be assigned to the lien, unless the lienholder has specified that the new owners have assumed the lien. (7-1-21)T

**05. Lien Assumptions.** If a lienholder specifies that a contract has been assumed by a new owner, and the new owner has assumed the terms of the previous lien, the original date will be retained on the new certificate of title. (7-1-21)T

## 201. ODOMETERS.

**01. Disclosures.** (7-1-21)T

**a.** In compliance with 49 CFR Part 580, when ownership of a motor vehicle is transferred: (7-1-21)T

**i.** The transferor will disclose mileage to the transferee. (7-1-21)T

**ii.** When a motor vehicle is leased, the lessee will disclose mileage to the lessor. If the lessor transfers the leased vehicle without obtaining possession of it, the lessor may indicate on the title the mileage disclosed by the lessee." (7-1-21)T

**02. Record Retention** (7-1-21)T

**a.** Documents and records will be retained by dealers, distributors, lessors, auctions, and the department in compliance with 49 CFR Part 580. (7-1-21)T

**Procedures.** ( )

~~**a.** Department Requirement. The Department will enter the odometer reading and status as provided by a dealer or private seller or transferor on the Certificate of Title when printed unless previously recorded as exempt with no reading. ( )~~

~~**b.** Used Vehicle Transferor/Seller Requirements. When a used vehicle is transferred, the transferor will record the odometer reading on the title certificate using indelible ink. If the vehicle has not been titled or if the~~

~~title does not contain a space for the information required, the written disclosure will be executed as a separate statement. ( )~~

~~c. New Vehicle Transferor/Seller Requirements. When a new vehicle is retailed, the transferor will provide a written disclosure on the MCO or on a separate document. ( )~~

~~d. Use of Power of Attorney. When the transferor's title is physically held by a lienholder or if the transferor to whom the title was issued has lost the title and the transferee obtains a duplicate title on behalf of the transferor, the transferor may give a power of attorney to his transferee for the purposes of mileage disclosure. ( )~~

~~e. Reassignments. When all available reassignments on a title certificate have been used, subsequent reassignments will be made on a separate reassignment document printed by the Department or by another state's motor vehicle Department. ( )~~

~~02. Exemptions. ( )~~

~~a. Transferor/Seller Exemptions. A transferor is not required to disclose the vehicle's odometer reading for any of the following: ( )~~

~~i. A vehicle having a gross vehicle weight rating over sixteen thousand (16,000) pounds; ( )~~

~~ii. A vehicle which is not self propelled; ( )~~

~~iii. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; ( )~~

~~iv. A vehicle which is ten (10) years old or older. To calculate the vehicle's age, simply subtract the model year from the calendar year; or ( )~~

~~b. Manufacturers' Exemptions. A manufacturer of a new vehicle may transfer, for purposes of resale, to a franchised dealer without disclosure of the vehicle's odometer. ( )~~

**202. VEHICLE IDENTIFICATION NUMBER (VIN) INSPECTIONS.**

**01. Authorized Inspectors.** The following individuals, agents or agencies are authorized to complete Vehicle Identification Number (VIN) inspections: (7-1-21)T

**a. Peace Officers and Special Agencies Inspections.** As part of their regular assigned duties, any city, county, state or federal peace officer, or specified agent of the Department, may complete a VIN inspection. (7-1-21)T

**b. Vehicle Dealer Inspections.** Licensed Idaho vehicle dealers may complete VIN inspections. (7-1-21)T

**c. Financial Institution Inspections.** An employee of any bank that is authorized to do business in Idaho or an employee of any other financial institution registered with the Department of Finance, may complete VIN inspections as a part of normal business activity. (7-1-21)T

**d. Special Agent Inspections.** Other special designated agents of the Department may complete VIN inspections, as stipulated in a formal agreement between the Department and the special agent, i.e. vehicle rental companies allocating portions of their fleets to Idaho. (7-1-21)T

**e. Out-of-state Inspectors.** For a vehicle located in another state, a VIN inspection is acceptable when completed by any city, county, state or federal peace officer, or any employee of the state's vehicle titling and registration agency. (7-1-21)T

**02. VIN Inspections Required.** A VIN inspection is **required necessary** whenever the current certificate of title was not issued for the vehicle by this state or whenever the Department is dissatisfied with the authenticity or accuracy of the vehicle identification number. (7-1-21)T

**203. – 299. (RESERVED)**

**300. TITLE BRANDING.**

**01. Brand Disclosure.** (7-1-21)T

**a.** Upon sale by a dealer of any salvage or total loss vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, will be conspicuously disclosed to the buyer and a record **must will** be maintained by the dealer. Disclosure may be made on a form as provided by the Department for a report of sale. The buyer **must will** sign that they have received disclosure of the vehicle brand. Proof of disclosure **must will** be submitted to the Department. (7-1-21)T

**b.** Upon sale by a private party of any salvage or total loss vehicle or branded vehicle or vehicle with a branded certificate of title, disclosure of the vehicle's salvage or branded status, will be conspicuously disclosed to the buyer. (7-1-21)T

**02. Branding Time Frame.** Each branded vehicle and branded certificate of title will retain that brand throughout the existence of the vehicle regardless of its age or value unless the brand has an expiration date. (7-1-21)T

**03. Brands Removed.** (7-1-21)T

**a.** If any salvage vehicle leaves the state of Idaho with or without an Idaho salvage certificate of title and such vehicle returns to Idaho, it will once again be subject to the requirements under Idaho Code and this rule. (7-1-21)T

**b.** If a vehicle with a branded Idaho title leaves Idaho and then returns with a title or other ownership document issued by another jurisdiction that has either no brand or a different brand for the same incident that caused the brand on the Idaho title. (7-1-21)T

**i.** If the brand on the Idaho title originated in Idaho, the Idaho brand will be reinstated. This will occur even if the National Motor Vehicle Title Information System (NMVTIS) returns a different brand for the same incident. (7-1-21)T

**ii.** If the brand on the Idaho title originated in another state, the Idaho title will be issued with any brand retrieved from NMVTIS if for the same incident that caused the brand on the original Idaho title. If no brand is retrieved from NMVTIS for this incident, the brand on the previous Idaho title will be reinstated. (7-1-21)T

**301. BONDED TITLE.**

**01. Conditions and Requirements.** Application may be made for a "bonded title" when the applicant has actual possession of the vehicle but is unable to provide proper documentation of ownership. (7-1-21)T

**a.** Proper Documentation Cannot Be Obtained. The applicant **must will** satisfy the Department that proper documentation to obtain a regular title cannot be obtained. However, the applicant **must will** provide sufficient documentation to satisfy the Department that it is more probable than not that the applicant is the owner of the vehicle. (7-1-21)T

**b.** Vehicle Physical Inspection. The applicant **must will** produce the vehicle for a physical inspection by a representative designated by the Department. (7-1-21)T



c. Affidavit of Explanation. The applicant must will provide an affidavit explaining the reasons for the absence of a valid Certificate of Title or Certificate of Ownership or other documentation of ownership identified in Section 100 of this rule, and how the vehicle came into the possession of the applicant. A listing of any liens (loans) or encumbrances against the vehicle; the name of the state, province or country where the vehicle was last titled, or last registered if from a non-titling state, province, or country; and the name under which the vehicle was last titled, or last registered if from a non-titling state, province or country is also required necessary. (7-1-21)T

d. Bond. The applicant will provide the Department with a bond in the amount of one (1) and one-half (1/2) times the value of the vehicle or a cash deposit of like amount, as provided in Section 49-523(b), Idaho Code. A cash bond will be in the form of a cashier's check, money order or certified check made payable to the Idaho Transportation Department. The form of the bond will conform to the form ITD 3909, Vehicle Ownership Bond, which can be obtained by calling 208-334-8663 during regular business hours. (7-1-21)T

e. Vehicle Appraisal. The applicant will provide an appraisal of the vehicle either by a licensed Idaho automobile dealer on the dealer's letterhead or other form provided by the Department with dealer's number, or by a Motor Vehicle Investigator. The appraisal will reflect the current retail value of the vehicle. This appraisal will be considered by the Department to determine the value of the vehicle. (7-1-21)T

f. Application for Title. The applicant will apply for title within ninety (90) days of the bond's issuance. Should the application for title occur more than ninety (90) days from the issue date of the bond or any subsequent rider, the applicant will obtain a rider to provide bond coverage for three (3) years. (7-1-21)T

g. Bonded Title Brand. Upon satisfying the Department's requirements for a bonded title, the applicant will be issued a title bearing the brand "Bonded Title" and the brand's expiration date, which will be three (3) years from the following: (7-1-21)T

i. Date of issuance of the bond unless a bond rider was issued; or (7-1-21)T

ii. If one or more bond riders were issued, the date of issuance of the most recent bond rider; or (7-1-21)T

iii. Date of receipt of a cash deposit. (7-1-21)T

**02. Bond Surety.** The bond must will be issued by a corporate surety, qualified and licensed to do business in Idaho. (7-1-21)T

**03. Claims Against The Bond.** Should any expense, loss or damage occur, for any reason covered by the bond, persons or entities suffering such loss will make claim directly against the principal (applicant) and the surety. If the applicant has made a cash deposit, any claim will be made through the Department's Motor Vehicle Administrator. (7-1-21)T

**04. Expiration Of Bonding Requirement.** Upon expiration of the brand, the bond or cash deposit will be returned without interest unless the Department has been notified in writing of a pending claim or action to recover on the bond or deposit. If there has been no claim, the applicant may surrender the bonded title and apply for a Certificate of Title free of the bonded title brand. A Certificate of Title free of the bonded title brand will be issued upon certification of the application and payment of any applicable fees per Idaho Code Title 49, Chapters 2 and 5, and any applicable sales or use tax, per Title 63, Chapter 36, Idaho Code. (7-1-21)T

**05. Return Of Bond Prior To Three Year Period.** The bond or cash deposit will be returned prior to the expiration of the brand if the vehicle is no longer registered in this state, and the Department has not been notified of any claim or action to recover on the bond. (7-1-21)T

**06. Sales And Use Tax.** Any sales or use tax will be paid to the Department or to the county assessor prior to issuance of a bonded title. (7-1-21)T

### **302. SPECIALLY CONSTRUCTED VEHICLES.**

**01. Specially Constructed Vehicle Examples.** Some examples of specially constructed vehicles are: Custom built vehicles, such as, kit conversions, homemade camp trailers, other homemade trailers that **exceed are at least** two thousand (2,000) pounds unladen weight, motorcycles, vessels, snowmobiles, and slide-in truck-mounted campers. (7-1-21)T

**02. Engine Changes.** A vehicle that has an engine of a different make, model or year from the body, frame and running gear is not considered a specially constructed vehicle. These vehicles retain the original title and identification designation. (7-1-21)T

**03. Title Application Requirements.** (7-1-21)T

**a.** The applicant **must will** provide proof of ownership for all significant parts that are replaced, such as frame, body, and other parts that carry vehicle identification numbers. The body **must will** have a properly released title from the former owner. The frame only may be transferred with a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are replaced **must will** be verified by traceable invoices identifying the part or parts if purchased from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing seller's name and address is **required necessary**. An MCO **must will** accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer, together with a statement certifying no MCO was issued for the kit, is acceptable. (7-1-21)T

**b.** The model year will be the year that the specially constructed vehicle was first titled as a specially constructed vehicle. (7-1-21)T

**c.** **The** make code as shown on the certificate of title of a specially constructed vehicle will be identified as "SPCN" and the certificate of title will be branded "Specially Constructed." (7-1-21)T

**d.** When the vehicle is in operating condition, an inspection by a motor vehicle investigator is **required necessary**. A fee of twenty-five dollars (\$25) is **required necessary** for this inspection and the preparation of the statement of fact and indemnifying affidavit. In addition, if a vehicle identification number is assigned, the fee **required by in** Section 49- 202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner will complete a self-certification on a form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the Federal Motor Vehicle Safety Standards in effect for the model. (7-1-21)T

### **303. REBUILT SALVAGE VEHICLES.**

**01. Rebuilt Salvage Vehicle.** A rebuilt salvage vehicle, as defined by Section 49-123 (2)(m), Idaho Code, includes every "Salvage or Total Loss Vehicle" that has been rebuilt, in compliance with applicable federal motor vehicle safety standards and the requirements of Chapter 9, Title 49, Idaho Code, as regulated by Sections 49-524 and 49-525, Idaho Code. (7-1-21)T

**02. Salvage Vehicles from Other Jurisdictions.** Every vehicle that is coming into Idaho from another jurisdiction with a Salvage Certificate or other equivalent document showing evidence of a total loss payoff such as a bill of sale from an insurance company, or other documentation indicating that the vehicle may have been a salvage or total loss vehicle and any vehicle for which information retrieved from the National Motor Vehicle Title Information System (NMVTIS) indicates it has been reported as "salvage" will be considered salvage unless there is sufficient evidence for the department to determine the salvage document or information retrieved from NMVTIS was in error. These vehicles may not be operated on Idaho highways until rebuilt in compliance with Chapter 9, Title 49, Idaho Code and all federal motor vehicle safety and emission standards in effect for the model year and type of vehicle. They will be issued an Idaho Salvage Certificate unless the other jurisdiction has issued a salvage certificate or other equivalent salvage ownership document. If any salvage vehicle is received by a "salvage pool" (as described in Section 49-120(4), Idaho Code), an Idaho salvage certificate of title **must will** be issued, prior to sale unless the vehicle has a salvage certificate or other equivalent salvage ownership document issued by another jurisdiction. Any vehicle which has been declared junk, pursuant to Sections 49-516 and 49-522, Idaho Code, or is coming from another jurisdiction

with a similar endorsement, or is designated by the owner or the insurance company as parts only, destroyed, or dismantled, may not be rebuilt for on-road use. Any vehicle ~~for which information retrieved from~~ NMVTIS indicates ~~it~~ has been reported as having been scrapped or crushed may ~~not only~~ be retitled with the brand, "For Junk Only". ~~A vehicle for which~~ If other information retrieved from NMVTIS indicates a vehicle qualifies for a "brand" as defined in this rule, the Department may brand the title accordingly ~~it has been reported by a salvage yard will be considered "salvage" and any vehicle for which information retrieved from NMVTIS indicates it has been reported by a junk yard will be considered "junk" unless otherwise indicated.~~ The provisions of this section will not apply if there is sufficient evidence for the department to determine the information retrieved from NMVTIS was in error. (7-1-21)T

**03. Title Application Requirements for Vehicles Defined as Salvage and Rebuilt Salvage Vehicles.** (7-1-21)T

a. The applicant ~~must~~ will provide a written statement which includes the vehicle information, vehicle identification numbers, salvage date, and the work done personally by the owner or supervised by the owner to restore the vehicle to the operating condition that existed prior to the event causing the vehicle to be salvaged. (7-1-21)T

b. In the event that the applicant did not personally repair the vehicle or supervise its repair, but another party performed the repairs, the applicant will certify to the best of his knowledge the name of the party that did repair the vehicle or personally supervised its repair. This certification ~~shall~~ will be made on a salvage vehicle statement. If there is no indication in the ownership documentation that the vehicle had previously been declared salvage or a total loss and the applicant does not know who repaired the vehicle, they may certify this on a salvage vehicle statement. (7-1-21)T

c. In the event that repairs were not necessary to bring the vehicle to operating condition pursuant to Chapter 9, Title 49, Idaho Code, the applicant will certify this on a salvage vehicle statement. (7-1-21)T

d. The applicant ~~must~~ will sign an indemnifying statement agreeing to defend the title in all legal disputes arising out of his possession of the title to the vehicle, and attesting to the fact that all information contained in the statement and its attachments are true and correct. (7-1-21)T

e. The new Idaho title issued will be branded "REBUILT SALVAGE." Such notation will remain on the title and on all subsequent transfers of the title. (7-1-21)T

**04. Salvage Vehicle Damaged Out-of-State.** If a vehicle that is titled in Idaho is damaged in another state or jurisdiction to the extent that the vehicle becomes a "salvage vehicle" as defined by Section 49-123(2)(o), Idaho Code, and the vehicle is not going to be returned to Idaho, the owner or insurer ~~must~~ will, upon determining the vehicle to be salvage, notify the purchaser and the Department in writing of the salvage status. If this vehicle returns to Idaho, the title will be branded "Rebuilt Salvage" or carry another jurisdiction's comparable brand forward unless the vehicle has not yet been repaired and has not had a salvage certificate or other salvage ownership document issued by another jurisdiction in which case the owner ~~must~~ will obtain an Idaho salvage certificate of title. (7-1-21)T

**304. GLIDER KITS.**

**01. Title Application Requirements.** (7-1-21)T

a. An MCO for the glider kit ~~must~~ will be submitted with the application for title. (7-1-21)T

b. If the applicant dismantles a vehicle presently titled to the applicant and uses the significant parts with the glider kit, either a statement of fact will be prepared or the applicant will complete an affidavit, identifying the significant parts by identifying numbers. If the significant parts were purchased separately from a new or used parts outlet, a bill of sale or invoice is ~~required~~ necessary. If the significant parts were purchased from a private owner, a bill of sale or invoice is ~~required~~ necessary. (7-1-21)T

c. If the frame and cab that the parts were stripped from will never be used again, i.e., frame and cab

destroyed, not salvageable, the title **must will** be surrendered with the application. If the frame or cab can be used again, the owner or motor vehicle investigator will mark the title “frame only” or “cab only.” (7-1-21)T

**d.** The vehicle **must will** be completely assembled and meet the requirements of Chapter 9, Title 49, Idaho Code, and the federal motor vehicle safety standards in effect for the model year at the time of application. (7-1-21)T

**02. Assignment of VIN.** The VIN will be the number assigned to the kit by the manufacturer. In the absence of such number, the motor vehicle investigator will assign a VIN. (7-1-21)T

**03. Model Year.** The model year will be the year of the kit, determined by priority in the following order: (7-1-21)T

**a.** Written statement from the manufacturer. (7-1-21)T

**b.** Seventeen (17) character VIN’s model year designator; (7-1-21)T

**c.** Designation of model year shown on an approved MCO; or (7-1-21)T

**04. Make of Vehicle.** The make of the vehicle will be the make of the glider kit. (7-1-21)T

**05. Title Branded.** The designation “GLIDER KIT VEHICLE” will be branded on the title. (7-1-21)T

**305. TITLE APPLICATION REQUIREMENTS FOR REPLICA, STREET RODS, REPLICA STREET RODS, AND ASSEMBLED VEHICLES.**

**01. Applicant **Must Will** Provide Proof of Ownership.** The applicant **must will** provide proof of ownership for all significant parts that are used in replicating or assembling the vehicle. The body **must will** have a properly released title from the previous owner or a title in the applicant’s name. The frame only may be transferred with a copy of a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are used **must will** be verified by traceable invoices identifying the significant part or parts if purchased from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing the seller’s name and address is **required necessary**. An MCO **must will** accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer together with a statement certifying no MCO was issued for the kit is acceptable. (7-1-21)T

**02. Model Year.** The model year for replica vehicles and replica street rods will be the year that the vehicle replicates. The model year for assembled vehicles and street rods will be the model year of the vehicle body. (7-1-21)T

**03. Inspection by a Motor Vehicle Investigator.** When the vehicle is in operating condition an inspection by a motor vehicle investigator is **required necessary**. A fee of twenty-five dollars (\$25) is **required necessary** for this inspection and the preparation of the statement of fact and indemnifying statement. In addition, if a vehicle identification number is assigned, the fee **required by in** Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner will complete a self-certification form prescribed by the Department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the federal motor vehicle safety and emission standards in effect for the model year and type of vehicle. (7-1-21)T

**306. -- 399. (RESERVED)**

**400. ABANDONED VEHICLES.**

Abandoned vehicles not claimed before the day of sale will be sold by the appropriate governmental entity if one exists. This regulation will not prevent governmental entities from entering into agreements with other governmental entities to conduct sales. (7-1-21)T

**401. GRAY MARKET **AND CANADIAN** VEHICLES.**

**01. Required Documents.** When the owner of a gray market or Canadian vehicle applies for title for the first time in the U.S. and registration, the following documents must will be presented. (7-1-21)T

a. Statement indemnifying the Department. (7-1-21)T

b. Statement of Facts from a motor vehicle investigator, unless or if waived by the Department based on facts presented by the owner, a vehicle identification number inspection. (7-1-21)T

c. All documents relating to ownership including but not limited to; manufacturer's certificate of origin, manufacturer's statement of origin, foreign title, or registration (if the vehicle is not from a titling country), and bills of sale. A complete chain of ownership must should be presented from the manufacturer (for new vehicles) or from the last titled owner, or registered owner (if the vehicle is not from a titling country) to all subsequent owners of the vehicle both in the foreign market and the United States. At a minimum, releases of interest will be presented from all parties shown to have had an interest. (7-1-21)T

d. National Highway Traffic Safety Administration (NHTSA) HS-7 declaration form, properly completed with the category of importation indicated, unless waived by the Department. This will be accompanied by evidence of compliance with requirements for the category declared on the HS-7, such as a U.S. Department of Transportation bond release letter. If the HS-7 indicates a DOT bond was provided for a non-conforming gray market or Canadian vehicle, except that if there is evidence more than 30 days have passed since the registered importer submitted the conformity package to NHTSA and NHTSA has not responded, a title may be issued without the bond release letter but will carry the notation "DOT BOND RLS PENDNG". (7-1-21)T

e. U.S. Customs and Border Protection (CBP) Entry Summary form CBP 7501, stamped and signed by CBP Environmental Protection Agency (EPA) bond release letter or Independent Commercial Importer (ICI) release letter or Designated Canadian Importer (DCI) release letter or EPA letter of waiver. (7-1-21)T

**02. Designation of Model Year.** The model year for titling and registering gray market vehicles will be determined in an order of priority, based on the following criteria: (7-1-21)T

a. The model year used by a specific manufacturer to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced; (7-1-21)T

b. The model year shown on an ownership document issued by that vehicle's country of origin; (7-1-21)T

c. Any vehicle manufactured during a twelve (12) month period beginning September 1, and ending August 31, will bear the production year of the calendar year in which August 31 occurs; or (7-1-21)T

d. The model year by certification of the importer of record. The certification can be verified against vehicle production dates, based upon substantially similar models of the same make of vehicle. (7-1-21)T

**03. Foreign Documents.** When a foreign manufacturer's certificate of origin, manufacturer's statement of origin, or registration and/or titling documents are presented, a translation of the foreign documents may be required necessary to clarify the information contained in the documents. If required necessary, such translation will be at the owner's expense and certified by the translator as true and correct. (7-1-21)T

**04. Conditional Registration.** Until gray market vehicles meet Idaho registration and titling requirements, the county assessor will issue a conditional registration under the "Conditional Registration" program to allow time for the federal government to act upon the required necessary releases or for the owner to obtain legal ownership documentation. (7-1-21)T

**05. Exception.** When the owner of a gray market vehicle has a current title issued by another state, the

other requirements ~~of specific to~~ Section 401 of this rule for title and registration will not apply unless the title carries the brand, “Gray Market Vehicle (not in compliance)” or another brand or notation indicating the vehicle was not brought into compliance with U.S. DOT and EPA requirements. If a gray market vehicle has a current title issued by another state that carries the brand, “Gray Market Vehicle (not in compliance)” or another equivalent brand or notation and the other requirements of Section 401 of this rule have not been met, the vehicle cannot be registered and the owner may only receive an Idaho title issued with same or equivalent brand or notation. (7-1-21)T

**06 Brands.** The Department may issue titles with applicable brands for gray market vehicles and other vehicles that were not originally manufactured to meet applicable federal motor vehicle safety standards. (7-1-21)T

**402. – 899. (RESERVED)**

**900. WAIVER OF TITLING REQUIREMENTS.**

**01. Purpose.** This rule specifies the circumstances under which a person or entity may waive the thirty (30) day requirement to apply for title to a vehicle which has been acquired by operation of law, and to provide that the person or entity, in lieu of having a certificate of title issued in the person’s name, may provide other documents to demonstrate and transfer ownership ~~a bill of sale together with the court order or other instrument entitling the person or entity to the vehicle and any existing certificate of title, if available,~~ to the buyer or transferee upon sale or transfer of the vehicle. (7-1-21)T

**02. Law Enforcement Agencies.** Vehicles awarded to law enforcement agencies through operations of law ~~are need not required to~~ be titled if the vehicle is not to be put into service by the agency and is to be sold or transferred. In this case, the agency may provide a bill of sale to the purchaser together with a copy of the court order or other instrument awarding the vehicle to the agency, and any existing certificate of title, if available. (7-1-21)T

**03. Inheritance.** Vehicles coming into possession by inheritance ~~need will not be required to~~ be titled in the name of the heir when the intent of the heir is not to use or register the vehicle, but to dispose of the vehicle to a transferee. Upon sale or transfer of the vehicle, the heir will provide a bill of sale to the purchaser or gift transfer affidavit to the transferee, together with an affidavit of inheritance or small estate affidavit and any existing certificate of title if available. (7-1-21)T

**901. – 999. (RESERVED)**

**39.02.26 – RULES GOVERNING TEMPORARY VEHICLE CLEARANCE FOR CARRIERS**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, 49-202, and 49-501, Idaho Code. (7-1-21)T

**001. ~~TITLE AND SCOPE.~~**

~~01. **Title.** This rule is titled IDAPA 39.02.26, “Rules Governing Temporary Vehicle Clearance for Carriers,” IDAPA 39, Title 02, Chapter 26. (7-1-21)T~~

~~02. **Scope.** This rule provides for temporary vehicle clearance (TVC) procedures in Idaho, self issued by carriers or issued by the Department. (7-1-21)T~~

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Carrier.** The person or company who is qualified for registration in Idaho, and whose vehicles are issued Temporary Vehicle Clearances. (7-1-21)T

**02. Temporary Vehicle Clearance (TVC).** Temporary clearance issued for immediate operation of a vehicle pending receipt of credentials. (7-1-21)T

**011. -- 099. (RESERVED)**

**100. ADMINISTRATION.**

Temporary Vehicle Clearances, valid for a maximum of forty-five (45) days or to the registration year expiration date, may be issued to a carrier whose account is in good standing. (7-1-21)T

**101. -- 199. (RESERVED)**

**200. ISSUANCE OF TVC.**

**01. Temporary Vehicle Clearances.** Carriers may request temporary vehicle clearances online, from the department or an Idaho port of entry. Fees are payable when the clearance is issued. (7-1-21)T

**201. ISSUANCE OF VEHICLE REGISTRATION (CAB CARD) AND LICENSE PLATE(S).**

**01. Issuance of Vehicle Registration & License Plate(s).** The vehicle registration and license plate(s) may be issued when: (7-1-21)T

**a.** The online application is received by the Department, all applicable fees are paid and all licensing requirements are met. (7-1-21)T

~~**b.** The carrier submits a copy of an Idaho title or title receipt showing that the vehicle is titled in the owners name;~~

**02. Permanent Identification.** When all criteria are met, a registration, license ~~and a validation~~ plate and ~~or~~ sticker (if applicable) will be issued. (7-1-21)T

**202. -- 299. (RESERVED)**

**300. COST AND PAYMENT.**

The fee for temporary vehicle clearances issued ~~via facsimile transceiver equipment or self issued by the carrier~~ by the Department is eighteen dollars (\$18) per clearance, payable in advance by the carrier, along with any registration fees. If self-issued by the carrier online, the temporary vehicle clearance fee is waived. (7-1-21)T

**301. -- 999. (RESERVED)**

**39.02.41 – RULES GOVERNING SPECIAL PROVISIONS APPLICABLE TO FEES FOR SERVICES**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, Idaho Code. ( )

**001. TITLE AND SCOPE PURPOSE.**

This rule is titled IDAPA 39.02.41, “Rules Governing Special Provisions Applicable to Fees for Services,” and identifies the fees and conditions for providing records, data for records maintained by the Department and services provided by the Department special provisions applicable to fees for services not specifically outlined in Title 49, Idaho Code. ( )

**002. -- 099. (RESERVED)**

**100. ADMINISTRATION.**

Idaho Code provides for the collection of fees for related services. This rule provides for automation considerations and a fee schedule to uniformly apply the fee provided by Section 49-202(2)(h), Idaho Code. The following fees apply for services and copies of files regarding motor vehicle or other registrations, motor vehicle titles, driver’s licenses or commercial driver’s licenses, and are based on the per hour charge specified in Section 49-202(2)(h), Idaho Code. ( )

**01. Paper or Imaged Records.** Copies of supporting driver’s license, registration, or title records from paper or imaged records, based on an average of twenty-four (24) minutes to fully process these requests at the per-hour rate specified in Section 49-202(2)(h), Idaho Code, and rounded to the nearest whole dollar. ( )

**a.** Requests for vehicle information by customer name will be charged the fee specified in Section 49-202(2)(g), Idaho Code. ( )

**02. Automated Records.** ~~Idaho Code does not provide a fee for complete county or statewide automated copies of registration or title files. A fee has been based on the costs to produce special file requests.~~ ( )

~~**a.** A base charge for providing data, that is not otherwise publicly published, is \$75 per delivery of the data programs requiring: One (1) to three (3) sorts, seventy five dollars (\$75). Each additional sort, twenty five (\$25).~~

~~**b.** In addition to the above, the computer cost, printer cost and tape access cost, as established by the information technology section will be charged.~~ ( )

**ea.** Any mailing, shipping or special handling costs will also be added to the charges. ( )

**03. Electronic Media Must Be Provided.** ~~Requestors must provide electronic media for this purpose, unless the file can be transmitted electronically. Data is provided in a standard department format. Vehicle or driver history information is not included. The only selection criterion is by counties.~~ ( )

**04. Records Provided Free of Charge Entities Exempt from Fees.** Motor vehicle and driver records will be provided free of charge to those statutorily exempt from the fees in Sections 49-202(3) and 49-426(1), Idaho Code the following:

**a.** ~~State Agencies.~~ ( )

**b.** ~~County Assessors.~~ ( )

**c.** ~~County Sheriffs.~~ ( )

**d.** ~~Peace Officers requesting records in the performance of their duties as per Section 49-202(3), Idaho~~



Code. ( )

**05. — Rules for Providing Records Free of Charge.** The Division of Motor Vehicles will observe the following guidelines when providing records free of charge: ( )

**a. —** Records will be provided free of charge only if they are a standard computer run that does not require special programming and/or sorting. Records requiring special handling will be provided for a fee equal to the cost of the additional handling. ( )

**b. —** Records will be provided free of charge electronically or on electronic media supplied by the requestor, or as a standard computer printout. All other formats will be provided for a fee equal to the cost of the additional materials. ( )

**c. —** The Assessor's Clearinghouse and the Sheriff's Clearinghouse shall each establish a single standardized computer printout that will be used for all motor vehicle and driver requests from their respective agencies. ( )

**d. —** Records access agreements between the Division of Motor Vehicles and government agencies requesting motor vehicle and driver records shall be negotiated and renewed annually, and shall contain a list of all personnel who will have access to the records and/or on line terminals. ( )

**e. —** On line computer installation and equipment shall be charged at a rate defined in the annual agreement. ( )

**101. -- 199. (RESERVED)**

**200. LAW ENFORCEMENT INQUIRIES.**

The Department provides full access to motor vehicle files by Law Enforcement at no charge through the Idaho Law Enforcement Telecommunication Systems (ILETS). There is also no charge to Law Enforcement for certified motor vehicle or driver record packets to peace officers. For additional services beyond access to motor vehicle records (special reports, etc...), actual costs incurred by the Department will be charged. ( )

**201. — JURY LISTS.**

Idaho Code provides for the use of motor vehicle records for jury lists. The Department does not charge the counties for this use. ( )

**202. SPECIAL AGREEMENTS.**

**01. Agreements for Services.** The Department may enter into agreements to provide for services and copies of records or data maintained by the Department motor vehicle files to requestors with special highway safety and statistical reporting requirements. Initial costs incurred by the Department shall be reimbursed by the requestor. Ongoing charges or fees will be based on the agreement. ( )

**02. Right to Receive Information Subject to Idaho Code.** This rule is not intended to imply that a requestor has the right to receive information. The fees, as stipulated in this rule, apply when the requestor is eligible to receive the information, subject to Idaho Code. **Inappropriate Use or Redisclosure of Department Data. Inappropriate use of data received from the Department or redisclosing data to an entity that inappropriately uses Department data, may result in cancellation of the contract. Inappropriate use includes, but is not limited to, use of data obtained from the Department to contact citizens of Idaho.** ( )

**203. — MISCELLANEOUS.**

The fee for vehicle inquiries by name will be based on the proper fee per vehicle record. Commercial vehicle inquiries shall be based on a per vehicle record fee. ( )

**204.1. -- 999. (RESERVED)**

## 39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS

### 000. LEGAL AUTHORITY.

This rule, establishing the policies used to administer Idaho's standard and specialized license plate programs, is adopted under the authority of Section 49-201, Idaho Code. ( )

### 001. TITLE AND SCOPE.

**01. Title.** These rules are titled IDAPA 39.02.60 "Rules Governing License Plate Provisions." ( )

**02. Scope.** This rule governs license plate provisions for standard license plates not otherwise detailed in Title 49, Idaho Code, and provisions for all specialty program license plates, personalized plates, and special eligibility plates. Subchapter A further establishes provisions for administering the exempt and undercover license plate programs not otherwise detailed in Title 49, Chapter 4, Idaho Code. ( )

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

**01. Authorized Employees.** Authorized employee as used in this rule means any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made. ( )

**02. Exempt License Plate.** Standard license plate issued to the entities described in Section 49-426(1), Idaho Code, which are exempt from payment of vehicle operating fees. ( )

**03. Exempt Personalized License Plate.** An exempt plate which identifies the agency by a unique identifier specified by the agency that does not conform to the standard exempt identifier listed in Section 400; a plate wherein the serial number portion represents inventory control numbers, badge numbers, radio call signs, or other unique lettering or numbering schemes developed by the requesting agency; plates that are lettered and/or numbered to indicate a person's position in the hierarchy of an agency. ( )

**04. Furtherance or Pursuance of Business.** Furtherance or pursuance of business as used in this rule or in Section 49-1627, Idaho Code, means any lawful use of a dealer or loaner plate by an authorized employee of a dealership for the movement of a vehicle to be sold, repaired or transferred from one (1) location to another. ( )

**05. Leased or Rented Vehicles.** Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public. ( )

**06. Undercover License Plate.** A standard license plate issued upon application to the Department from an exempt agency with law enforcement authority. Undercover license plates will be randomly issued by the Department, and appear as a standard county plate. ( )

**07. Vehicles Not Held in Stock.** Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title. ( )

**08. Vehicles Sold.** Vehicles which have been sold as used in Section 49-1627, Idaho Code, means vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. ( )

**011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.**

**01. Plate Numbering and Lettering.** The Idaho Transportation Department is authorized to assign unique plate letter/number spacing schemes and to use specific letter/number combination schemes as needed for the purpose of ensuring unique numbering systems for all license plate programs and to administer the provisions of this rule. ( )

**02. Plate Life Expiration Date.** License plates will be valid for the period described in 49-443 (2) and will expire on the last day of the month, consistent with the month of the registration expiration. ( )

**012. PROOF OF REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.**

**01. Proof of Registration Document.** Upon receipt of payment for required registration and program fees proof of registration receipt document may be issued, indicating "license plates on order." This option will be used whenever license plates are manufactured after the registration transaction has been completed. The proof of registration receipt document will provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. At the discretion of the Department, more than one (1) proof of registration may be issued, if needed, in order to manufacture license plates. ( )

**02. Placement of Proof of Registration Document.** The proof of registration receipt document will be displayed in the rear window or on the rear of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the proof of registration must be conspicuously displayed where the expiration date of the newly issued plate may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible. ( )

**03. Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable.** Upon receipt of payment for required registration and program fees, the county may issue a manual temporary registration valid for thirty (30) days, through use of a temporary form provided by the Department, in the event the automated system is unavailable. When the system resumes normal operation, the county office will enter such registration information in the system, and produce the registration form and validation decals and mail to the registered applicant. The manual temporary registration form will be displayed in the rear window of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the temporary registration must be conspicuously displayed where the expiration date of the permit may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible. ( )

**013. -- 099. (RESERVED)**

**100. LICENSE PLATE PROVISIONS FOR STANDARD PLATES.**

**01. County Designations.** The county in which a vehicle is registered will be designated by a number and letter on license plates for passenger cars, pick-up trucks eight thousand (8,000) pounds and under gross weight, hearses, ambulances, wreckers, farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight, and recreational trailers. The county designators are as follows:

County Designations					
1A	- Ada	2A	- Adams	1B - Bannock	2B - Bear Lake
3B	- Benewah	4B	- Bingham	5B - Blaine	6B - Boise
7B	- Bonner	8B	- Bonneville	9B - Boundary	10B - Butte

1C	- Camas	2C	- Canyon	3C	- Caribou	4C	- Cassia
5C	- Clark	6C	- Clearwater	7C	- Custer	E	- Elmore
1F	- Franklin	2F	- Fremont	1G	- Gem	2G	- Gooding
I	- Idaho	1J	- Jefferson	2J	- Jerome	K	- Kootenai
1L	- Latah	2L	- Lemhi	3L	- Lewis	4L	- Lincoln
1M	- Madison	2M	- Minidoka	N	- Nez Perce	1O	- Oneida
2O	- Owyhee	1P	- Payette	2P	- Power	S	- Shoshone
1T	- Teton	2T	- Twin Falls	V	- Valley	W	- Washington

( )

~~02. — Designation for Farm Vehicles. License plates for farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight will have the county designator, then a unique serial number followed by the letter “T”.~~ ( )

~~03. — Designation for Recreational Vehicles. License plates for recreational trailers will have the county designator, then a unique serial number followed by the letter “R”.~~ ( )

~~04. — Designations for Motor Homes. License plates for motor homes will have the county designator, then a unique serial number followed by the letter “M”.~~ ( )

**101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.**

~~Per Section 49-402 (4), Idaho Code, the Idaho Transportation Department will provide restricted vehicle plates for issuance to all terrain vehicles, utility type vehicles, and motorbikes. Idaho Transportation~~ The Department will provide these plates to county DMV offices and to the Idaho Department of Parks and Recreation (if needed). Idaho Department of Parks and Recreation has the authority to issue, manage and maintain records of these plates. ~~Per Section 49-443(1), Idaho Code, such plates will be four inch by seven inch (4” x 7”) plates, be printed with a combination of letters and numbers as determined by the department, and be printed in black on a white reflective background. Plates will be printed with “Idaho Restricted Vehicle” on the top and no other inscription. The plate will also have a decal placed in the lower left hand corner indicating the year it is required to be re-placed. The plate will not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, affixed to the lower~~ right hand corner of the plate. Idaho restricted vehicle plates may not be personalized. ( )

102. -- 149. (RESERVED)

**150. VEHICLE DEALER AND MANUFACTURER LICENSE PLATES FORMATS.**

**01. Designation for Manufacturers Plates.** Plates issued to dealers will bear the designation “DLR” and plates issued to manufacturers will bear the designation “MFR” ~~and be numbered from nine thousand (9000) through nine thousand, nine hundred, ninety-nine (9999).~~ The sequential license plate number will be a maximum of two (2) digits. ( )

~~02. — Designation for Dealer Plates. Plates issued to dealers will bear the designation “DLR” and the sequential license plate number will be a maximum of two (2) digits.~~ ( )

**a.** If a dealer or manufacturer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number. ( )

**b.** The dealer or manufacturer number will be a maximum of four (4) digits. No dealer or

manufacturer number may be preceded by a zero (0): Dealer number one (1), plate number one (1): 1-01; Dealer number one thousand one (1001), plate number one hundred (100): 1001-A1. ( )

c. Dealer restricted vehicle plates will display the abbreviation "DLR" within the lower left hand box labeled "Restricted Vehicle". The dealer validation sticker will be displayed within the box labeled "Dealer Validation Sticker". ( )

## 151. VEHICLE DEALER LICENSE PLATES RESTRICTIONS.

**01. Restrictions.** Restrictions on the use of manufacturer or dealer plates are provided for by Section 49-1627, Idaho Code. In addition, the following restrictions apply: ( )

~~a. Authorized employees may operate vehicles displaying dealer plates only when operated in the furtherance of the dealer's business.~~ The authorized employee must carry an identification card issued by the dealer. The identification card will contain the employee name, dealership, date of issue, dealer number and signature of an authorized representative of the dealership and the signature of the employee. This use will be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use. ( )

~~b. A manufacturer will not display manufacturer plates on vehicle types other than those manufactured by the manufacturer.~~ ( )

~~c. A new or used motorcycle dealer will not display motorcycle dealer plates on other vehicle types nor on a new motorcycle that the dealer is not enfranchised to sell.~~ ( )

~~d. A new vehicle dealer will not display new vehicle dealer plates on new vehicles that the dealer is not enfranchised to sell.~~ ( )

~~e. A new or used motorbike, all terrain vehicle, or utility vehicle dealer will not display dealer restricted vehicle plates on other vehicle types nor on any new motorbike, all terrain vehicle, or utility vehicle that the dealer is not enfranchised to sell.~~ ( )

**bf.** Vehicles displaying a dealer restricted vehicle plate are not required to display the Idaho Department of Parks and Recreation Off-highway registration to be valid, but are required to be validated in the same manner as are standard dealer plates and display the required annual validation sticker on the restricted plate. Use will be permitted pursuant to Section 49-426 (3) and (4), Idaho Code. ( )

**cg.** A prospective purchaser will not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. ( )

~~h. A dealer or manufacturer will not display a dealer plate for purposes other than provided for by law or regulation.~~ ( )

~~02. Penalties. In addition to the penalties for violation of plate use provided for in Section 49-236, Idaho Code, a dealer or manufacturer may have his license to do business in Idaho suspended for a period not less than fifteen (15) days nor more than thirty (30) days.~~ ( )

## 152. VEHICLE DEALER LOANER PLATES.

**01. Numbering.** Plates will be numbered from LAA001 to LZZ999. ( )

**02. Surrender of Plates.** If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There will be no refund of fees. ( )

**03. Vehicle Log.** Dealerships will maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log will be available for inspection by any peace officer or agent of the Department and contain the

information provided for by section 49-1628, Idaho Code. ( )

~~a. Vehicle Identification Number (VIN) or dealership stock number if such stock number can be traced to the vehicle's VIN;~~ ( )

~~b. Date(s) the plates were displayed on a vehicle;~~ ( )

~~c. Number printed on the plate displayed;~~ ( )

~~d. Name of person authorized to use the plate; and~~ ( )

~~e. Purpose for which vehicle was used.~~ ( )

**04. Identification Registration Card.** The Department authorized issuing entity will provide an identification registration card, ~~(registration)~~ for each dealer loaner plate as provided for by section 49-421, Idaho Code. showing the: ( )

~~a. Dealership name and address;~~ ( )

~~b. Number printed on the plate;~~ ( )

~~c. Calendar year for which the registration is valid;~~ ( )

~~d. Dealer number;~~ ( )

~~e. Date of issue; and~~ ( )

~~f. A place for the dealer's signature.~~ ( )

**05. Letter of Authorization.** Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired will have in their possession a letter of authorization or a document showing both the user and dealership name. The document or letter must will be signed and dated by an authorized employee of the dealership. ( )

**06. Vehicle Use Donation for Civic and Charitable Events.** Licensed dealers may authorize the use of their loaner plates when donating the use of vehicles held in their inventory for civic or charitable events. Such time period will not exceed thirty (30) days. The dealer will provide a letter of authorization to be carried in the vehicle and proof of current liability insurance, as required by Chapter 12, Title 49, Idaho Code. ( )

~~07. User Fee. The dealer may charge the user a fee for vehicles held in stock for sale and provided to a customer of a dealership while the customer's vehicle is being repaired.~~ ( )

**08. Fees.** The fees charged for dealer loaner plates will be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and will be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 will be charged one-twelfth (1/12) the annual fee required charged for a new vehicle for each month remaining in the licensing year, including the month of application. The annual EMS and plate fees are not prorated. ( )

### 153. VEHICLE DEALER TRANSPORTER REGISTRATION AND PLATE.

**01. Purpose.** Utility and boat trailers that weigh under two thousand (2,000) pounds unladen may be moved by a manufacturer, dealer, or an employee of either, or by a transporter service contracted by the vehicle's manufacturer or dealer upon registration and payment of an annual fifteen dollar (\$15) transporter plate fee to the department, or by purchase of a single trip permit. These plates may be used only on boat trailers and utility trailers for demonstration purposes, and may be used while laden for demonstration purposes. ( )

**02. Numbering of Plates.** Transporter plates will be numbered from PA1 TO PZ9999. Transporter plates are required to be displayed on the rear of the trailer. ( )

**03. Renewal of Plates.** The transporter registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ( )

**04. Use of Plates.** Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate must are to be registered within the appropriate gross vehicle weight category for the combined load. ( )

**05. Possession of Registration.** When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle will carry the transporter registration in the towing vehicle at all times. ( )

**06. Violations.** Violations of this section include: ( )

a. Display of a transporter plate on any vehicle not required to be registered under this Section; and ( )

b. Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. ( )

**07. Penalties:** ( )

a. Violation of this section will be a misdemeanor as provided for by Section 49-236, Idaho Code; and ( )

b. The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. ( )

**154. PROVISIONS FOR WRECKER PLATES.**

**01. Purpose.** Wrecker plates are for the exclusive use of businesses engaged in the towing of a wrecked, abandoned, salvaged, or disabled motorized vehicle. Plates will not be used on vehicles being repossessed. ( )

**02. Numbering of Plates.** Plates will be numbered as determined by the department and will display the abbreviation "WRKR" vertically on the left hand side of the plate. ( )

**03. Renewal of Plates.** The wrecker registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ( )

**04. Use of Plates.** Plates are not to be displayed on the towing power unit vehicle nor are they to be used on a vehicle not being towed. Plates are to be displayed on the rear of the towed vehicle in such a manner as to be visible to vehicles approaching from the rear. Wrecker plates may be moved from one (1) towed motorized vehicle to another vehicle under the direct lawful control of the registration holder. ( )

**05. Possession of Registration.** When towing a motorized vehicle displaying a wrecker plate, the operator of the towing vehicle will carry the wrecker plate registration in the towing vehicle. ( )

**06. Acquisition/Renewal of Wrecker Plates.** Wrecker plates will be issued and renewed through the department by mail or by fax using an application and renewal process determined by the department. ( )

**155. PROVISIONS FOR SPECIAL LICENSE PLATE PROGRAM PREQUALIFICATION AND APPLICATION PROCEDURES.**

**01. Special License Plate Prequalification.** ~~After July 1, 2020, only those agencies authorized by Section 49-402C, Idaho Code, desiring legislation to establish a Special License Plate Program may make application to the Department on a Special License Plate Program application form designed and provided by the Department. If all the prequalification requirements are met by the submission of other documentation, this will also be acceptable. A Special License Plate Program Development Guide Application will also be provided to each applicant, detailing the procedures for the prequalification and application and providing information regarding the steps required to successfully accomplish a special license plate program from prequalification through passage of the legislation, statutory requirements and standards for the plate color and license plate design.~~ ( )

**02. Special License Plate Approved by the Legislature.** If a special license plate program is approved by the Idaho legislature, prior to production and sale of the special license plates, the sponsor will meet the requirements outlined in ~~Subsection 155.03 of this rule~~ sections 49-402C & 49-402D, Idaho Code. ( )

~~**03. Special License Plate Requirements:**~~ ( )

~~**a.** The individual responsible for representing an agency meeting the requirements of Section 49-402C, Idaho Code, requesting the prequalification/application procedure will complete and sign a Special License Plate Program application form that will contain a declaration of the responsible individual for certifying compliance with the requirements to the Department.~~ ( )

~~**b.** After July 1, 2020, the individual representing an eligible agency will acknowledge that all special license plate sales proceeds will be deposited in the highway distribution account pursuant to Section 49-402D(a), Idaho Code.~~ ( )

~~**c.** On and before July 1, 2020, for non-profit agencies, the responsible individual will provide evidence that the applicant has had 501 (c) Federal Income Tax status for at least two (2) years.~~ ( )

~~**04. Special License Plate Program Application Approval:**~~ ( )

~~**a.** Upon approval of application by Department, applicant will, by September 1, deposit programming and administration fees determined by an estimate of projected programming hours required. One thousand dollars (\$1,000) of this fee will not be refundable.~~ ( )

~~**b.** Applicant will complete and submit a list of two hundred fifty (250) applicants, currently registered in Idaho, who intend to purchase the Specialty License Plates when available. The form may be delivered to the Department by mail or electronic means such as e-mail or facsimile.~~ ( )

~~**035. Submission to the Legislature.**~~ ( )

~~**a.** For those desiring legislation, when all requirements have been met, the Department will forward the completed application to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature for consideration in the next Legislative Session. This submission will be on a form developed by the Department or other documentation that meets all the requirements listed in this rule.~~ ( )

~~**a.** For those Special License Plate Programs with enacting legislation that fail to meet the requirements of this Section, the Department will report such finding to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature, and will not proceed with production and sale of the special plates.~~ ( )

**046. Annual Report.** An annual report form, designed and provided by the Department, will be made available to special license plate sponsors for all special license plate programs receiving revenue in existence or passed by the legislature on or prior to July 1, 2020. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. ( )

~~**a.** The report will be completed and submitted to the Department by December 1 so that by January~~



~~15 of each year the Department has the necessary data compiled and the required information forwarded to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature. ( )~~

~~i. All nonprofit agencies who have filed a 501(c)(3) federal income tax status will be required to submit an annual financial report. ( )~~

~~ii. All government entities receiving any portion of revenue from the sale of specialty plates will be required to submit an annual financial report. ( )~~

~~b. If the agency fails to provide the required report, the Department will immediately discontinue the special license plate sales for that program. ( )~~

~~c. Military License Plate and Collegiate and University License Plate programs will not be included in this requirement. ( )~~

~~d. All government entities with special plate programs for which revenue is deposited in the highway distribution account from the sale of their special plate program will not be included in this requirement. ( )~~

**057. Appeals.** The appeals process will allow the applicant for a special license plate program to appeal the Department's decision to deny the application (See Section 003 of this rule). The notice of the appeal will be sent in writing via mail, electronic mail or facsimile within twenty (20) days of the denial. ( )

~~**068. Cancellation of Plate Programs.** The cancellation of a plate program will occur when a nonprofit agency (who has filed a 501 (c) (3) federal income tax status) plate program fails to meet any of the following criteria: ( )~~

~~a. Fails to sell one thousand (1,000) plates, in the first year of availability. ( )~~

~~b. Fails to sell one thousand five hundred (1,500) plates, in the second year of availability. ( )~~

~~c. Fails to sell two thousand (2,000) plates in the third and any subsequent years of availability. ( )~~

~~d. The Department will notify the plate program sponsor ninety (90) days prior to cancellation informing the sponsor of the intent to cancel the program due to low plate sales volume. Sales volume is calculated by determining the number of current active plates, ~~valid registrations~~ for the plate program on file with the Department. ( )~~

~~i. Upon the first year, second year, or third and subsequent year anniversary dates, if plate sales are below the mandatory volumes, provided in Section 49 402D, Idaho Code, the Department will notify the plate program sponsor that the program has been canceled and the effective date of the cancellation. Such programs will no longer be available at the county offices or the Department for new registrations. ( )~~

~~ii. The Department will notify current registrants of the special plate program of the cancellation, and advise the registrant may retain and renew the registration with the additional program fees, and retain the plates until the physical plates are required to be replaced, however replacement plates will not be available, due to loss or damage. ( )~~

~~iii. The portion of canceled special plate program fees no longer deposited with the nonprofit agency (who has filed a 501 (c) (3) federal income tax status) program sponsor will be deposited in the state highway account. ( )~~

~~iii\*. Upon mandatory replacement of physical plates as required by statute, the customer may choose another plate program or standard county plates at the customer's preference. ( )~~

~~iv. The Department will include in its annual report to the chairman of the Senate Transportation~~

Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature any special plate programs that have been canceled during the preceding year. ( )

**156. -- 198. (RESERVED)**

**199. LICENSE PLATE PROVISIONS FOR SPECIAL PROGRAM AND PERSONALIZED PLATES FOR TRAILERS.**

Special program and personalized plates may be issued to trailers manufactured primarily for recreational vehicle uses. Such trailers will include camper, tent or fifth-wheel recreational trailers. Trailers with multiple uses such as utility, horse, or boat, with or without recreational vehicle facilities, will be excluded. ( )

**200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.**

**01. Year of Manufacture Plates.** ( )

a. ~~Owners of v~~Vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974 are eligible for this program, may apply for the renewal and use of previously canceled Idaho license plates which were originally issued to the same category of vehicle, where the year designation of the plate matches the year of manufacture of a motor vehicle. ( )

b. The license plate must be in serviceable condition as originally manufactured, i.e., cannot be marred, bent, faded, or otherwise damaged to the point it is illegible. If the plate is repainted to bring it to a serviceable condition, the colors will match the original colors as closely as possible and will equal or exceed the original quality. The plate number cannot be a duplicate of a previously manufactured "year of manufacture" plate still in use. ( )

c. The application for use of the plate will include a statement signed by the applicant attesting that the applicant understands, if the plate use is approved, the plate does not have reflectorized material which meets the requirements of Section 49-443, Idaho Code. The responsibility for any accident or injury arising out of the possible consequence of not having this reflectorized safety feature on the license plate will be borne by the registrant. ( )

d. "Classic" or "Old Timer" plates may be used in conjunction with this revived plate at the option of the registrant. ( )

**02. Centennial License Plates.** Personalized and regular number plates are available in the centennial format. ( )

**03. Disabled Veteran License Plates.** Disabled veteran license plates may, upon the registrant's request, display the international disability symbol to ensure reciprocal parking privileges in all states and provinces. ( )

**04. Custom Vehicle License Plates.** The applicant shall pay the initial program fee of \$25 and the annual program fee of \$15. ( )

**201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.**

**01. Option to Apply.** Members of the Idaho Legislature have the option of applying to the Department's ~~Special Plates Unit~~ for one (1) set of specially numbered license plates bearing the designation "HOUSE" or "SENATE." ( )

**02. Numbering Assignment List.** ~~On or before June 15~~ Each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. ~~The Department will request that these lists be returned by September 1 or, in an election year, within fifteen (15) days after the election.~~ ( )

**03. Plate Availability.** ~~Upon receipt of the lists, the Department will ensure that a complete set of special legislative license plates will be available for each legislator.~~ ( )

**202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.**

**01. Special Characters or Marks.** No special characters, or punctuation marks, may be used for personalized messages on license plates. ( )

**a.** Up to seven (7) letters or any combination of seven (7) letters and numbers and spaces (no half spaces) may be used for personalized messages on eligible six inch by twelve inch (6" x 12") license plates. ( )

**b.** Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on four inch by seven inch (4" x 7") motorcycle plates. ( )

**c.** Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on specialty program license plates. ( )

**d.** Disability six inch by twelve inch (6" x 12") plates will display the international disability symbol followed by up to five (5) letters, numbers, and spaces in the personalized message. Disability four inch by seven inch (4" x 7") motorcycle plates will display the international disability symbol followed by up to four (4) letters, numbers, and spaces (no half spaces) in the personalized message. ( )

**02. Issue of Personalized Plates.** Personalized plates may be issued to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to: ( )

**a.** Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; ( )

**b.** Vehicles for which the designators "PRP" are required to be printed on the plate to identify the use; and ( )

**c.** Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. ( )

**03. Specific Requests.** Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, or fax transmission time will prevail. If the postmarks are the same, the date stamped upon arrival at the Department will prevail. Applications submitted at county assessors' offices will be considered valid when date stamped in by the Department. Telephone requests will not be accepted. ( )

**04. Lack of Current Plates.** When an applicant for personalized plates does not have current regular number plates: ( )

~~**a.** The Department may issue a thirty (30) day temporary registration to allow time for the billing process for personalized plates. The fee for each thirty (30) day temporary registration will be as required by Section 49-523, Idaho Code. ( )~~

~~**b.** The Department may, upon payment of all required fees, issue a proof of registration document as provided in consistent with Section 012 of these this rules. ( )~~

**05. Credits.** When personalized plates are issued before an applicant's current registration is expired, credit will be given for unexpired registration fees only. ( )

**06. Renewing Plates.** The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, the plate fee will be charged in addition to all other fees that are due. Personalized plates will be reissued in accordance with Section 49-443, Idaho Code. ( )

**07. Transfer of Plates.** When personalized plates are issued, the vehicle's regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. ( )

**08. Acceptability of Plates Message.** Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: ( )

**a.** The combination of numbers and letters requested or combinations of same may not duplicate an existing combination in use, pursuant to Idaho Code. ( )

**b.** The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial degradation, ethnic degradation, or profanity, or vulgarity, as defined in dictionaries of general use, including, but not limited to, Webster's Unabridged Dictionary and the Harper & Row New Dictionary of American Slang. ( )

**i.** The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; illegal substances or the use thereof. ( )

**ii.** The message may not represent a club, membership, or gang that is commonly known to promote violence, illegal substances or illegal acts. ( )

**c.** The criteria in Paragraph 202.08.b. of these rules is not to be considered an exhaustive list. A compilation of offensive or obscene words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho. ( )

**d.** When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed. ( )

**e.** Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision. ( )

**09. Message Preferences.** Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail or email. ( )

**10. Recalled Plates.** Personalized plates may be recalled by the Department for the following reasons: ( )

**a.** Error in manufacturing; or ( )

**b.** Clerical error. ( )

**c.** Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. ( )

**11. Unexpired Fees.** If a set of personalized plates is recalled, the personalized plate program fee, unexpired portion of the registration fee, E.M.S. fee, plate fee, (if plates are returned to the Department), and all other applicable special plate fees, will be refunded or transferred to a new issue of personalized plates. ( )

**12. Expired Plates.** Personalized plates that have their registration expire will become immediately available for reissue to another applicant. There is no grace period. ( )

**203. PROVISIONS FOR FORMER PRISONER OF WAR (POW) LICENSE PLATES.**

**01. Eligible Person.** Any veteran who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States during the following recognized war periods may be eligible:

WORLD WAR I	April 6, 1917 to November 11, 1918
WORLD WAR II	December 7, 1941 to December 31, 1946
KOREAN WAR	June 27, 1950 to January 31, 1955
VIETNAM WAR	August 5, 1964 to May 7, 1975
USS PUEBLO	January 23, 1968 to December 23, 1968
PERSIAN GULF	August 2, 1990 (Congress has not assigned an ending date.)

( )

**02. Certified Documentation.** Eligibility will be documented by a copy of the applicant’s 53.55 or DD-214 Separation from Active Duty papers, or other specific documentation received from the Veterans Administration that certifies that the applicant was a prisoner of war during the recognized war periods stated above.

( )

**204. SURRENDER OF PLATES.**

Registered owners desiring to surrender their license plate numbers may do so at any time. Upon surrender, license plate numbers shall immediately become available for use by another, upon application and payment of applicable plate, registration, and program fees.

( )

**205. -- 299. (RESERVED)**

**300. PROVISIONS FOR SAMPLE PLATES.**

Sample plates are issued at on the “Scenic Idaho/Famous Potatoes” red, white, and blue plate or Special Program License plates as follows:

( )

**01. Plate Size.** Plates carrying the word SAMPLE in both passenger car size (six inches by twelve inches (6" x 12")) and motorcycle size (four inches by seven inches (4" x 7")).

( )

**02. Personalized Sample Plates.** Personalized Sample plates are issued on both plate sizes, passenger car with maximum of seven (7) characters and motorcycle size with a maximum of six (6).

( )

**a.** The applicant completes an Application for Personalized Sample License Plate Form. ( )

**b.** The acceptability screening process used is the same as that used for regular personalized plate application. ( )

**c.** The Department will adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations. ( )

**d.** The department may include other special license plate programs for sample plate sale, when not prohibited by code, or that would not cause a compromise of a special eligibility plate program. ( )

**03. Penalties.** There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code). ( )

**301. -- 399. (RESERVED)**

**SUBCHAPTER A – RULES GOVERNING LICENSE PLATES  
FOR GOVERNMENTAL AGENCIES AND TAXING DISTRICTS**

**400. STANDARD EXEMPT PLATE DESIGNATORS.**

The standard exempt license plate designators used to identify the agency, entity, or office will be assigned pursuant to Section 49-443B (2), Idaho Code. ( )

**401. ISSUING AGENCY.**

All exempt and undercover license plates will be issued by the Idaho Transportation Department upon receipt of a request from an authorized agency. ( )

**402. INFORMATION TO BE PROVIDED BY AN AUTHORIZED AGENCY.**

A request for exempt or undercover plates will contain: ( )

**01. Actual Name and Address.** The name and address of the requesting agency. ( )

**02. Vehicle Description.** The description of the vehicle(s) to be registered, including the year, the make, model, type, vehicle identification (VIN), color and title number, and truck weight if eight thousand one pounds (8,001 lbs.) or more. ( )

**03. Fictitious Name and Address.** The name and address of the registrant to appear on the undercover plate registration, and title records of the Department. ( )

**04. Authorized Official.** The request must be signed by an authorized official of the authorized agency. ( )

**403. VEHICLE TITLING.**

**01. For Exempt Registration and License Plates.** If the vehicle is not titled, the title transaction will be completed at the local county assessor's office before requesting exempt plates. The control number from the title application may be used in lieu of the title number on the exempt plate request letter. ( )

**02. Undercover Vehicle Titling.** The actual name and address of the requesting agency, along with the fictitious name and address of the registrant will be provided directly to the Department on a completed application approved by the authorized official. ( )

**404. EXEMPT AND UNDERCOVER PLATE FEES.**

**01. Department Reimbursement.** State and federal agencies and taxing districts will reimburse the Department the cost of providing license plates. These costs will be determined by the cost of manufacture and the cost to the Department of processing the transaction. ( )

**02. Adjusted Fees.** Periodically, fees may be adjusted in accordance with changes in manufacturing costs, postage, employee costs and legislative mandate. ( )

**405. EXEMPT PLATE DISPLAY.**

Exempt license plates will be displayed in accordance with Section 49-428, Idaho Code. A pressure-sensitive sticker with the designator "EX" will be provided with each exempt plate and be attached to the plate(s) in the space provided for this purpose. The department may have the EX designator printed in the appropriate space on the plate as an alternative to the sticker. ( )

**406. UNDERCOVER PLATE DISPLAY.**

Undercover license plates will be displayed in accordance with Section 49-428, Idaho Code. A pressure-sensitive sticker displaying an expiration date matching the plate number will be attached to the plate(s) in the space provided for this purpose. There will be no discerning markings to indicate that the plate or registration record is in

undercover use. ( )

**407. ALTERNATIVE PLATES.**

If an authorized agency requests a specialized license plate format normally reserved for the general public, all the statutory special program fees for the plate will be paid, with the exception of the registration (operating) fee, in addition to the department administrative and plate manufacturing fees. Special eligibility plates will not be issued to exempt vehicles. "Special eligibility" requires the individual registrant to meet specific requirements for programs such as: Purple Heart, Disabled Veteran, Disability, Military Reservist, Former Prisoner of War, Congressional Medal of Honor, National Guard and Air National Guard, Radio Amateur, Pearl Harbor Survivor, and Legislative plates. ( )

**408. EXEMPT PLATE STATUS.**

**01. Non-Expiring Plates.** Exempt plates are non-expiring and require no annual renewal. ( )

**02. Transfer of Plates.** Exempt plates may be transferred between vehicles. If an exempt plate is transferred to another vehicle, a transfer request must be made to the Department's ~~Vehicle Services Section/Special Plates Unit~~. ( )

**03. Reissue of Plates.** Exempt plates will also be assessed personalization and program fees upon each reissuance ~~reissued in accordance with Section 49-443(2), Idaho Code.~~

**409. UNDERCOVER PLATE STATUS.**

**01. Expiration of Plates.** Undercover license plates will expire annually or biennially based upon the application of the authorized agency. Registration status will appear as valid, until expiration date. Renewals must be made to the Department upon expiration of the undercover license plate. ( )

**02. Transfer of Plates.** Undercover license plates may be transferred between vehicles. If an undercover license plate is transferred to another vehicle, a transfer request must be made to the Department's Vehicle Services Section/Special Plates Unit. ( )

**03. Reissue of Plates.** Undercover plates will be reissued in accordance with Section 49-443(2), Idaho Code. ( )

**04. Emission Testing of Undercover Vehicles.** Vehicles issued undercover license plates who list an address in a county or area of required emission testing will need to check with the emission authority to be exempted from the testing requirement, or test as a typical registered vehicle. ( )

**410. -- 999. (RESERVED)**

### 39.03.05 – RULES GOVERNING SPECIAL PERMITS – OVERSIZE NON-REDUCIBLE

#### 000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads that are in excess of the sizes allowed by Sections 49-940, 49-1001, 49-1002, 49-1004, or 49-1010, Idaho Code, is adopted under the authority of Section 49-201 and 49-312, Idaho Code. (7-1-19)

#### 001. ~~TITLE AND SCOPE~~ **PURPOSE.**

~~01. Title. This rule is titled IDAPA 39.03.05, “Rules Governing Special Permits – Oversize Non-Reducible,” IDAPA 39, Title 03, Chapter 05. (7-1-19)~~

~~02. Scope. This rule states the requirements for the movement of oversize loads. (7-1-21)T~~

#### 002. -- 009. (RESERVED)

#### 010. DEFINITIONS.

Refer to IDAPA 39.03.01, “Rules Governing Definitions Regarding Special Permits,” for definitions of the terms used in this rule. (7-1-19)

#### 011. – 049. (RESERVED)

#### 050. SAFETY INSPECTION REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.

Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required in this rule. (7-1-19)

#### 051. – 059. (RESERVED)

#### 060. BRAKES.

Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required in this rule. (7-1-19)

#### 061. – 069. (RESERVED)

#### 070. GENERAL OVERSIZE LIMITATIONS.

**01. Maximum Dimensions Allowed.** The maximum dimensions of oversize vehicles or oversize loads depends on the character of the route to be traveled: width of roadway, alignment and sight distance, vertical or horizontal clearance, and traffic volume. (3-20-20)

**02. Practical Minimum Dimension of Load.** Oversize loads ~~shall~~ **will** be reduced to a practical minimum dimension. Except where noted below, permits will not be issued to exceed legal size if the load is more than one (1) unit in width, height, or length that results in them exceeding legal overhang. Additionally, permits ~~shall~~ **will** not be utilized for multiple unit loads that may be re-positioned to meet legal dimensions established in Section 49-1010, Idaho Code. (7-1-21)T

**03. Multiple Overwidth Loads on Single or Double Trailers.** Multiple non-reducible loads may be transported on double trailer combinations not exceeding seventy-five (75’) feet combination length and single trailers not exceeding fifty-three (53’) feet exclusive of load overhang. (3-20-20)

**04. Overwidth Overhang.** Overwidth loads ~~shall~~ **will** distribute overhang to the sides of the trailer as evenly as possible. (7-1-21)T



**05. Oversize.** Special permits may be issued for continuous operation to haul or transport nonreducible loads having specified maximum oversize dimensions provided such permits for multiple trips can maintain the same measure of protection to highway facilities and to the traveling public as is provided by single trip permits. (7-1-19)

a. Permits for continuous operation, oversize only. (7-1-19)

i. Permits for continuous operation ~~shall~~ will be issued to one (1) specified power unit. The permittee may tow various units with the specified power unit, either as towaway vehicles or as trailers hauling oversize loads. Oversize loads ~~shall~~ will be nonreducible in width, length, or height. In the case of specially constructed equipment, mounted on a towed vehicle, or if the towed vehicle is only hauling an oversize but not overweight load, the permit may be issued to the towed vehicle. (7-1-21)T

ii. Maximum size of loads or vehicles transported under authority of an annual oversize for black and interstate routes ~~shall~~ will be limited to a width of sixteen (16') feet, a height of fifteen feet six inches (15'6"), and to a combination length of one hundred ten (110') feet including load overhang. Annual oversize permits for red coded routes ~~shall~~ will be limited to a width of twelve feet six inches (12'6"). A current Pilot/Escort Vehicle and Travel Time Requirements Map ~~shall~~ will accompany such permits for extended operations and is considered to be a part of the permit. (7-1-21)T

**06. Passing Lane Must Be Provided.** Except for short movements in urban areas, and on routes having very low Average Daily Traffic (ADT), permits will not be issued for a load of such dimension that continuous passage of opposing traffic and frequent passing of following traffic cannot be maintained. Ten (10') feet or more of travelway should be provided for passage of traffic unless there are frequent turnouts, intersections, etc., to provide relief of accumulated traffic to the rear. (7-1-19)

~~**07. Hazardous Travel Conditions Restrictions.** Refer to IDAPA 39.03.03, "Rules Governing Special Permits—General Conditions and Requirements," for limitations on travel during hazardous conditions. (7-1-19)~~

**071. – 079. (RESERVED)**

**080. OVERWIDTH HAULING VEHICLES, RESTRICTIONS.**

**01. Width of Hauling Equipment.** Special permits may be issued for up to ten (10') foot wide trailers hauling non-reducible loads smaller than ten (10') feet wide. The permit issued for oversize loads being hauled on oversize equipment will be valid for the unladen movement and the laden movement, which ~~shall~~ will not include commodities either to or from the point of loading or unloading of the oversize load. (7-1-21)T

**02. Load Dimensions.** Any load exceeding the dimensions of the trailer ~~shall~~ will be non-reducible in size. (7-1-21)T

**03. Hauling Equipment in Excess of Ten Feet.** Special overwidth hauling vehicles exceeding ten (10') feet in width will be permitted, and may be required, in the hauling of excessively heavy loads to improve the lateral distribution of weight, or when a combination of weight, width, or height makes extra width in the hauling vehicle desirable in the public interest. The use of such vehicles more than ten (10') feet in width ~~shall~~ will be restricted to loads requiring an overwidth hauling vehicle and the backhaul permit shall be for the unladen vehicle. (7-1-21)T

**04. Buildings.** Buildings that are too wide to be safely transported on legal-width hauling vehicles ~~shall~~ will be moved either on house moving dollies or on trailers that can be reduced to legal width for unladen travel. (7-1-21)T

**081. – 089. (RESERVED)**

**090. GENERAL CONDITIONS AND REQUIREMENTS.**

**01.** Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required for the issuance of special permits. (7-1-19)

**02.** All oversize vehicles are required to stop at all POE sites for inspection. (7-1-21)T

**091. – 099. (RESERVED)**

**100. LIGHTING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS TRAVELING AFTER DARK.**

Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions in this rule. (7-1-19)

**101. – 199. (RESERVED)**

**200. FLAGGING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.**

Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions in this rule. (7-1-19)

**201. – 299. (RESERVED)**

**300. SIGNING REQUIREMENTS OF TOWING VEHICLES, OVERSIZE VEHICLES AND/OR LOADS.**

Oversize load signs ~~shall~~ will meet the following specifications: (7-1-21)T

**01. Dimensions.** A minimum of twelve (12”) inches high by five (5’) feet wide and eight (8”) inch high letters, one (1”) inch stroke width and black letters on yellow background. (7-1-19)

**02. Displaying Signs.** Signs ~~shall~~ will be displayed on: (7-1-21)T

**a.** The front or the roof top of the towing vehicle and the rear of the oversize load; or (7-1-19)

**b.** The front and back or the roof top of self-propelled oversize vehicles. (7-1-19)

**03. When Signs Are Required.** Oversize load signs ~~shall~~ will be required on all vehicles and/or loads exceeding legal width or vehicle combinations inclusive of loads that exceed seventy five (75’) feet. Signs ~~shall~~ will not be displayed when the vehicle is empty and of legal dimensions. (7-1-21)T

**301. – 399. (RESERVED)**

**400. PILOT/ESCORT VEHICLES.**

Pilot/escort vehicle(s) ~~shall~~ will be furnished by the permittee and ~~shall~~ will be either passenger car(s), truck(s), or vehicles authorized by the Special Permit Office, however ~~shall~~ will not exceed sixteen (16,000) pounds. The truck(s) used as pilot/escort vehicle(s) ~~shall~~ will not be loaded in such a manner as to cause confusion to the public as to which vehicle is the one under escort. Vehicles towing trailers ~~shall~~ will not qualify as pilot/escort vehicles. (7-1-21)T

**01. Loads Over Sixteen Feet High.** Height poles are ~~required~~ necessary in the front of the pilot/escort vehicles leading all loads over sixteen (16’) feet high with a non-metallic height pole deployed. (7-1-21)T

**02.** Single Trip and Annual Permits. A pilot car is required for a Single Trip any time it is so stated in the escort section or restriction section of the permit. Annual Permit holders will require a pilot car in accordance with the Pilot/Escort Vehicle Travel Requirement and Vertical Clearance of Structures Map in relation to their size and route. (7-1-21)T

**401. PILOT/ESCORT VEHICLE SIGN REQUIREMENTS.**

**01. Oversize Load Signs.** All pilot/escort vehicles while escorting an oversize load ~~shall~~ will display a sign on the roof top of the vehicle having the words OVERSIZE LOAD. Such signs ~~shall~~ will not be displayed and ~~shall~~ will be considered illegal except when the pilot/escort vehicle is actually piloting/escorting an oversize load. (7-1-21)T

**02. Dimensions.** Twelve (12”) inches high by five (5’) feet wide and eight (8”) inch high letters, one (1”) inch stroke width, and black letters on yellow background. (7-1-19)

#### **402. PILOT/ESCORT VEHICLE LIGHTING REQUIREMENTS.**

**01. Multiple Lights.** Flashing or rotating amber lights displayed on the pilot/escort vehicle ~~shall~~ will be mounted at each end of the ~~required~~ necessary OVERSIZE LOAD sign above the roofline of the vehicle and be visible from the front, rear, and sides of the pilot/escort vehicle. These lights ~~shall~~ will meet the minimum standards outlined under oversize vehicle and/or load lighting requirements and ~~shall~~ will be on at all times during escorting movements. (7-1-21)T

**02. Single Light.** As an alternate, a pilot/escort vehicle may display one (1) rotating or flashing amber beacon visible from a minimum of five hundred (500’) feet, mounted above the roofline and visible from the front, and rear, and sides of the pilot/escort vehicle. The light ~~shall~~ will be on at all times during escorting movements. (7-1-21)T

**03. Light Bars.** Light bars, when in use ~~shall~~ will display amber colored lights meeting the minimum visibility requirements, found in IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” Section 070. (7-1-21)T

**04. Pilot/Escort Lights On During Movement of Escorted Load.** The pilot/escort vehicle’s headlights and taillights ~~shall~~ will be on while escorting the permitted load. (7-1-21)T

#### **403. PILOT/ESCORT VEHICLE EQUIPMENT.**

**01. Required Equipment to be Carried in a Pilot/Escort Vehicle.** A pilot/escort vehicle ~~shall~~ will carry the following items of equipment when piloting/escorting an over dimensional vehicle and/or load. (7-1-21)T

- a.** Standard eighteen (18”) inch STOP and SLOW paddle sign. (7-1-19)
- b.** Three (3) bi-directional emergency reflective triangles. (7-1-19)
- c.** A minimum of one (1) five (5) pound B, C, fire extinguisher. (7-1-19)
- d.** An ANSI Class 2 or 3 safety vest, shirt, or jacket either orange or yellow, which ~~must~~ will be worn by the operator when working out of the vehicle during daylight hours. An ANSI Class3 safety vest, shirt or jacket either orange or yellow, which ~~must~~ will be worn by the operator when working out of the vehicle during nighttime hours. (7-1-21)T
- e.** Two (2) spare oversize load signs for escorted loads meeting the size requirements of Section 300 of these rules. (7-1-19)
- f.** Non-conductive non-destructive height pole with a flexible tip on the front of the pilot/escort vehicle for determining vertical clearances (when required). (7-1-19)
- g.** Valid drivers license. (7-1-19)
- h.** Two-Way Radio. (7-1-19)
- i.** Hardhat. (7-1-19)

j. Flashlight (operable). (7-1-19)

k. First Aid Kit. (7-1-19)

**02. Two-Way Radio.** On all movements ~~requiring~~ ~~necessitating~~ a pilot/escort vehicle, both the towing unit and the pilot/escort vehicle(s) ~~shall~~ ~~will~~ be equipped with two-way radio equipment licensed under Federal Communications Commission regulations adequate to provide reliable voice communication between the drivers thereof at all times during the movement of the piloted/escorted vehicle and/or load. Transmitting and receiving capabilities of the radio equipment used ~~shall~~ ~~will~~ be adequate to provide the required communication over a minimum distance of one-half (1/2) mile separation under conditions normally encountered along the proposed route. (7-1-21)T

#### **404. PILOT/ESCORT VEHICLE PLACEMENT.**

**01. Front Pilot/Escort Vehicle.** The movement of an oversize vehicle and/or load may be preceded by a pilot/escort vehicle on those sections of highway where the vehicle and/or load cannot travel within its proper travelway lane. (7-1-19)

**02. Rear Pilot/Escort Vehicle.** As authorized by Section 49-940, Idaho Code, when the width of a load obstructs the driver's view to the rear so they cannot see two hundred (200') feet behind them, a rear escort ~~shall~~ ~~will~~ be ~~required~~ ~~necessary~~ to accompany the oversize load and to communicate with the driver of the permitted load concerning impeded overtaking traffic for the purpose of providing passing opportunity. (7-1-21)T

**03. Advance Pilot/Escort Vehicle.** A third pilot/escort vehicle may be required when the load is of such extreme dimensions for the route of travel as to require holding opposing traffic at turnouts and intersections to provide for passage of the load. (7-1-19)

**04. First Movement from the Forest.** A pilot/escort vehicle is not required on the first movement from the forest of tree-length logs or poles if the overall length does not exceed one hundred ten (110') feet. Secondary movements must comply with the requirements stated on the Pilot/Escort Vehicle and Travel Time Requirements map. (7-1-19)

**05. Spacing.** Approximately one thousand (1,000') feet ~~shall~~ ~~will~~ be maintained in rural areas between the piloting/escorting vehicle and any oversize load. This spacing may be reduced in urban areas when necessary to provide traffic control for turning movements. (7-1-21)T

#### **405. – 499. (RESERVED)**

#### **500. TIME OF TRAVEL RESTRICTIONS FOR SPECIAL LOADS.**

Refer to IDAPA 39.03.04, "Rules Governing Special Permits – Overweight Non-Reducible," for conditions required in this rule. (7-1-19)

#### **501. – 549. (RESERVED)**

#### **550. MOVEMENT, TRAFFIC CONTROL PLANS, LOADING, PARKING ON STATE HIGHWAYS.**

Refer to IDAPA 39.03.04, "Rules Governing Special Permits – Overweight Non-Reducible," for conditions required in this rule. (7-1-19)

**01. Additional District Approval and Allowance for Approval Time.** District approval will be obtained by the Special Permit office and may require up to twenty-four (24) working hours. District approval is required when vehicles or loads exceed: (7-1-19)

a. Sixteen (16') feet wide on red coded routes; (7-1-19)

b. Eighteen (18') feet wide on black coded routes and interstate highways; (7-1-19)

- c. Sixteen (16') feet high on any route; or (7-1-19)
- d. One hundred twenty (120') feet long on any route. (7-1-19)

**551. – 599. (RESERVED)**

**600. OVERWIDTH PERMITS FOR IMPLEMENTS OF HUSBANDRY.**

**01. Farm Tractors on Interstate Highways.** Farm tractors transported on Interstate Highways are required to have special permit authority if width exceeds nine (9') feet. A farm tractor when attached to an implement of husbandry or when drawing an implement of husbandry ~~shall~~ will be construed to be an implement of husbandry and ~~is not required to have a permit~~ no permit is necessary. Farmers, equipment dealers, or custom operators may be issued single trip or annual permits under this rule for transportation of farm tractors, having a width in excess of nine (9') feet to or from a farm involving Interstate Highway travel. The transportation of farm tractors or implements of husbandry for hire, or not being transported from one farm operation to another, is a common-carrier operation. Exemptions from legal width limitation do not apply to common-carrier operations. Farm tractors or implements of husbandry hauled for hire, or used in the furtherance of a business (not to include farming operations), are subject to the same special permit regulations as other oversize loads when the width of the load exceeds legal-width limitations, and must operate under oversize permits. (7-1-21)T

**02. Other Than Farm to Farm.** Implements of husbandry exceeding eight feet six inches (8'6") in width being transported other than from one (1) farm operation to another farm operation ~~shall~~ will require special permits except when the farmer or their designated agents, including without limitation, equipment dealers transporting implements of husbandry and equipment for the purpose of: (7-1-21)T

- a. The repair or maintenance of such implements of husbandry and equipment when traveling to or from a farm to a repair or maintenance facility during daylight hours; or (7-1-19)
- b. The purchase, sale, lease or rental of such implements of husbandry or equipment when traveling between a farm and a dealership, auction house, or other facility during daylight hours. (7-1-19)

**03. Farm Permits.** Single trip permits must be ordered at the permit office. Annual permits will be issued to towing units or to self-propelled farm tractors or towed units, or blanket permits may be issued to an Idaho domicile applicant without vehicle identification. Such blanket permits may be transferred from one (1) vehicle to another vehicle but ~~shall~~ will be valid only when the permit is with the overwidth vehicle and/or load. A photocopy of the permit is valid, provided that the Pilot/Escort Vehicle and Travel Time Requirements Map and Vertical Clearance of Structures Map furnished by the Idaho Transportation Department are included. Such annual permits for implements of husbandry or farm tractors are subject to the same maximum dimensions, travel time exclusions, and safety requirements as other overwidth annual permits and are valid for continuous travel for twelve (12) consecutive months. (7-1-21)T

**04. Overwidth Farm Trailers.** Trailers or semi-trailers exceeding eight feet six inches (8' 6") wide, but not wider than the implement of husbandry, used for the transportation of implements of husbandry to or from a farm for agricultural operations, ~~shall~~ will be exempt from special permitting requirements. This exemption does not apply to trailers or semi-trailers used in common carrier operations, hauling for hire or used in the furtherance of a business (not to include farming operations). (7-1-21)T

- a. Exempt trailers, as listed above, may not be used to haul implements of husbandry that are narrower than the overwidth trailer. (7-1-19)
- b. Empty trailers, as listed above, being used to pick up or drop off an implement of husbandry from a farm to a farm are also exempt and must be reduced to a practical minimum dimension (i.e. dropping side extensions). (7-1-19)

**601. – 699. (RESERVED)**

## 700. MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILERS.

**01. Registration and Licensing Requirements.** All manufactured homes moved on their own axles on any public highway are **required** to be licensed, permanently or temporarily, with the exception of, new manufactured homes, being transported either prior to first sale at retail or to the initial setup location of the original purchaser. The manufactured home registration (if required) and general property tax receipt **shall will** be made available for inspection upon demand of any enforcement officer. (7-1-21)T

**02. Insurance Requirements.** The permittee or the driver of the vehicle hauling or towing overwidth manufactured homes, modular buildings, and office trailers **shall will** be required to carry evidence of general liability insurance in the permitted vehicle written by a company licensed in Idaho showing coverage in the minimum amounts of three hundred thousand dollars (\$300,000) when hauling permittee's own manufactured home. When hauling for hire permittee **must will** carry a minimum amount of seven hundred and fifty thousand dollars (\$750,000) insurance coverage, and have proper authority. (7-1-21)T

**03. Manufactured Homes, Modular Buildings, and Office Trailers Being Towed on Their Own Axles.** (7-1-19)

**a. Connection Device.** **Shall Will** meet the requirements of Federal Motor Carrier Safety Regulations, 49 CFR part 393. (7-1-21)T

**b. Length.** Not in excess of eighty (80') feet including tongue. (7-1-19)

**c. Width.** **Shall Will** be limited to a maximum of sixteen (16') feet at the base and **shall will** not exceed eighteen (18') feet overall width including the eaves, except on a case-by-case basis as approved by the Department. All movements with a base width in excess of sixteen (16') feet and an overall width in excess of eighteen (18') feet **must will** submit a written request for movement of these units prior to being manufactured and a traffic control plan may also be **required necessary** with the submission. Prior approval for the movement must be granted before a special permit is issued. Determination of manufactured home, modular building, or office trailer width **shall will** be exclusive of such appurtenances as clearance lights, door handles, window fasteners, door and window trim, moldings and load securement devices up to but not in excess of three (3") inches on each side of load. (7-1-21)T

**d. Eaves.** No restrictions on eaves as long as the eighteen (18') feet maximum overall width limitation is not exceeded, or for those movements approved by the Department on a case-by-case basis. (7-1-19)

**e. Weight.** The maximum allowable load for any vehicle tire operated on any public highway **shall will** be in accordance with Code of Federal Regulations, Title 24, Chapter 20, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Subpart J, (CFR Title 24). (7-1-21)T

**f. Running Gear Assembly – General.** The entire system (frame, drawbar, and coupling mechanism, running gear assembly including brake systems, axles and lights) **shall will** be in accordance with CFR Title 24, for the year the manufactured home was built. In addition thereto, all tires used in transportation of manufactured homes under this category **shall will** be in accordance with Federal Motor Carrier Safety Regulations, part 393. (7-1-21)T

**g. Construction.** Construction **shall will** be in accordance with CFR Title 24, for the year the manufactured home was built. (7-1-19)

**h. Axles.** All axles **shall will** be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes **shall will** be required to have a minimum of four (4) axles. (7-1-21)T

**i. Brakes.** Brakes **shall will** be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes **shall will** be required to have brakes

on a minimum of three (3) axles.

(7-1-21)T

**j.** Lights. The unit **shall will** have stop lights, turn signals, and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (7-1-21)T

**k.** Safety Chains. Two (2) safety chains **shall will** be used, one (1) each on right and left sides of, but separate from, the coupling mechanism connecting the tow vehicle and the manufactured home while in transit. Chain **shall will** be three-eighths (3/8) inch diameter steel. Chains **shall will** be strongly fastened at each end to connect the tow vehicle and manufactured home and assure that in the event of a coupling failure the manufactured home will track behind the tow vehicle. (7-1-21)T

**04. Vehicles for Towing/Hauling Manufactured Homes, Modular Buildings, and Office Trailers.** (7-1-19)

**a.** Towing Vehicle. Tow vehicles for manufactured homes, modular buildings, and office trailers **shall will** comply with the following minimum requirements:

Manufactured Homes and Office Trailers Width	Tire Width	Drive Axle Tire Rating	Min. Unladen Weight	Rear Axle Rating
Over 8 feet to 10 feet	7.00 inches	6 Ply	6,000#	None
Over 10 feet to 12 feet	8.00 inches	8 Ply	8,000#	15,000#
Over 12 feet	8.25 inches	10 Ply	12,000#	15,000#

(7-1-21)T

**b.** Brakes. **Shall Will** be in accordance with Federal Motor Carrier Safety Regulations part 393. (7-1-21)T

**c.** Rear Axle. Towing vehicle **shall will** have a minimum of a single axle with dual mounted tires. (7-1-21)T

**d.** Connection Device. **Shall Will** meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (7-1-21)T

**e.** Horsepower Requirement. When towing/hauling a manufactured home, modular building, or office trailer a minimum speed of twenty-five (25) mph **must will** be maintained. (7-1-21)T

**f.** Operator Requirements. Operators of vehicles towing manufactured homes, modular buildings and office trailers over ten (10') feet wide at the base **shall will** have a class A or B Commercial Driver's License (CDL) as appropriate. (7-1-21)T

**g.** Speed Limit Requirements. Vehicles towing manufactured homes or office trailers on their own axles **shall will** be limited to a maximum of sixty (60) miles per hour. (7-1-21)T

**05. Manufactured Home, Modular Building, Or Office Trailer Being Hauled.** (7-1-19)

**a.** Length. Not in excess of eighty (80') feet. (7-1-19)

**b.** Width. Not in excess of sixteen (16') feet at the base and eighteen (18') feet overall, except on a case-by-case basis as approved by the Department. All movements with a base width in excess of sixteen (16') feet and an overall width in excess of eighteen (18') feet must submit a written request for movement of these units prior

to being manufactured and a traffic control plan may also be required with the submission. Prior approval for the movement must be granted before a special permit is issued. (7-1-19)

c. Eaves. No restrictions on eaves as long as the eighteen (18') foot maximum overall width limitation is not exceeded, or for those movements approved by the department on a case-by-case basis. (7-1-19)

**701. – 729. (RESERVED)**

**730. HAULING EQUIPMENT FOR A MANUFACTURED HOME, MODULAR BUILDING, OR OFFICE TRAILER.**

**01. Hauling Equipment.** Vehicles used to haul manufactured homes, modular buildings, and office trailers ~~shall~~ will be combinations designed to meet the requirements of Federal Motor Carrier Safety Regulations for vehicles engaged in interstate commerce. Such vehicles ~~shall~~ will be of structural capacity to safely accommodate the loading at all times. (7-1-21)T

**02. Lights.** The unit ~~shall~~ will have stop lights, turn signals, and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (7-1-21)T

**03. Securing Loads.** A minimum of four (4) steel, three fourths (3/4") inch diameter bolts will be used to directly connect the main support members of the modular building, manufactured home, or office trailer to the support frame of moving equipment. Two (2) bolts each ~~shall~~ will be located not less than twelve (12') feet from the forward and rear ends of the modular building, manufactured home or office trailer. Each of the four (4) bolts ~~shall~~ will be at least four (4') feet apart. Equivalent methods of fastening, such as chains or binders, may be used as alternatives. (7-1-21)T

**731. – 749. (RESERVED)**

**750. GENERAL PROVISIONS – MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILER.**

**01. Paneling of Open Sides of Multi-Section Modular Buildings, Manufactured Homes, or Office Trailers.** ~~Shall~~ Will be rigid material, or six (6) mil plastic sheathing (or stronger) backed by a grillwork to prevent billowing and fully enclose open sides of section in transit. (7-1-21)T

**02. Interior Loading.** If the manufactured home, modular building, or office trailer is to transport furnishings or other loose objects, they ~~shall~~ will be secured in position for safe travel. (7-1-21)T

**03. Construction.** Modular buildings ~~shall~~ will be constructed in accordance with the Uniform Building Code as applies to design and construction requirements that will affect overall structural strength and roadability. Manufactured homes and office trailers ~~shall~~ will be constructed in accordance with Federal HUD Manufactured Home Construction and Safety Standards. (7-1-21)T

**751. – 799. (RESERVED)**

**800. RELOCATION OF BUILDING OR HOUSES – GENERAL REQUIREMENTS.**

**01. Buildings Exceeding Sixteen Feet Wide.** Special permits for the transportation of buildings or houses having a basic width in excess of sixteen (16') feet ~~shall~~ will be limited to the relocation of previously used buildings. The transportation of new, centrally manufactured houses, buildings, building sections, mobile or modular homes, etc., may be denied special permits if the width at the base is in excess of sixteen (16') feet. (7-1-21)T

**02. Requirements for Permit.** The requirements of each permit for relocation of a used building or house ~~shall~~ will depend on the dimensions of the load as well as a consideration of the width and alignment of the roadway, passing opportunity for the traveling public, vertical or horizontal clearance of bridges or other structures along the route of travel, and traffic volumes. (7-1-21)T



**03. Additional Restrictions Relating to Movement of Buildings and Houses:** (7-1-19)

**a.** Excessively Oversize Loads. Excessively oversized loads ~~shall~~ will be restricted to the time of day, or day of the week, when traffic interference will be at a minimum. (7-1-21)T

**b.** Buildings. Time of travel of loads in the building size category ~~shall~~ will be restricted to the time of day and/or day of the week when traffic interference will be at a minimum. (7-1-21)T

**c.** Early Morning Moves. In metropolitan areas and in certain other cases where a serious disruption of traffic would otherwise be unavoidable, the movement of excessively oversized buildings may be permitted, at the discretion of the District Engineer, between 2 a.m. and daybreak to avoid traffic congestion. (7-1-19)

**d.** Overlength restrictions. Oversize vehicles operating under authority of a special permit that exceed seven (7') feet of front overhang, on any vehicle in the combination, are restricted to daylight travel only on two-lane, two-way highways. (7-1-19)

**e.** Other time of travel restrictions may be noted on the permit due to special circumstances. (7-1-19)

**801. – 849. (RESERVED)**

**850. VERTICAL CLEARANCE REQUIREMENTS.**

**01. Permit for Over height.** The issuance of any permit for movement of over height loads will be subject to the vertical clearance of any structure involved along the route of travel. The Department may require a minimum of twenty-four (24) working hours to allow for the proposed route to be evaluated and approved or denied. (7-1-19)

**02. Overhead Traffic Signals.** Any movement of a building, or other over height load, having a loaded height of sixteen feet six inches (16'6") or more may require advance notice if overhead traffic signals are involved in the route. (7-1-19)

**03. Overhead Power Lines.** Carriers whose load/vehicle combinations exceed seventeen (17') feet high must contact local utility company(s) for approval and assistance with power lines. (7-1-19)

**851. – 869. (RESERVED)**

**870. INSURANCE AND BONDING REQUIREMENTS.**

**01. Insurance.** The permittee when hauling buildings fourteen (14') feet or more in width ~~shall~~ will be required to carry evidence of insurance in the permitted vehicle in the same minimum amounts as is ~~required~~ necessary for those permits issued for the movement of overwidth manufactured homes. Minimum requirements are three hundred thousand dollars (\$300,000) combined single limit, (when hauling permittee's own building) and seven hundred fifty thousand dollars (\$750,000) when hauling for hire. (7-1-21)T

**02. Permittee Responsibility.** The permittee ~~shall~~ will be responsible for the protection of sign-posts, guideposts, delineators, and may be required to post bond to cover the costs of repairs or replacements of such facilities. (7-1-21)T

**03. Bond Requirements.** When an expense to the state can be presumed in providing clearance for an over height load, or for repair of signposts or other such facilities, a cash bond based on estimated costs to the State may be required before issuance of such permit. Any part of the cash bond in excess of material costs, labor, and equipment rental will be returned to the permittee after the actual costs to the State have been determined and deducted. (7-1-19)

**871. – 879. (RESERVED)**

**880. FEES.**

Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required for the issuance of special permits. (7-1-19)

**881. – 889. (RESERVED)**

**890. APPLICATION FOR PERMIT.**

Refer to IDAPA 39.03.04, “Rules Governing Special Permits – Overweight Non-Reducible,” for conditions required for the issuance of special permits. (7-1-19)

**891. – 899. (RESERVED)**

**900. CONVOY OF OVERSIZE LOADS.**

**01. Convoying Oversize Loads.** Oversize loads that individually would require a pilot/escort vehicle, except overwidth manufactured homes, office trailers, and modular buildings, may be permitted to travel in convoy with pilot/escort vehicles in front of and behind the convoy, but such convoys ~~shall~~ will not exceed four (4) oversize loads or vehicles between pilot/escort vehicles. Maximum width of units in a convoy ~~shall~~ will be limited to fourteen (14’) feet wide on black-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map and to twelve feet six inches (12’6”) on red-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map. Oversize loads that do not individually require a pilot/escort vehicle may travel in convoy without pilot/escort vehicles. Maximum length of units in a convoy ~~shall~~ will be limited to one hundred (100’) feet on black-coded routes and seventy five (75’) feet on red-coded routes of the pilot/escort vehicle and travel time requirements map and one hundred twenty (120’) feet on the interstate system. (7-1-21)T

**02. Convoying Manufactured Homes, Office Trailers, and Modular Buildings.** No convoy of overwidth manufactured homes, modular buildings, or office trailers ~~shall~~ will include more than two (2) units between two (2) piloting/escorting vehicles. On those routes where pilot/escort vehicles are required in front and to the rear of an overwidth manufactured home or office trailer, two (2) units may travel in convoy between such piloting/escorting vehicles. On routes requiring only a front pilot/escort vehicle, the manufactured home or office trailer mover may have the option of convoying two (2) units between front and rear pilots/escorts. At no time ~~shall~~ will more than one (1) manufactured home or office trailer be piloted/escorted by one (1) pilot/escort vehicle. Maximum width of units in a convoy ~~shall~~ will be limited to fourteen (14’) feet wide on black-coded routes and to ten (10’) feet wide on red-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map. Minimum spacing of approximately one thousand (1,000’) feet ~~shall~~ will be maintained between all units in a convoy except when a pilot/escort is ~~required~~ necessary to control traffic in turning movements. Maximum length of units in a convoy ~~shall~~ will be limited to one hundred (100’) feet on black-coded routes and seventy five (75’) feet on red-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map and one hundred twenty (120’) feet on the interstate system. (7-1-21)T

**901. – 999. (RESERVED)**

**39.03.81 — RULES GOVERNING ISSUANCE OF TEMPORARY PERMITS  
IN LIEU OF FULL REGISTRATION**

**000. — LEGAL AUTHORITY.**

This rule is adopted under authority of Sections 49-201 and 49-432, Idaho Code. (3-15-02)

**001. — TITLE AND SCOPE.**

**01. — Title.** The rule is titled IDAPA 39.03.81, “Rules Governing Issuance of Temporary Permits In Lieu of Full Registration.” (3-15-02)

**02. — Scope.** This chapter clarifies the requirements governing the issuance of temporary permits for resident and nonresident vehicle operators or owners. (3-15-02)

**002. — 009. — (RESERVED)**

**010. — DEFINITIONS.**

**01. — Combination of Vehicles.** A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (5-3-03)

**02. — First Available Location.** The first vendor along an owner’s or operator’s route of travel from whom one hundred twenty (120) hour temporary permits in lieu of registration can be purchased. (3-15-02)

**03. — Increased Registered Weight Temporary Permit.** Temporary authority to exceed the registered maximum gross weight of a vehicle as authorized by Section 49-432, Idaho Code. (3-15-02)

**04. — Licensed Vehicle.** A vehicle currently registered in any jurisdiction. (3-15-02)

**05. — One Hundred Twenty Hour Temporary Permit.** A one hundred twenty (120) hour temporary permit issued in lieu of an IFTA license/decal and/or vehicle licensing and registration as authorized by Section 49-432, Idaho Code. (3-15-02)

**06. — Single Vehicle.** Any tractor, truck tractor, or motor vehicle that is not combined with nor towing one (1) or more trailers and/or semitrailers. Additionally, any unlicensed trailer or semitrailer may be deemed a single vehicle. (5-3-03)

**07. — Vendor.** A governmental agency, private or commercial business which sells temporary permits as an agent of the Idaho Transportation Department. (3-15-02)

**011. — 099. — (RESERVED)**

**100. — GENERAL PROVISIONS.**

**01. — Availability.** One hundred twenty (120) hour temporary permits in lieu of registration are available to owners or operators whose jurisdiction of residence allows temporary permits to like vehicles from the state of Idaho. Increased registered weight temporary permits are available to currently registered vehicles capable of legally operating at the higher gross vehicle weight as declared by the owner or operator. (3-15-02)

**02. — Purchase of Temporary Permits.** (3-15-02)

**a.** Owners or operators electing to use increased registered weight temporary permits must purchase permits prior to movement of vehicles on the public highways or roads. Failure to do so may result in enforcement action and may include mandatory full licensing and registration of such vehicle as required by Section 49-434, Idaho Code. The temporary permit shall be on a form prescribed by the department and prominently displayed on

the windshield of the permitted vehicle.

~~b. One hundred twenty (120) hour temporary permits in lieu of registration must be purchased by owners or operators of unlicensed vehicles prior to their movement on the highway. Licensed vehicles may purchase one hundred twenty (120) hour permits in lieu of registration at the first available location as defined by this rule. The temporary permit shall be on a form prescribed by the department and prominently displayed on the windshield of the permitted vehicle. (3-15-02)~~

~~c. All temporary permits shall be made available for inspection by any law enforcement officer and authorized personnel of the department upon request. (3-15-02)~~

~~d. Section 49-432, Idaho Code, provides that owners of motor vehicles or combinations of vehicles subject to registration may, in lieu of licensing and registration, purchase a one hundred twenty (120) hour temporary permit in lieu of registration for the operation of such vehicles for periods of one hundred twenty (120) hours. (3-15-02)~~

~~e. Section 49-432, Idaho Code, provides that owners or operators of motor vehicles currently and validly registered over fifty thousand (50,000) pounds gross vehicle weight may purchase an increased registered weight temporary permit for the operation of such vehicles in excess of the registered maximum gross weight for periods of thirty (30) days. Such permits shall be in addition to any other permit that may be required for excess weight as specified by Section 49-1004, Idaho Code. (3-15-02)~~

~~f. Section 49-432, Idaho Code, provides that owners or operators of motor vehicles currently and validly registered may purchase an increased registered weight temporary permit for the operation of such vehicles in excess of the registered maximum gross weight for periods of one hundred twenty (120) hours. Such permits shall be in addition to any other permits that may be required for excess weight as specified by Section 49-1004, Idaho Code. (3-15-02)~~

~~101. -- 199. (RESERVED)~~

~~200. PERMIT REQUIREMENTS.~~

~~01. Proof of Ownership. An operator or owner of a vehicle shall show proof of ownership before a permit is issued. (6-4-90)~~

~~a. Resident vehicle proof of ownership may be documented by: (3-15-02)~~

~~i. A copy of the Idaho title identifying the owner and vehicle; (3-15-02)~~

~~ii. A copy of a valid lease agreement identifying the owner and the vehicle; (3-15-02)~~

~~iii. A copy of an expired registration identifying the current owner and the vehicle; or (3-15-02)~~

~~iv. A copy of a valid bill of sale transferring ownership of the vehicle. (3-15-02)~~

~~b. Nonresident vehicle proof of ownership may be documented by: (3-15-02)~~

~~i. A copy of a valid registration from a base jurisdiction, which qualifies for a permit, identifying the owner and the vehicle; (3-15-02)~~

~~ii. A copy of an expired lease agreement of an owner/operator not acting as a lessee which identifies the owner and the vehicle; (3-15-02)~~

~~iii. A copy of a current lease agreement, providing the base jurisdiction qualifies for a permit, which identifies the owner/operator; (3-15-02)~~

~~iv. A copy of a valid bill of sale transferring ownership of the vehicle; or (3-15-02)~~

~~v. A copy of the title identifying owner and vehicle. (3-15-02)~~

~~**02. Weight of Vehicle.** One hundred twenty (120) hour temporary permits in lieu of registration shall authorize the legal operation of the permitted vehicle to the maximum combined gross weight of a vehicle, not to exceed one hundred five thousand five hundred (105,500) pounds. (3-15-02)~~

~~**03. Purchase of Multiple Permits.** Residents or nonresidents who qualify for permits may purchase more than one (1) permit at a time to cover a time period not to exceed ninety (90) days. Additional time periods must be purchased in increments of one hundred twenty (120) hours or thirty (30) days and assessed the appropriate fees for each increment. (3-15-02)~~

~~**04. Permit Denial.** Any person who has been notified by mail at his last known business address as it appears on department records, that his registration has been suspended or revoked shall not be allowed to register in Idaho by securing a temporary permit. Any person, having been duly notified, who purchases a permit and subsequently operates a vehicle displaying such permit while his registration is suspended or revoked is in violation of this rule. Any person failing to provide proof of current registration shall not be allowed to temporarily permit for increased registered weight. Any person obtaining a temporary permit for increased registered weight without a current registration is in violation of this rule. (3-15-02)~~

~~**05. Violation of Permit.** If an owner or operator of a vehicle exceeds the operating weight authorized by temporary permit, such owner or operator may be issued a citation for violation of Section 49-438, Idaho Code. The violation shall be limited to the difference between the amount of the actual operating weight and the operating weight authorized by temporary permit. A single temporary permit in lieu of full registration may not be purchased when operating in combination with one (1) or more trailers or semitrailers. Example: Registered or unregistered trailer(s) operating in combination with an unregistered tractor or truck tractor will be required to purchase a temporary permit for a combination of vehicles. (5-3-03)~~

~~201. - 299. (RESERVED)~~

~~**300. REFUND OF FEES:**~~

~~**01. Cause for Refund.** The department will grant refunds for permits sold by its vendors or by Ports of Entry, if the permit was sold as the result of an error made by the department or its vendors. (3-15-02)~~

~~**02. Request for Refunds.** Owners or operators shall address all requests for refunds of temporary permit fees to the Idaho Transportation Department, Ports of Entry Section, P.O. Box 7129, Boise, Idaho 83707-1129. (3-15-02)~~

~~**03. Documentation for Refunds.** The following documentation must accompany refund requests: (6-4-90)~~

~~a. Both the yellow display copy and the white receipt copy of the permit; (6-4-90)~~

~~b. Proof that the vehicle held a valid Idaho registration at the time the permit was issued; and (6-4-90)~~

~~c. Proof that special fuel tax was paid at the pump or that the permitted vehicle was registered with the Idaho Tax Commission for quarterly payment of fuel tax at the time the permit was sold. (6-4-90)~~

~~**04. Denial of Refund.** If the certificate of registration of the permitted vehicle was mailed from Motor Carrier Services or the Division of Motor Vehicles to the correct address of the owner of the vehicle thirty (30) days or more prior to the purchase of the permit or if cause for refund was not provided, a request for refund shall be denied. (3-15-02)~~

~~301. - 399. (RESERVED)~~

~~400. TEMPORARY PERMIT VENDOR PROGRAM.~~

~~01. Vendor Authorization. Vendors may be established to sell temporary permits provided the vendor meets state requirements. (3-15-02)~~

~~02. Payment to Vendor. Vendors shall be paid by the department at the rate of three dollars (\$3) per permit sold. Permits sold in multiple increments shall be deemed to be issued as one (1) permit for purposes of payment or remuneration to the vendor. (3-15-02)~~

~~401. - 499. (RESERVED)~~

~~500. ADDITIONAL REQUIREMENTS.~~

~~Any overlegal permit required pursuant to Section 49-1004, Idaho Code, shall be in addition to those required by this rule. (3-15-02)~~

~~501. - 999. (RESERVED)~~

**39.03.43 – RULES GOVERNING UTILITIES ON STATE  
HIGHWAY RIGHT-OF-WAY**

**00. LEGAL AUTHORITY.**

Under authority of Sections 40-312(3) and 67-5229, Idaho Code, the Idaho Transportation Board adopts this rule. ( )

**01. SCOPE.**

The purpose of the policy is to regulate the location, design and methods for installing, relocating, adjusting and maintaining utilities on State highway right-of-way (ROW) when such use and occupancy is legal, in the public interest and will not adversely affect the highway or its users. The policy applies to new utility installations, to existing utility installations to be retained, relocated, maintained or adjusted because of highway construction or reconstruction, and to the relocation of utility facilities which are found to constitute a definite hazard to the traveling public. ( )

**02. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by Section 2.4 “Administrative Appeal” of the “Utility Accommodation Policy” incorporated by reference. ( )

**03. INCORPORATION BY REFERENCE.**

The Idaho Transportation Department incorporates by reference the ~~July 2003~~<sup>22</sup> Edition of the “Utility Accommodation Policy.” This publication is available for public ~~inspection-review and copying at the Office of the Utilities/Railroad Engineer at the Idaho Transportation Department central office, or the District offices, or on~~ the Idaho Transportation Department’s ~~W~~website at <http://itd.idaho.gov>. ( )

**04. SMALL WIRELESS FACILITIES.**

**a. Definitions.**

**i. Small Wireless Facilities (SWF).**

1. The facilities:
  - a. Are mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. § 1.1320(d); or
  - b. Are mounted on structures no more than 10 percent taller than other adjacent structures; or
  - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of an antenna in 47 C.F.R § 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facilities do not require antenna structure registration under 47 C.F.R § 17.4
5. The facilities are not located on Tribal lands, as defined under 36 CFR

800.16(x); and

6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. §1.1307(b).

**b. Small Wireless Facility Fees.**

- i. Federal Communications Commission (FCC).

Per the Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133, (Sept. 26, 2018), the fee schedule is as follows:

1. \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each Small Wireless Facilities beyond five; or
2. \$1,000 for non-recurring fees for a new pole (i.e. not a collocation) intended to support one or more Small Wireless Facilities; and
3. \$270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to structures in the ROW.

**05. -- 999. (RESERVED)**