

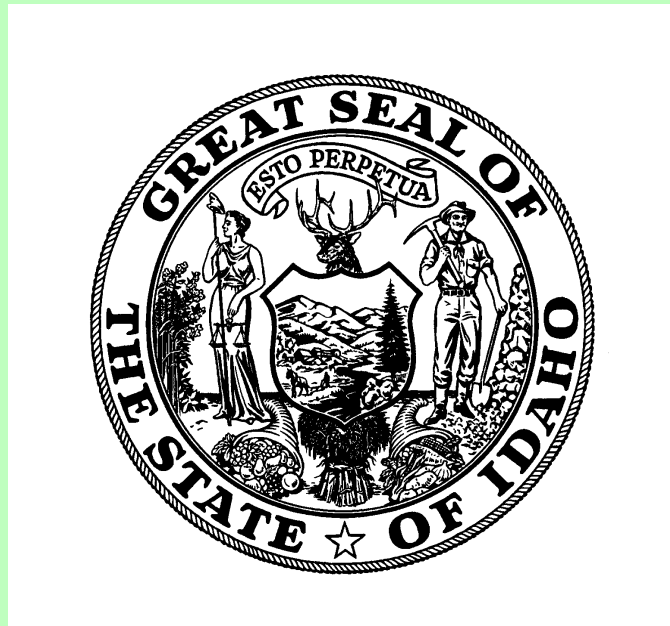
PENDING FEE RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
**House Transportation
& Defense Committee**

66th Idaho Legislature
Second Regular Session – 2022



Prepared by:

*Office of the Administrative Rules Coordinator
Division of Financial Management*

January 2022



State of Idaho
DIVISION OF FINANCIAL MANAGEMENT
Executive Office of the Governor

BRAD LITTLE
Governor

ALEX J. ADAMS
Administrator

January 10, 2022

MEMORANDUM

TO: Members of the 2022 Idaho State Legislature

FROM: Alex J. Adams, Administrator *Alex J. Adams*
Bradley A. Hunt, Rules Coordinator *Bradley A. Hunt*

SUBJECT: Overview of Executive Agency Rulemaking in 2021

Background. Governor Little maintains and continues to stress the importance of an efficiently functioning government along with ensuring continuity of the services citizens expect and implemented through executive administrative rules. Nearly all rules published in the Legislative Rules Review books are simply re-published because the 2021 Legislature adjourned *sine die* without passing a concurrent resolution approving any pending fee rules as specified in Section 67-5224, Idaho Code, as well as not extending any effective rule on July 1 by statute as outlined in Section 67-5292, Idaho Code. The necessary rules were re-published in the following special bulletins:

- [July 21](#) – Temporary Rules
- [October 20](#) – Proposed Rules
- [December 22](#) – Pending Rules

Changes in Existing Rules. Since the vast majority of rules either expired or were not approved, there is no existing rule available to amend. Therefore, only a clean version of the rule chapter is able to be presented to the Legislature in January 2022. In some cases, rules were modified based on public comment, or to implement Executive Order [2020-01](#), Zero-Based Regulation (ZBR), among other reasons. Given the unprecedented volume, edits are incorporated within a single omnibus docket, or in the case of ZBR rulemaking a standalone docket, and presented as a clean rule chapter. There are several ways that legislators may view previous rules for comparison purposes:

- An [archive of any rule](#) since 1996 is available on the DFM website. This allows legislators to see the evolution of a rule over time.
- The Legislative Services Office analyzes all proposed rules. You can find their analysis of proposed rules which, in some cases, may discuss changes between previous rules and the proposed rules. These may be found on the [Legislature's website](#).
- Changes made between the proposed and pending rule stages for omnibus rulemaking were noted in the [December 22](#) bulletin where applicable.

Process for Approving Rules. Below, you will find a brief description on legislative actions and outcomes regarding the rules review process and contents of the Legislative Rules Review Books:

- Pending Fee Rules must be affirmatively approved by both bodies via adoption of concurrent resolution to become final.
- Pending Rules become final and effective *sine die* unless rejected, in whole or in part, via concurrent resolution adopted by both bodies.
 - Pending rules may be approved, in whole or in part, or rejected if determined to be inconsistent with legislative intent of the governing statute.
 - If rejected, new or amended language must be identified at a numerical or alphabetical designation within the rule and specified in the concurrent resolution.
- A link to LSO's proposed rule analysis is provided at the beginning of each docket and includes any required supporting documentation (e.g. Cost Benefit Analysis (CBA), Incorporation By Reference Synopsis (IBRS)) as part of the analysis.
- All 2022 review books can be accessed on the DFM website [here](#).

Contact Information. If questions arise during the rules review process, please do not hesitate to contact the Rules Coordinator, Brad Hunt: Brad.Hunt@dfm.idaho.gov; 208-854-3096.

HOUSE TRANSPORTATION & DEFENSE COMMITTEE

ADMINISTRATIVE RULES REVIEW

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

DOCKET NO. 39-0000-2100F

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF PENDING FEE RULE

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis \(CBA\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change.

This pending fee rule adopts and publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA Title 39, rules of the Idaho Transportation Department.

IDAPA 39

- 39.02.04, *Rules Governing Manufacturer & New Vehicle Dealer Hearing Fees;*
- 39.02.05, *Rules Governing Issuance of Certificate of Title;*
- 39.02.22, *Rules Governing Registration and Permit Fee Administration;*
- 39.02.26, *Rules Governing Temporary Vehicle Clearance for Carriers;*
- 39.02.41, *Rules Governing Special Provisions Applicable to Fees for Services;*
- 39.02.60, *Rules Governing License Plate Provisions;* and
- 39.03.03, *Rules Governing Special Permits – General Conditions and Requirements.*

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 20, 2021, Special Edition of the Idaho Administrative Bulletin, Vol. 21-10SE, pages 4902-4945.

FEE SUMMARY: The following identifies the fee or charge imposed or increased through this rulemaking:

This rulemaking does not impose a new fee or charge, or increase an existing fee or charge, beyond what has been previously submitted for review in the prior rules. A specific description of the fees or charges being imposed is listed below:

39.02.04, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees: ITD is required to collect filing fees for hearings when requested by a franchised dealer over disputes with a manufacturer. The Department is required to collect the fees, appoint a hearing officer and ensure all legal expenses including a court reporter, hearing transcripts and witness fees are reimbursed to the Department. Although the Department is not a party to the dispute, Idaho Code and this rule facilitate the hearing process between franchisees and manufacturers. The deposited fee of \$2,000 is utilized to cover initial expenses incurred by the Department. Any remaining part of the deposit is refunded to the dealer and additional expenses are billed to the responsible party. (See §49-1617, Idaho Code)

39.02.05, Rules Governing Issuance of Certificate of Title: The \$25 fee assessed under this rule is for an inspection of a vehicle to be performed by the Department's Motor Vehicle Investigators on vehicles with a special construction; including glider kits, replicas, street rods, replica street rods, assembled vehicles and specially constructed vehicles. This fee covers administrative costs of the Motor Vehicle Investigator for the physical inspection of the vehicle and preparation of necessary documents for the owner to obtain a title from the Department with the correct physical classification of the vehicle. (See §49-504 and §49-525, Idaho Code)

39.02.22, Rules Governing Registration & Permit Fee Administration: This rule provides for installment payment plans for commercial motor vehicle registrations. It covers administrative costs for services provided by the Department, which includes a \$50 fee for setting up each installment payment plan. To reinstate a payment plan that has been suspended, a \$40 fee is required. If there are insufficient funds, the rule allows the Department to collect a \$20 insufficient funds fee and provides the Department with the ability to collect a \$40 fee for reinstatement of a revoked or suspended commercial motor vehicle registration. (See §49-434, Idaho Code)

39.02.26, Rules Governing Temporary Vehicle Clearance for Carriers: This rule allows the Department to authorize and issue temporary clearance for a carrier who needs to immediately operate a commercial motor vehicle and who is in the process of obtaining and submitting requirements for full issuance of vehicle registration and license plates. This temporary permit provides for a 45-day intermediate clearance at a cost of \$18. (See §49-501, Idaho Code)

39.02.41, Rules Governing Special Provisions Applicable to Fees for Services: This rule includes fees associated with the costs of providing records (typically bulk data) for requestors other than law enforcement and specified state agencies which receive records free of charge. Depending on the format and nature of the records requested, there is a base charge of \$75. (See §49-201, Idaho Code)

39.02.60, Rules Governing License Plate Provisions: This rule encompasses several license plate programs and their identifiers/formats. It provides for dealer and loaner license plates, standard license plates, restricted vehicle license plates, transporter and wrecker license plates, the personalized plate program criteria, legislatively sponsored license plates and many others. Most fees for plate programs are set in Idaho Code; however there are two that are not and they are established by rule. For vehicle dealer registration and plates, the fee is \$15 annually or the dealer may purchase single trip permits. These are only valid on boat and utility trailers for demonstration purposes. The other fee within this rule is \$12 for standard sample plates to pay for the production of the plate and administrative fees. (See §49-202, Idaho Code)

39.03.03, Rules Governing Special Permits – General Conditions and Requirements: This is a new rule that was part of the Department’s efforts to consolidate and streamline commercial motor vehicle permit rules and was presented during the 2019 legislative session. The fees set in this rule cover a variety of commercial motor vehicle permits. These fees simply cover administrative costs for processing, issuing and enforcing special permits. This program is revenue-neutral. (See §49-1004, Idaho Code)

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, please contact Ramón Hobdey-Sánchez at (208) 334-8810.

Dated this 22nd day of December, 2021.

Ramón S. Hobdey-Sánchez, J.D.
Governmental Affairs Project Manager
Idaho Transportation Department
3311 W. State St., Boise, ID 83703
ramon.hobdey-sanchez@itd.idaho.gov
Phone: (208) 334-8810

THE FOLLOWING NOTICE PUBLISHED WITH THE OMNIBUS PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rulemaking publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA Title 39, rules of the Idaho Transportation Department.

IDAPA 39

- 39.02.04, *Rules Governing Manufacturer & New Vehicle Dealer Hearing Fees;*
- 39.02.05, *Rules Governing Issuance of Certificate of Title;*
- 39.02.22, *Rules Governing Registration and Permit Fee Administration;*
- 39.02.26, *Rules Governing Temporary Vehicle Clearance for Carriers;*
- 39.02.41, *Rules Governing Special Provisions Applicable to Fees for Services;*
- 39.02.60, *Rules Governing License Plate Provisions;* and
- 39.03.03, *Rules Governing Special Permits – General Conditions and Requirements.*

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. The following is a specific description of the fees or charges:

39.02.04, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees: ITD is required to collect filing fees for hearings when requested by a franchised dealer over disputes with a manufacturer. The Department is required to collect the fees, appoint a hearing officer and ensure all legal expenses including a court reporter, hearing transcripts and witness fees are reimbursed to the Department. Although the Department is not a party to the dispute, Idaho Code and this rule facilitate the hearing process between franchisees and manufacturers. The deposited fee of \$2,000 is utilized to cover initial expenses incurred by the Department. Any remaining part of the deposit is refunded to the dealer and additional expenses are billed to the responsible party. (See §49-1617, Idaho Code)

39.02.05, Rules Governing Issuance of Certificate of Title: The \$25 fee assessed under this rule is for an inspection of a vehicle to be performed by the Department's Motor Vehicle Investigators on vehicles with a special construction; including glider kits, replicas, street rods, replica street rods, assembled vehicles and specially constructed vehicles. This fee covers administrative costs of the Motor Vehicle Investigator for the physical inspection of the vehicle and preparation of necessary documents for the owner to obtain a title from the Department with the correct physical classification of the vehicle. (See §49-504 and §49-525, Idaho Code)

39.02.22, Rules Governing Registration & Permit Fee Administration: This rule provides for installment payment plans for commercial motor vehicle registrations. It covers administrative costs for services provided by the Department, which includes a \$50 fee for setting up each installment payment plan. To reinstate a payment plan that has been suspended, a \$40 fee is required. If there are insufficient funds, the rule allows the Department to collect a \$20 insufficient funds fee and provides the Department with the ability to collect a \$40 fee for reinstatement of a revoked or suspended commercial motor vehicle registration. (See §49-434, Idaho Code)

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and who is in the process of obtaining and submitting requirements for full issuance of vehicle registration and license plates. This temporary permit provides for a 45-day intermediate clearance at a cost of \$18. (See §49-501, Idaho Code)

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39.02.60, Rules Governing License Plate Provisions: This rule encompasses several license plate programs and their identifiers/formats. It provides for dealer and loaner license plates, standard license plates, restricted vehicle license plates, transporter and wrecker license plates, the personalized plate program criteria, legislatively sponsored license plates and many others. Most fees for plate programs are set in Idaho Code; however there are two that are not and they are established by rule. For vehicle dealer registration and plates, the fee is \$15 annually or the dealer may purchase single trip permits. These are only valid on boat and utility trailers for demonstration purposes. The other fee within this rule is \$12 for standard sample plates to pay for the production of the plate and administrative fees. (See §49-202, Idaho Code)

39.03.03, Rules Governing Special Permits – General Conditions and Requirements: This is a new rule that was part of the Department’s efforts to consolidate and streamline commercial motor vehicle permit rules and was presented during the 2019 legislative session. The fees set in this rule cover a variety of commercial motor vehicle permits. These fees simply cover administrative costs for processing, issuing and enforcing special permits. This program is revenue-neutral. (See §49-1004, Idaho Code)

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted outside of this omnibus rulemaking under docket 39-ZBRR-2101 and published in the June 2, 2021, Idaho Administrative Bulletin, [Vol. 21-6, pages 63-64](#), and affects the following rule chapters included in this proposed rulemaking: IDAPA 39.02.04, 39.02.05, 39.02.41 and 39.02.60.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rule(s) attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, please contact Ramón Hobdey-Sánchez at (208) 334-8810.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this October 20, 2021.

THE FOLLOWING IS THE TEXT OF OMNIBUS PENDING FEE DOCKET NO. 39-0000-2100F

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. ()

001. SCOPE.

This rule clarifies the process of collecting filing fees for hearings conducted by the Department for settling disputes between manufacturers and new vehicle dealers. ()

002. -- 099. (RESERVED)

100. GENERAL PROVISIONS.

01. Hearing Officer Appointment. The Director will appoint a hearing officer to hear the dispute who is not a current employee of either a manufacturer or dealer. ()

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

03. Hearing Fee Refunds and Additional Charges. If the total verifiable costs of the hearing are less than two-thousand dollars (\$2,000), the Department will refund the balance. If the costs exceed the two-thousand dollars (\$2,000) filing fee, the Department will bill the responsible party for the remainder which is payable after the Department renders a decision. ()

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. ()

001. PURPOSE.

These rules identify requirements for the issuance of certificates of title, pursuant to Title 49, Chapter 5, Idaho Code. ()

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. ()

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. ()

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. ()

04. Brand. A designation on a vehicle's certificate of title or other ownership document, or its record, as determined by the Department or the equivalent agency of another jurisdiction, which indicates and advises future owners and interested parties that: ()

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 ()

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. ()

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. ()

06. Canadian Vehicle. A vehicle originally manufactured to meet Canadian motor vehicle safety standards. ()

07. Electronic Vehicle. 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. ()

08. Frame. The heavy metal structure that supports the auto body and other external component parts on body-over-frame constructed vehicles only. ()

09. Gray Market Vehicle. A vehicle being imported into the U.S. that was manufactured for use outside of the U.S. 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. ()

10. Mileage. Actual distance that a vehicle has traveled. ()

11. 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. ()

12. 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. ()

13. Transferee. Any person to whom the ownership of a motor vehicle is transferred, 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. ()

14. Transferor. Any person who transfers their ownership of a 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. ()

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: ()

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. ()

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. ()

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. ()

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. ()

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. ()

06. Specially Constructed Vehicles. ()

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: ()

i. Frame or rails; ()

ii. Engine or short block; ()

iii. Transmission and/or transfer case; ()

iv. Front and rear clips; or ()

- v. Truck bed or box; ()
- b.** Each bill of sale for major component parts is to include the following: ()
 - i. Name of purchaser; ()
 - ii. Vehicle Identification Number (VIN) or engine number for a motorcycle, if applicable; ()
 - iii. Description of major component part (by make, body type, year of manufacture, if applicable); ()
 - iv. Purchase price; and ()
 - v. Signature of seller. ()
- 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. ()
- 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. ()

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. ()

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. ()

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. ()

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: ()

- a.** Application date; ()
- b.** Issue date; and ()
- c.** Print date ()

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. ()

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. ()

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. ()

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. ()

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. ()

201. ODOMETERS.

01. Disclosures. ()

a. In compliance with 49 CFR Part 580, when ownership of a motor vehicle is transferred: ()

i. The transferor will disclose mileage to the transferee. ()

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.” ()

02. Record Retention. ()

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

202. VEHICLE IDENTIFICATION NUMBER (VIN) INSPECTIONS.

01. Authorized Inspectors. The following individuals, agents or agencies are authorized to complete Vehicle Identification Number (VIN) inspections: ()

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. ()

b. Vehicle Dealer Inspections. Licensed Idaho vehicle dealers may complete VIN inspections. ()

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. ()

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. ()

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. ()

02. VIN Inspections. A VIN inspection is 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. ()

203. – 299. (RESERVED)

300. TITLE BRANDING.

01. Brand Disclosure. ()

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 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 will sign that they have received disclosure of the vehicle brand. Proof of disclosure will be submitted to the Department. ()

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. ()

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. ()

03. Brands Removed. ()

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. ()

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. ()

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. ()

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. ()

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. ()

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

b. Vehicle Physical Inspection. The applicant will produce the vehicle for a physical inspection by a representative designated by the Department. ()

c. Affidavit of Explanation. The applicant 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 necessary. ()

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. ()

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. ()

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. ()

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: ()

i. Date of issuance of the bond unless a bond rider was issued; or ()

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

iii. Date of receipt of a cash deposit. ()

02. Bond Surety. The bond will be issued by a corporate surety, qualified and licensed to do business in Idaho. ()

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. ()

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. ()

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. ()

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. ()

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 are at least two thousand (2,000) pounds unladen weight, motorcycles, vessels, snowmobiles, and slide-in truck-mounted campers. ()

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. ()

03. Title Application Requirements. ()

a. The applicant 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 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 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 necessary. An MCO 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. ()

b. The model year will be the year that the specially constructed vehicle was first titled as a specially constructed vehicle. ()

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." ()

d. When the vehicle is in operating condition, an inspection by a motor vehicle investigator is necessary. A fee of twenty-five dollars (\$25) is 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 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. ()

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. ()

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 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 NMVTIS indicates has been reported as having been scrapped or crushed may only be retitled with the brand, "For Junk Only". 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. 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. ()

03. Title Application Requirements for Vehicles Defined as Salvage and Rebuilt Salvage Vehicles. ()

a. The applicant 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. ()

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 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. ()

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. ()

d. The applicant 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. ()

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. ()

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 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 will obtain an Idaho salvage certificate of title. ()

304. GLIDER KITS.

01. Title Application Requirements. ()

a. An MCO for the glider kit will be submitted with the application for title. ()

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 necessary. If the significant parts were purchased from a private owner, a bill of sale is necessary. ()

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 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." ()

d. The vehicle 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. ()

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. ()

03. Model Year. The model year will be the year of the kit, determined by priority in the following order: ()

a. Written statement from the manufacturer. ()

- b. Seventeen (17) character VIN's model year designator; ()
- c. Designation of model year shown on an approved MCO; or ()
- 04. **Make of Vehicle.** The make of the vehicle will be the make of the glider kit. ()
- 05. **Title Branded.** The designation "GLIDER KIT VEHICLE" will be branded on the title. ()

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

01. Applicant Will Provide Proof of Ownership. The applicant will provide proof of ownership for all significant parts that are used in replicating or assembling the vehicle. The body 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 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 necessary. An MCO 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. ()

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. ()

03. Inspection by a Motor Vehicle Investigator. When the vehicle is in operating condition an inspection by a motor vehicle investigator is necessary. A fee of twenty-five dollars (\$25) is 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 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. ()

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. ()

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., the following documents will be presented. ()

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

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". ()

e. U.S. Customs and Border Protection (CBP) Entry Summary form CBP 7501, stamped and signed by CBP. ()

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: ()

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; ()

b. The model year shown on an ownership document issued by that vehicle's country of origin; ()

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 ()

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. ()

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 necessary to clarify the information contained in the documents. If necessary, such translation will be at the owner's expense and certified by the translator as true and correct. ()

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 necessary releases or for the owner to obtain legal ownership documentation. ()

05. Exception. When the owner of a gray market vehicle has a current title issued by another state, the other requirements 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. ()

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. ()

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 to the buyer or transferee upon sale or transfer of the vehicle. ()

02. Law Enforcement Agencies. Vehicles awarded to law enforcement agencies through operations of law need not 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. ()

03. Inheritance. Vehicles coming into possession by inheritance need not 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. ()

901. – 999. (RESERVED)

39.02.22 – RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION

000. LEGAL AUTHORITY.

This rule, governing registration and permit fee administration as provided for in Sections 49-434 and 49-439, Idaho Code, is adopted under authority of Section 49-201, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule is titled IDAPA 39, Title 02, Chapter 22, “Rules Governing Registration and Permit Fee Administration.” ()

02. Scope. This rule clarifies the procedures for administering registration and permit fees. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Combination of Vehicles. A tractor or truck tractor and one (1) or more trailers and/or semitrailers. ()

02. Customer. The individual or entity that is registering/permitting the vehicle. The following terms; customer, individual, company or registrant are interchangeable in this rule. ()

03. Insufficient Funds (ISF). ISF will be the abbreviation as it pertains to checks written on personal and/or business checking accounts without sufficient funds to cover the check, for payment to the department. ()

04. Non-Reducible Load. Defined in IDAPA 39.03.01, Rules Governing Definitions Regarding Special Permits. ()

05. Probable Cause. Information sufficient to create a reasonable belief that the registrant of a motor vehicle(s) has either not paid fees due or has under reported miles traveled or has underpaid fees due. ()

06. Quarterly Report. The form for registrants to report the laden miles traveled on Idaho highways during the preceding three (3) months when transporting non-reducible vehicles/loads under annual overweight/oversize permits. ()

07. Revocation of Registration. The termination of a registrant’s vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the Department and Idaho Code. ()

08. Registrant. A person, firm, or corporation in whose name a vehicle or vehicles are registered, with an Idaho account number assigned by the department. ()

09. Road Use Fee. The fee per mile paid for non-reducible vehicles or combinations of vehicles hauling non-reducible loads. The fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight, in addition to the registration fee. ()

10. Suspension of Registration. The temporary withdrawal of a registrant’s vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the department and Idaho Code. ()

11. Third-Party Checks. Checks payable to one entity, and endorsed over to another entity for payment. ()

011. -- 099. (RESERVED)

100. QUARTERLY ROAD USE FEE REPORTS FOR ANNUAL OVERWEIGHT PERMITS.

To comply with Section 49-1001, Idaho Code, the customer will make quarterly reports of laden only mileage to the department for the movements of non-reducible vehicle/loads, at the appropriate permitted weight level of the annual overweight/oversize permits. These fees are in addition to the registration fees required to be paid to the department. Mileage and road use fees for single trip overweight/oversize permits are calculated and collected at the time of issuance and are not reported quarterly. ()

101. QUARTERLY ROAD USE FEE REPORTING.

01. Quarterly Reporting Forms Issued. The department will generate an online quarterly report form for each valid annual overweight/oversize permit issued to them. Customers can choose to opt-in and receive a printed form via mail. ()

02. Use of Quarterly Reporting Form. The customer is required to report each quarter's information on the form provided online or on a Department printed copy that will be mailed on or before the due date specified on the quarterly report form, even when reporting zero (0) miles traveled. ()

a. If the customer does not receive a quarterly report form or report their information online, it is the customer's responsibility to notify the department allowing adequate time to submit the report before the due date. ()

b. Any report transmitted through the US Postal Service shall be considered filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or wrapper containing the report. A postage meter cancellation shall not be considered as a post office cancellation mark. ()

c. If the quarterly report form due date falls on a Saturday, Sunday, or legal holiday, the due date will be extended to the next business day. ()

d. Quarterly reports not submitted will result in the account being suspended. ()

03. Information Required on the Quarterly Report Form. Customers must report the following: ()

a. The number of laden miles traveled on Idaho highways when operating under an annual overweight/oversize permit with non-reducible vehicles and/or load that exceed eighty thousand (80,000) pounds and/or legal axle weights for the appropriate weight category for the quarter specified on the quarterly report form, rounded to the next full mile; and the road use fee due; and penalty, if the report is filed after the due date. ()

b. Total amount due. ()

c. Signature and title of company official, and date of report. All reports filed with the department must be signed by an authorized representative of the company/individual in order to be considered a valid report even if zero (0) miles are being reported. ()

d. Address change, if different from quarterly report form. ()

e. Customer telephone number ()

102. -- 199. (RESERVED)

200. INSTALLMENT PAYMENTS FOR COMMERCIAL VEHICLE REGISTRATION.
The department offers a Payment Plan for registrants in compliance with Sections 49-434, Idaho Code. ()

01. Requirements to Participate in Installment Payments. ()

a. Participant must sign participation contract agreement. ()

b. Only Full Fee and Idaho IRP registration fees are included in the payment plan. Other jurisdictions' IRP fees shall not be included. ()

c. Only full annual registration fees shall be included in payment plan. Registrations for less than one full year shall not be included. ()

d. Vehicles not registered within thirty (30) days after the previous year registration has expired shall not be eligible for the installment payment option. Submitted applications for registration that have been invoiced, but not paid for, by the last day of the registration effective month shall not be eligible for the installment payment option. ()

e. Installment contract requirements do not provide opportunity for registrant to opt out of any remaining installment payments. The balance of the payment plan shall continue to be paid even if the truck is not being operated. ()

f. If registrant meets the criteria in Section 300 of this rule, the prorated portion of the Idaho fee shall be credited toward the installment plan or refunded if the plan has been paid in full. ()

g. Registrant shall not participate in installment payment plan if the registrant's account has previously been suspended as stated in Subsection 200.06 of this rule. ()

h. The contract shall stipulate the payment periods and the installment payment vouchers shall stipulate the due dates of each subsequent payment. ()

i. An installment payment plan fee of fifty dollars (\$50) shall be required and collected at the time of setup for each installment payment plan created. ()

02. Billings, Payments and Due Dates of Installment Plan. ()

a. The department shall upon acceptance of the contract by the registrant, receive one-quarter of the annual registration fee along with the installment payment plan fee, and then shall bill the registrant for three (3) equal installments based upon the previously set payment periods outlined in the contract, which are due by the end of the third, sixth, and ninth months after the effective date of the registration. ()

b. Installment payment vouchers will be provided with the initial invoice. ()

c. US Postal Service postmark shall be used to determine if payment is received on time. If the envelope is postmarked on or before the last day of the month, the payment shall be considered "on time." ()

d. If the last day of the month falls on a Saturday, Sunday or legal holiday, the next business day shall be considered the due date. ()

e. Failure to retain provided payment vouchers does not relieve the burden of the registrant to pay the installment amount by the due date. ()

03. Failure to Pay Installment Payment by Due Date. ()

a. The department shall send out courtesy pre-suspension notices approximately five (5) days after the due date to registrants who have failed to remit payment by the due date printed on the quarterly billing. ()

b. The pre-suspension letter shall contain a late penalty fee of ten percent (10%) of the amount due and an additional one percent (1%) for each month or portion of a month that the payment is past due. ()

c. Registrant shall pay installment amount portion that is due, plus assessed penalties and interest. ()

04. Suspension of Registrant's Account Due to Non-Payment of Payment Plan. Approximately two (2) weeks after pre-suspension notices are mailed to the registrant, the department shall suspend accounts of registrant's that have failed to remit installment payment and/or interest and penalty. ()

05. Reinstatement Fee for Payment Plan Registration. ()

a. A forty dollar (\$40) reinstatement fee shall be applied to all payment plan accounts that have been

suspended. ()

b. Registrant must pay quarterly payment portion, penalty and interest, if applicable, and reinstatement fee before suspension shall be cleared from account. ()

06. Repetitive Suspensions Result. ()

a. After the registrant’s account has been suspended for delinquent installment payments two (2) or more times, the registrant shall not be allowed to participate in future payment plan programs unless; ()

i. Customer has twelve (12) consecutive months of no suspensions related to the account starting from the month the account is cleared; and ()

ii. Customer requests in writing to the department to participate in future installment payment plans and will be allowed to do so. ()

201. -- 299. (RESERVED)

300. REFUNDS.

01. Fees Eligible for Refund. ()

a. Commercial vehicle registration is eligible for refund when the criteria in Section 49-434, Idaho Code, are met. ()

b. If account has been overpaid, and no other fees are owed to the department. ()

c. Unexpired portion of Idaho based fees are refundable for: ()

i. A vehicle that has been sold or repossessed; ()

ii. A vehicle that has been damaged beyond repair; or ()

iii. A vehicle on which the lease has been terminated. ()

iv. Other refund requests will be reviewed and approved or denied on a case by case basis. ()

02. Fees Not Eligible for Refunds. Other jurisdiction’s fees are not refundable by Idaho. ()

03. Request for Refunds: ()

a. Registrant can make a request for refund of fees from the department. The refund request must include: ()

i. Proof of sale or repossession of the vehicle; ()

ii. Proof from the insurance company or law enforcement agency that the vehicle has been damaged beyond repair; or ()

iii. Proof of lease termination from the leasing company. ()

b. Request shall be subject to audit as provided in Idaho Code. ()

c. All refund requests shall be reviewed to ensure that all requests are valid and eligible. The Revenue Operations supervisor shall also approve/disapprove refunds. If the refund amount is greater than or equal to one thousand (\$1,000) dollars, a Financial Services manager shall also review and approve/disapprove the request before refund is processed. ()

d. Approval/disapproval shall be indicated by either signature, or electronic approval by means of the department's financial management system. ()

301. -- 599. (RESERVED)

600. INSUFFICIENT FUNDS.

Insufficient Funds will be indicated by the abbreviation ISF. ()

01. Payment With Insufficient Fund Check. If a customer pays a fee by check and the check is returned to the department as ISF, the transaction will be cancelled. The department reserves the right to not accept checks from a customer who has written two (2) or more ISF checks within four (4) years to the department. That customer will have to pay with cash, or verifiable check, or credit card. ()

02. Suspension of Account. The department will suspend the customer's account until the customer has paid the amount of the ISF check, along with the twenty dollar (\$20) ISF fee. ()

03. No Further Transactions. The department will not complete further transactions with the customer until the customer has paid the amount of the ISF check along with the twenty dollar (\$20) ISF fee. ()

601. ACCEPTANCE OF CHECKS.

The department will accept personal checks as form of payment with sufficient proof of identification. If check payment is received by mail, the check will be accepted unless the customer has written two (2) or more ISF checks within four (4) years to the department, per Subsection 600.01 of this rule. ()

602. CREDIT CARD PAYMENTS.

The department will accept only Visa, Discover, American Express, or Mastercard for any fees due to or purchases from the department. ()

603. -- 699. (RESERVED)

700. SUSPENSION OF REGISTRATION.

The department shall suspend the vehicle registration(s) by notifying the registrant in writing sent via first class pre-paid mail to the registrant's last known address if: ()

01. Failure to Comply. The registrant fails to comply with a billing letter requesting payment of fees and penalties. ()

02. Non-Filing by the Registrant. The registrant does not file quarterly reports or make installment payments to the department. ()

701. REVOCATION OF REGISTRATION.

The department shall revoke the vehicle registration(s) if the registrant fails to comply with a suspension notice within fifteen (15) days of receipt of the notice. ()

702. REQUIREMENTS FOR REINSTATEMENT OF REVOKED OR SUSPENDED VEHICLE REGISTRATION.

01. Revocation. In the case of a revocation, a registrant must pay all fees due and a forty dollar (\$40) reinstatement fee to be reinstated and must also re-register to resume operating. ()

02. Suspension. In the case of a suspension all fees, reports, and records required prior to the suspension must be provided to the department, including a forty dollar (\$40) reinstatement fee. ()

703. REQUIREMENTS FOR COLLECTIONS.

All unpaid amounts owed to the department may be sent to an external collection agency. Collection agencies may

charge a fee for their efforts in collection of a debt as per Section 67-2358, Idaho Code. Accounts that have been assigned to a collection agency must pay the collection agency all fees due. The department will not accept the payment once assigned to the collection agency. ()

704. -- 799. (RESERVED)

800. ENFORCEMENT.

01. Delayed Movement. If the registration of a vehicle is suspended the Ports of Entry shall delay movement of the vehicle until such time as the registrant complies with the condition(s) that caused the suspension. ()

02. Revoked Registrations. If a registrant's registrations are revoked for failure to respond to a suspension notice, the motor vehicle cannot be operated on Idaho highways until the registrant complies with Section 702 of this rule. Registrants with outstanding balances owed to the department or revoked registrations are not eligible to purchase trip permits. ()

801. -- 899. (RESERVED)

900. APPEAL PROCEDURE.

01. Filing of Appeal. A registrant wishing to contest a penalty or suspension of a registration or an account may file an appeal within ten (10) days of receipt of the notice. ()

02. Delivery of Appeal. The appeal must be either hand delivered or mailed to Compliance Manager, Idaho Transportation Department, P.O. Box 7129, Boise, Idaho 83707-1129. ()

03. Delivery of Decision. A copy of the final decision in response to the request will be sent to the registrant. ()

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. ()

001. SCOPE.

This rule provides for temporary vehicle clearance (TVC) procedures in Idaho, self issued by carriers or issued by the Department. ()

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. ()

02. Temporary Vehicle Clearance (TVC). Temporary clearance issued for immediate operation of a vehicle pending receipt of credentials. ()

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. ()

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. ()

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: ()

a. The online application is received by the Department, all applicable fees are paid and all licensing requirements are met. ()

02. Permanent Identification. When all criteria are met, a registration, license plate and sticker (if applicable) will be issued. ()

202. -- 299. (RESERVED)

300. COST AND PAYMENT.

The fee for temporary vehicle clearances issued 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. ()

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. PURPOSE.

This rule identifies the fees and conditions for providing records, data for records maintained by the Department and services provided by the Department. ()

002. -- 099. (RESERVED)

100. ADMINISTRATION.

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. A base charge for providing data, that is not otherwise publicly published, is \$75 per delivery of the data. ()

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

03. 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. ()

101. -- 199. (RESERVED)

200. AGREEMENTS.

01. Agreements for Services. The Department may enter into agreements to provide copies of records or data maintained by the Department. ()

02. 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. ()

201. -- 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

()

101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.

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. The plate will not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, affixed to the lower 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 Plates. Plates issued to dealers will bear the designation "DLR" and plates issued to manufacturers will bear the designation "MFR". 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. 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. 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.

()

c. 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.

()

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.

()

04. Registration Card. The authorized issuing entity will provide a registration card for each dealer loaner plate as provided for by section 49-421, Idaho Code. ()

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 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. 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 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 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 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. A Special Plate Program Application will be provided to each applicant, detailing the procedures for the prequalification and providing information regarding the steps required to successfully accomplish a special plate program. ()

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 sections 49-402C & 49-402D, Idaho Code. ()

03. Submission to the Legislature. 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. ()

04. 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. ()

05. 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. ()

06. Cancellation of Plate Programs. 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 for the plate program on file with the Department. ()

i. 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. ()

ii. 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. 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. ()

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 for one (1) set of specially numbered license plates bearing the designation "HOUSE" or "SENATE." ()

02. Numbering Assignment List. Each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. ()

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, upon payment of all required fees, issue a proof of registration document consistent with Section 012 of this rule. ()

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. ()

03. Reissue of Plates. Exempt plates will also be assessed personalization and program fees upon each reissuance. ()

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)

**39.03.03 – RULES GOVERNING SPECIAL PERMITS –
GENERAL CONDITIONS AND REQUIREMENTS**

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads that are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code, is adopted under the authority of Sections 40-312, 49-201, 49-1001, 49-1004, and 49-1005 Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule is titled IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” IDAPA 39, Title 03, Chapter 03. ()

02. Scope. This rule states the general conditions and requirements for special permits. ()

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. ()

01. Loaded Truck. A truck or truck combination equipped with VLS axles shall be considered to be hauling a load when VLS axles need to be fully deployed to reduce loads on fixed axles and groups of axles that would otherwise exceed legally prescribed weight limits as set forth in Section 49-1001, Idaho Code. ()

011. – 049. (RESERVED)

050. SAFETY INSPECTION REQUIREMENTS FOR PERMITTED VEHICLES AND/OR LOADS.

01. Inspections. All vehicles, tractors, trailers, and dolly converters operating under the authority of a special permit issued by the Department must have a valid annual inspection at the time a permit is issued. The inspection shall be completed in compliance with 49 CFR Part 396.17. ()

02. Inspectors. Inspectors completing required annual inspections shall meet the certifications requirement in 49 CFR 396.19 and brake inspector qualification in 49 CFR 396.25. ()

03. Drivers. All drivers shall meet the special training requirements for Longer Combination Vehicles as outlined in 49 CFR Part 380. ()

04. Motor Carriers. By applying for a special permit, motor carriers self-certify that they have performed inspections as set forth in 49 CFR Part 396.17. ()

05. Exemption. Oversize vehicles and/or loads operating under an exemption outlined in Section 67-2901B (2), Idaho Code, are exempt from this safety inspection requirement. ()

051. – 059. (RESERVED)

060. BRAKES.

Brakes shall meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. ()

061. – 069. (RESERVED)

070. LIGHTING REQUIREMENTS FOR LOADS TRAVELING AFTER DARK.

Those over dimensional vehicles and/or loads traveling during hours of darkness shall be required to display lights to mark the extremities of the vehicle and/or loads and shall be in addition to those clearance lights required on legal size vehicles when traveling at night. ()

01. Standards for Lights on Oversize Vehicles and/or Loads. ()

a. Lights are required on those vehicles traveling sunset to sunrise. ()

b. The lights must be visible from a minimum of five hundred (500) feet. ()

- c. The lights may be flashing or steady burning. ()
- d. The color of the lights shall be as follows: ()
 - i. Lights visible from the front of the oversized vehicle and/or loads and the extremities in the middle or near the front of the oversized vehicle and/or load shall be amber. ()
 - ii. Lights visible from the back of the oversized vehicle and/or load and the extremities near the back of the oversized vehicle and/or load shall be red. ()

02. Standards for Lights on Rear Overhang. Lights are required when rear overhang exceeds the end of the trailer by four (4') feet or more. ()

a. If the overhang is two (2') feet wide or less, only one (1) light is required on the end of the overhang. ()

b. If the overhang is over two (2') feet wide, two (2) lights are required on the end of the overhang to show the maximum width of the overhang. ()

071. – 079. (RESERVED)

080. FLAGGING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.

Warning flags for oversize vehicles and/or loads, excluding extra-length vehicle combinations, shall be marked by warning flags meeting the following: ()

01. Warning Flags. Warning flags are required on all overwidth vehicles and/or loads, and when the rear overhang exceeds the end of the trailer by four (4') feet or more. ()

02. Size. Minimum size of flags is eighteen (18") inches by eighteen (18") inches. ()

03. Color. Red or fluorescent orange. ()

04. Placement of Flags. On overwidth vehicles and/or loads flags shall be placed at the four (4) corners and/or extremities of the vehicle and/or load as follows: ()

a. Front. Fastened to each front corner of the oversized vehicle and/or load if it exceeds legal width. ()

b. Rear. Fastened to each rear corner of the oversized vehicle and/or load if it exceeds legal width. ()

c. Side. Fastened to mark any extremity, when extremity is wider than the front or the rear of the vehicle and/or load. ()

d. Overhang. If the overhang is two (2') feet wide or less, only one (1) flag is required on the end of the overhang. If the overhang is over two (2') feet wide, two (2) flags are required on the end of the overhang to show the maximum width of the overhang. ()

081. – 089. (RESERVED)

090. SIGN REQUIREMENTS FOR VEHICLES COMBINATIONS INCLUSIVE OF LOAD.

Refer to IDAPA39.03.05, "Rules Governing Special Permits – Oversize Non-Reducible," for conditions in this rule. ()

091. – 099. (RESERVED)

100. RESPONSIBILITY OF ISSUING AUTHORITY.

01. Primary Concerns. The primary concern of the Department, in the issuance of special permits, shall be the safety and convenience of the general public and the preservation of the highway system. ()

02. Permit Issuance. The Department shall, in each case, predicate the issuance of a special permit on a reasonable determination of the necessity and feasibility of the proposed movement. ()

101. – 199. (RESERVED)

200. AUTHORITY TO ISSUE PERMITS.

The authority to issue permits on state highways is described in Subsection 200.01. Subsection 200.02 describes the Department’s authority to issue special permits on local jurisdiction highways pursuant to an agreement between the Department and the local highway jurisdictions. ()

01. Special Permit. The special permit authority of the Department shall cover travel on state highways only and special permits issued by the Department shall be valid only on completed sections of state highway, described on the permit by route number or otherwise. The right to use county highways or city streets is neither granted nor implied. The special permit authority of the Department shall include those sections of state highways within corporate limits of cities and towns, but will not include sections of state highways intersecting with local highways, when travel is occurring on the local highway(s). Contractors hauling loads within the limits of state highway construction projects do not require special permits, but the loads must comply with the weight limits specified in the state highway contract. ()

02. Authority. Special permit authority agreed to by the Department and local highway jurisdiction shall include travel on the local jurisdiction’s highways under the rules of this title, IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements.” ()

201. – 299. (RESERVED)

300. OFFICES FOR ISSUANCE OF SPECIAL PERMITS.

The Department shall maintain a centralized special permit office at the Department Headquarters, making permits available electronically at the following listed office and Ports of Entry throughout the State. Permits will be available Monday through Friday, state holidays excluded, from 7:30 a.m. to 5 p.m. Mountain Time. Special permits can also be obtained online at itd.idaho.gov or by phone. ()

01. Headquarters.
Idaho Transportation Department
Special Permit Office
P.O. Box 7129
3311 West State Street
Boise, Idaho 83707-1129
(208) 334-8420 ()

02. Huetter Port of Entry, District One.
Mile Post 8.5 I-90
Coeur d’Alene, Idaho 838145
(208) 769-1551 ()

03. Lewiston Port of Entry, District Two.
33443 US Hwy 95
Lewiston, Idaho 83501-0837
(208) 799-4824 ()

04. East Boise Port of Entry, District Three.
Mile Post 66.5 I-84 EB
Boise, Idaho 83634
(208) 334-3272 ()

- 05. Cotterell Port of Entry, District Four.**
Mile Post 229 I-84 EB
Cotterell, Idaho 8323
(208) 349-5650 ()
- 06. Inkom Port of Entry, District Five.**
Mile Post 59 I-15 NB
Inkom, Idaho 83245
(208) 775-3322 ()
- 07. Sage Junction Port of Entry, District Six.**
2452 E 1500 N
Terreton, Idaho 83450
(208) 228-3636 ()

301. – 399. (RESERVED)

400. INSURANCE OR BOND FOR EXTRAORDINARY HAZARD.

Evidence of insurance or the posting of a bond shall be required when necessary because of loads creating an extraordinary hazard to the traveling public or to protect the public investment when a load presents an extraordinary hazard to the highway system. In such cases of extraordinary hazard to the roadway or structures, the Department may require the posting of a cash bond in such amount as to cover the maximum damage that could be expected to occur to the highway with the permittee also required to reimburse the Department for any engineering required to ascertain the extent of damages, if any, occurring to the roadway during the movement of the excessive load.

()

401. – 449. (RESERVED)

450. RESPONSIBILITY OF PERMITTEE.

01. General Responsibilities. The permittee shall determine and declare the gross weight, distribution of weight, and the dimensions of the vehicle and load and shall submit all other required information before issuance of the permit. The acceptance of a special permit by the permittee is his agreement that the vehicle and load covered by the permit can and will be moved in compliance with the terms and limitations set forth in the permit. When a permit has been accepted by the permittee, such action shall be deemed an unequivocal assurance that he has complied, or will comply with all operating, licensing, and financial responsibility requirements.

()

02. Permit to Be Carried in Vehicle. ()

a. The special permit must be carried or available electronically in the vehicle to which it refers during the time of movement and shall upon demand be delivered for inspection to any peace officer or authorized agent of the Idaho Transportation Board or any officer or employee charged with the care and protection of the public highways.

()

b. When the route of the permitted vehicle will not pass in the vicinity of a state operated transceiver station, the applicant may complete Form ITD-216, APPLICATION FOR SPECIAL PERMIT NUMBER, and provide pertinent information by telephone to the special permit office. If the special permit office approves the application, a special permit number will be assigned to complete the Form ITD-216. Form ITD-216 will serve as evidence of intent to obtain the special permit and will be honored by law enforcement subject to the officer checking with the special permit office. The applicant must qualify for this procedure by obtaining a permit fee account number. The special permit office will complete the Special Permit Form ITD-216 and charge the fee to the applicant's permit fee account number.

()

03. Certification Load Is Non-Reducible. Upon application, the permittee must certify that steps have been taken to reduce the dimensions, the weight of vehicle, or the load, or all three, concerned in the permit to legal limitations or, if that is impractical, to reduce the excess to a minimum.

()

04. Basic Limitations Shall Not Be Exceeded. Special permits shall not be issued for vehicles or loads in excess of the maximum limitations of size or weight or that otherwise exceed the limitations for loads as set forth in these rules unless exception is made by the Transportation Board, or as otherwise provided herein. ()

05. Hazardous Travel Conditions Restrictions. Extreme caution in the operation of a special-permitted vehicle shall be exercised when hazardous conditions exist. The driver of a permitted vehicle is responsible for checking the conditions of the permitted route before travel. The movement of vehicles or loads operating on valid permits shall automatically become invalid en route when: ()

a. The Idaho Transportation Department, Idaho State Police, or other law enforcement office determines and provides public notice by any available means that a hazardous road condition exists. ()

b. The driver reasonably knows that hazardous road conditions exist along route. ()

c. Whenever a road is marked “Difficult” on 511 or as having a hazardous condition. ()

d. Hazardous road conditions may include, but are not limited to: ()

i. Loss of traction on roadways due to ice, snow, frost, excessive water, or mud; ()

ii. Whenever a roadway is under conditions of wind over forty (40) mph; ()

iii. Visibility is less than five hundred (500) feet due to snow, rain, smoke, dust, or fog; ()

iv. Whenever a roadway becomes obstructed due to snow, water, mud, rocks, or other debris; or ()

v. Whenever a roadway is subject to a natural disaster or emergency. ()

06. Delaying Movement. Enforcement personnel responsible for any section of highway shall carry out enforcement action for violations involving special permit operations and may delay movements. ()

451. – 499. (RESERVED)

500. ALLOWABLE TOLERANCE, LEGAL OR PERMITTED SIZE LIMITS.

01. Determination of Vehicular Dimensions. Determination of vehicular length and/or width as defined by Idaho Code or by Board rule shall be exclusive of those external devices or appurtenances whose function is related to safe and efficient operation. ()

02. Appurtenances. Rearview mirrors, turn signal lamps, splash and spray suppressant devices; awnings on recreational vehicles, load induced tire bulge, and other noncargo carrying appurtenances shall be excluded from the calculation of allowable width. Front mounted refrigeration units, energy conservation devices, bolsters, mechanical fastening devices, hydraulic lift gates, external front mounted side curtain rollers, and other noncargo carrying appurtenances or devices shall be excluded from a determination of allowable length. ()

03. Other Appurtenances. Other appurtenances not listed above may not extend beyond three (3) inches on each side or end of a vehicle or load. Other appurtenances may include, but shall not be limited to, clearance lights, door handles, handholds, window fasteners, door and window trim, moldings, and load securement devices. ()

501. – 509. (RESERVED)

510. DROMEDARY TRACTORS.

A truck tractor containing a dromedary box, deck, or plate in legal operation on or before December 1, 1982, shall be authorized to continue to operate, notwithstanding its cargo carrying capacity, throughout its useful life. Proof of such legal operation on December 1, 1982, shall rest upon the operator of the equipment. ()

511. – 519. (RESERVED)

520. LOAD OVERHANG.

The overhang or extension of a load shall not extend beyond the limits as set forth in Section 49-1010, Idaho Code.

()

521. – 599. (RESERVED)

600. GENERAL.

A special permit, in writing, shall be required for any movement on any completed section of highway under the jurisdiction of the Department by any vehicle or vehicles with reducible or non-reducible loads that exceed the allowable weights or sizes established in Sections 49-1001, 49-1002 and 49-1010, Idaho Code.

()

601. – 619. (RESERVED)

620. COMPLIANCE WITH OTHER LAWS AND ORDINANCES.

The special permit will be effective only insofar as the Department has authority for its issue and does not release the permittee from complying with other existing laws, local ordinances or resolutions which may govern the movement.

()

621. – 629. (RESERVED)

630. WAIVER OF LIMITATIONS FOR EMERGENCY MOVEMENTS.

Notwithstanding other provisions of these rules, the Idaho Transportation Board may waive existing permit policy limitations in the event of an emergency, subject to such limitations or special requirements as the Board may impose.

()

01. Military Emergency Affecting National Security. Any movement by or for a military or other government agency which is in excess of permit policy maximum limits of weight or size or which is otherwise outside established rules must be certified as a military necessity involving national security before receiving any special consideration to provide any waiver of normal permit rules. Certification of military necessity must be made by an official designated as having such authority by the Department of Defense Directory, issued by the Office of the Chief of Transportation, Department of Army. All applications for military emergency movements must be channeled through the Special Permit Office, Idaho Transportation Department.

()

02. Emergencies Endangering the Public Health, Safety, or Welfare Including but Not Limited to Fire, Flood, or Earthquake. During an emergency endangering the public health, safety or welfare, there may be an urgent and immediate need for equipment and it will not be in the public interest to require that a special permit be in the vehicle prior to an over legal movement. Verbal approval to proceed without a special permit in the vehicle may be obtained from the Special Permit Office or an Idaho Port-of-Entry. Once the emergency movement is completed, formal application for a Special Permit must be submitted to the Special Permit Office.

()

03. Emergency Movement of Implements of Husbandry. It shall be considered an emergency when an implement of husbandry being operated on an official state holiday or a weekend breaks down and a dealer brings replacement equipment to the farmer that exceeds legal height, length, and weight. Verbal approval to proceed without a special permit in the vehicle may be obtained from the Special Permit on-call staff. That verbal authorization may include escort vehicle requirements based on the route of travel and dimensions of load. Once the emergency movement is completed, the permittee shall make formal application for a permit to the Special Permit Office on the first working day after the occurrence.

()

04. Economic Emergencies. When a circumstance occurs in which an economic hardship is expected to result due to the application of existing rules or limitations, the Transportation Board may consider a petition for the temporary waiver of those rules or limitations which are perceived as being the cause of such economic hardship.

()

631. – 699. (RESERVED)

700. SPRING BREAKUP SEASON TYPE OF LOAD RESTRICTIONS.

Depending upon the type of road construction, the amount of moisture, temperature conditions, and severity of frost heaves and breakup, routes or sections of routes will be posted for restricted loadings to one (1) of the following categories as required to protect the roadway and in the interests of public safety: ()

- 01. Legal Weight.** Maximum of legal allowable weight; ()
- 02. 16,000 Pounds.** Maximum of sixteen thousand (16,000) pounds on any axle; ()
- 03. 14,000 Pounds.** Maximum of fourteen thousand (14,000) pounds on any axle; and ()
- 04. 12,000 Pounds.** Maximum of twelve thousand (12,000) pounds on any axle. ()

701. – 709. (RESERVED)

710. WEIGHT LIMITS BASED ON TIRE SIZES.

In administering load limits based on tire sizes or width of tires, credit for tubed tires will be based on the manufacturer's width marked on the tire; for example, a ten point zero-zero by twenty-four (10.00 x 24) tire will be given credit for ten (10") inches of tire width. Tubeless tires will be given credit for the width of the conventional tubed tires that they replace. ()

711. – 719. (RESERVED)

720. WIDTH LIMITATION ON TWO LANE ROAD.

A spring breakup weight restriction to less than legal weight shall automatically place a restriction on width allowed by special permit. On any section of highway restricted to less than legal weight, the maximum width by special permit shall be restricted to twelve feet six (12'6") inches during the period of the weight restriction. ()

721. – 729. (RESERVED)

730. SPEED RESTRICTIONS.

On those sections of highways which are posted for a maximum of legal loads, or to less than legal loads, trucks and buses with a gross weight of ten thousand (10,000) pounds or more will be restricted in critical areas to a maximum speed of thirty (30) miles per hour. Restricted speed zones will be marked by red and green markers. A red marker will mean speed is restricted to thirty (30) miles per hour and a green marker will mean that legal speed may be resumed. These markers will generally be attached to existing highway sign posts and when properly used will afford protection to the highway subgrade and surface as well as speeding the flow of traffic. ()

731. – 739. (RESERVED)

740. SPECIAL PERMIT POLICY DURING SPRING BREAKUP.

01. Suspended Weight Limits. Normal overweight special permit limits will be suspended on all highways in the area when seasonal load and speed restrictions are imposed. ()

02. Weight Restrictions. Spring breakup weight restrictions are primarily concerned with limiting the weight imposed on the highway by individual axles rather than the total gross weight of vehicles or vehicle combination. It will therefore be permissible to issue special permits that exceed legal allowable total gross load for a vehicle combination subject to these conditions: ()

- a.** Minimum tire width is ten (10") inches or larger. ()
- b.** Maximum axle weight on single axle having two (2) single wheels shall not exceed ten thousand (10,000) pounds. ()
- c.** Maximum axle weight on single axle having four (4) or more tires shall not exceed fourteen

thousand (14,000) pounds. ()

- d. Permits for nonreducible loads only. ()

741. – 749. (RESERVED)

750. LEGAL WEIGHT LIMITS MAINTAINED ON CERTAIN HIGHWAYS.

The policy of the Department will be to maintain legal load limits on the Interstate highway system and arterials serving through state traffic or connecting major terminals, unless conditions are such that severe breakup will result. ()

751. – 759. (RESERVED)

760. ENFORCEMENT OF POSTED WEIGHT AND/OR SPEED RESTRICTIONS.

The Districts will sign and mark affected state highways the day before the weight and/or speed restrictions are in effect. The weight and/or speed restrictions will be enforced the day after the Districts sign and mark a state highway. ()

761. – 769. (RESERVED)

770. TEMPORARY SUSPENSION OF POSTED WEIGHT AND SPEED RESTRICTIONS.

01. Why Required. Spring breakup restrictions are required because of a seasonal characteristic in which freeze/thaw cycles occur, making the roadway unstable and reducing its load-bearing capability. The load-bearing capacity may be temporarily restored by a freeze-up of the pavement after a section has been posted for load and speed restrictions. ()

02. Temporary Waiver of Spring Breakup. District Engineers may provide a temporary waiver of the spring breakup restrictions by posting GREEN markers on the speed limit signs, and on other signs, if appropriate, within a section of highway posted for reduced loads. ()

771. – 779. (RESERVED)

780. SPECIAL ALLOWANCES FOR EMERGENCY AND CRITICAL SERVICE VEHICLES.

District Engineers may allow exceptions to the spring breakup weight restrictions for emergency and critical service vehicle(s), i.e. fire trucks, heating fuel trucks, and other such service vehicles that are critical to the health and safety of the public. Documentation of special allowance shall be in writing from the District Engineer and must be carried in the vehicle. ()

781. – 799. (RESERVED)

800. SPECIAL PERMIT FEES COSTS TO BE BORNE BY PERMITTEE.

The movement of oversize or overweight vehicles or vehicles with special loads is a privilege not accorded every user of the highway. Administrative cost incurred in the processing, issuance and enforcement of special permits shall be borne by such permittees and not by the general traveling public through expenditure of highway user funds. Special permits issued for non-reducible, overweight vehicles and/or loads will be charged a road use fee as set forth in Section 49-1004(2), Idaho Code. Tax supported agencies are required to obtain special permits if their loads exceed the sizes or weights stated in Idaho Code, but they are exempt from paying fees for the permits. ()

801. – 909. (RESERVED)

910. PAYMENT OF SPECIAL PERMIT FEES.

01. Payment of Fees. The Idaho Constitution prohibits the state from extending credit to any individual, corporation, municipality, or association. Permit fees are collectible at the time of issuance. ()

- 02. Refund.** Permit fees are not refundable once they have been processed into the Department's

accounting system, unless the permittee contacts the Special Permit Office no more than two (2) working days (during office hours) following the start date of the special permit or the Department issued the special permit in error. ()

03. Permit Costs. Special permit fees listed below are intended to cover cost of administration and are subject to periodic change depending on costs incurred in processing, issuance, and enforcement of special permit rules. ()

04. Current Schedule of Fees. Periodic changes to the fee schedule will be subject to legislative review and approval procedures in accordance with Chapter 52, Title 67, Idaho Code, Administrative Procedure Act. ()

a. Oversize only, single trip, thirty dollars (\$30). ()

b. Oversize only, two (2) trips, thirty six dollars (\$36). ()

c. Oversize single trip exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty-three dollars (\$33). ()

d. Reducible Loads, annual, twelve (12) consecutive months: Cylindrical hay bales, two (2) wide, Multiple width loads of kiln stacked lumber, reducible loads, up to and including fifteen (15') feet high, Disabled Vehicle, forty-five dollars (\$45). ()

e. Oversize Non-Reducible, annual, twelve (12) consecutive months: Manufactured homes, modular building and office trailers; Farm tractors exceeding nine (9') feet width on Interstate and implements of husbandry; Oversize/Overweight Snowplow; Multiple width loads of crane booms; Multiple width loads of conveyor units; East port/Canadian Weight; forty five dollars (\$45). ()

f. Extra Length/Weight (reducible) annual, twelve (12) consecutive months, authority to exceed eighty thousand (80,000) lbs. on reducible loads up to one hundred twenty nine thousand (129,000) pounds, or exceeding the length limits imposed in Section 49-1010, Idaho Code, forty five dollars (\$45). ()

g. Overweight/Oversize or Overweight only (non-reducible) single trip, thirty-three dollars (\$33). ()

h. Overweight/Oversize or Overweight only (non-reducible), two (2) trips, thirty-three dollars (\$33). ()

i. Overweight/Oversize (non-reducible) single trip, exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty- three dollars (\$33). ()

j. Overweight/Oversize (non-reducible) two (2) trips within seven (7) days, exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty-three dollars (\$33). ()

k. Overweight/Oversize (non-reducible) annual permit fee for twelve (12) consecutive months, one hundred twenty-eight dollars (\$128). ()

l. Fee for reissuance or transfers, fifteen dollars (\$15). ()

m. Annual special permits purchased online will be five dollars (\$5) less than the listed price. ()

05. Additional Fees. The Department may require reimbursement of actual costs incurred for extraordinary services provided, incidental and necessary to the planning and/or movement of loads that require a special permit moving under the requirements of a traffic control plan. ()

911. – 949. (RESERVED)

950. REVOCATION OF PERMIT FOR NON-COMPLIANCE WITH THE LIMITATIONS OR PROVISIONS OF THE PERMIT.

01. Disqualification of Permits. The permit shall become invalid and the cited vehicle may be disqualified for reissuance of permits if convicted of the following: ()

a. The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. ()

b. The vehicle combination violates permitting conditions (other than weight) for the following: ()

i. Failure to travel on Extra Length or Up to 129,000 Pound designated routes. ()

ii. Failure to properly display required flags and/or signs. ()

iii. Failure to provide required number of pilot cars and/or proper placement. ()

iv. Failure to provide required lighting for travel during hours of darkness. ()

v. Failure to travel during the hours of operation as specified on the permit. ()

vi. Failure to comply with wind velocity requirements when moving manufactured housing, office trailers, and modular buildings. ()

vii. Failure to comply when travel conditions become hazardous. Hazardous conditions include, but are not limited to, ice, snow or frost; or when visibility is restricted to less than five hundred (500) feet. ()

c. The vehicle combination violates weight limits under Section 49-1001 (1)(2) and (9), Idaho Code. ()

i. Violating weight limits for single, tandem, tridem, quad, or other type axle groups by more than fifteen percent (15%). ()

ii. Violating gross or bridge weight allowances by more than seven percent (7%). ()

d. The motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration as described in Part 386 (386.73) of the Federal Motor Carrier Safety Regulations. ()

02. Permit Revocation Process. A copy of the judgment of conviction from the court and the special permit authorizing operation must be provided to the Permit Office by enforcement personnel. Paperwork will be reviewed for compliance with the provisions of this rule and, if met, notification will be sent to the company informing them of the pending revocation that will occur within ten (10) days of the letter being issued. ()

03. Disqualification Periods. When a permit has become invalid, the vehicle identified on the invalidated permit may be disqualified for reapplication for permit for a period of thirty (30) days after the first violation, for a period of six (6) months after the second violation, and for a period of one (1) year after the third violation. ()

04. Penalties. In addition to revocation of permits as authorized in this rule, the permittee shall be subject to all applicable penalties provided by law with regard to the provisions violated. ()

951. – 979. (RESERVED)

980. PERMITTEE RESPONSIBLE FOR INJURY TO PERSONS OR PROPERTY.

The permittee shall assume all responsibility for injury to persons or damage to public or private property caused directly or indirectly by the transportation of a vehicle or vehicle and load under special permit; and he shall hold

harmless the Department and all its officers, agents, employees, and servants from all suits, claims, damages or proceedings, of any kind, as a direct or indirect result of the transportation of the vehicle or vehicle with a load that requires a special permit. ()

981. – 999. (RESERVED)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.43 – RULES GOVERNING UTILITIES ON STATE HIGHWAY RIGHT-OF-WAY

DOCKET NO. 39-0343-2102 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis \(CBA\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 40-312 and 67-5229, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change.

As the Idaho Transportation Department (ITD) continues its efforts to address utility accommodation for those seeking access to the state’s right-of-way (ROW), ITD is proposing rule changes to address the permitting process for small wireless facilities. The proposed changes bring clarity to the Department’s accommodation of these utilities in the state’s ROW.

ITD incorporates by reference the July 2003 Edition of the Utility Accommodation Policy (UAP) in IDAPA 39.03.43 – Rules Governing Utilities on State Highway Right-of-Way. Some changes have also been made within the incorporated document.

Although the UAP referenced in IDAPA 39.03.43 addresses all utilities, the focus of this rulemaking is to update portions that directly relate to small wireless facility permitting and accommodation; criteria, standards and policy.

Changes from the proposed rulemaking stage were based on stakeholder feedback and input. Federal code citations were added to several sections as well as the removal of a definition for “Fifth-Generation.”

The text of the pending fee rule has been amended in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the November 3, 2021, Idaho Administrative Bulletin, [Vol. 21-11, pages 88-91](#).

FEE SUMMARY: The following identifies the fee or charge imposed or increased through this rulemaking. This fee or charge is being imposed pursuant to Section §40-312(3), Idaho Code.

The new fees being added to this chapter relate to the installation and location of small wireless facilities in the state’s ROW. The assessed fees are in accordance with the Federal Communications Commission’s Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133, (Sept. 26, 2018). The fees address applications for access and new installations.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, please contact Robert Beachler, Broadband Planning Program Manager, at 208-772-1216.

DATED this 22nd Day of December 2021.

Ramón S. Hobdey-Sánchez, J.D.
Office of Governmental Affairs
Idaho Transportation Department
3311 W. State St.
Boise, ID 83707-1129
Phone: 208-334-8810
ramon.hobdey-sanchez@itd.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 and 67-5229, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

<p>Tuesday, November 16, 2021 3:00 p.m. to 5:00 p.m. (MT)</p>
<p><i>Participation in-person is available at the following location:</i></p> <p>ITD Headquarters: East Annex <i>(Southeast area of the ITD Headquarters campus)</i> 3293 West Jordan St. Boise, ID 83703</p> <p><i>Participation via phone or Webex is also available:</i></p> <p>Join Online Webex Meeting Meeting Number (Access Code): 2459 562 6772 Meeting Password: 1234</p> <p><i>Join by phone at: 1-844-740-1264 (USA Toll Free)</i></p>

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

As the Idaho Transportation Department (ITD) continues its efforts to address utility accommodation for those seeking access to the state's right-of-way (ROW), ITD is proposing rule changes to address the permitting process for small wireless facilities. The proposed changes bring clarity to the Department's accommodation of these utilities in the state's ROW.

ITD *incorporates by reference* the July 2003 Edition of the Utility Accommodation Policy (UAP) in IDAPA 39.03.43 [Rules Governing Utilities on State Highway Right-of-Way](#). Some proposed changes in this rule occur within the incorporated document.

Although the UAP referenced in IDAPA 39.03.43 addresses all utilities, the focus of this rulemaking is to update portions that directly relate to small wireless facility permitting and accommodation; criteria, standards and policy.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The new fees being added to this chapter relate to the installation and location of small wireless facilities in the state's ROW. The assessed fees are in accordance with the Federal Communications Commission's Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133, (Sept. 26, 2018). The fees address applications for access and new installations.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 2, 2021, Idaho Administrative Bulletin, [Vol. 21-6 pages 65-66](#) and in the July 7, 2021, Idaho Administrative Bulletin, [Vol. 21-7 pages 33-34](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Department's Utility Accommodation Policy (UAP) was incorporated by reference in 1990 with only several updates since then, the most recent in July 2003. This is the official policy for governing occupancy of state highway rights-of-way by utility facilities. This policy applies to maintenance of existing utilities, new utility installations and existing utility installations to be retained or adjusted as a result of highway construction or reconstruction, as well as the relocation of utility facilities that are found to constitute a hazard to the traveling public on all rights-of-way under the jurisdiction of the ITD.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, please contact Robert Beachler, Planning Broadband Program Manager, at (208) 772-1216. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's website at the following web address: <https://itd.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 2021.

DATED this 22nd Day of October 2021.

Substantive changes have been made to the pending fee rule.

***Italicized red text* indicates changes between the text of the proposed rule as adopted in the pending fee rule.**

THE FOLLOWING IS THE TEXT OF PENDING FEE DOCKET NO. 39-0343-2102

39.03.43 – RULES GOVERNING UTILITIES ON STATE HIGHWAY RIGHT-OF-WAY

000. LEGAL AUTHORITY.

Under authority of Sections 40-312(3) and 67-5229, Idaho Code, the Idaho Transportation Board adopts this rule. ()

001. 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. ()

002. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by Section 2.4 “Administrative Appeal” of the “Utility Accommodation Policy” incorporated by reference. ()

003. INCORPORATION BY REFERENCE.

The Idaho Transportation Department incorporates by reference the 2022 Edition of the “Utility Accommodation Policy.” This publication is available for public review on the Department’s website at <http://itd.idaho.gov>. ()

004. SMALL WIRELESS FACILITIES.

01. Definitions. ()

a. Small Wireless Facilities (SWF). ()

i. The facilities: ()

(1) Are mounted on structures fifty (50) feet or less in height including their antennas *as defined in 47 C.F.R. § 1.1320(d)*; or ()

(2) Are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or ()

(3) Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater. ()

ii. 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 (3) cubic feet in volume; ()

iii. 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 twenty-eight (28) cubic feet in volume; ()

iv. The facilities do not require antenna structure registration under *47 C.F.R § 17.4*; ()

- v. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and ()
- vi. 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)*. ()
- 02. Small Wireless Facility Fees.** ()
- a.** 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: ()
- i. Five hundred dollars (\$500) for non-recurring fees, including a single up-front application that includes up to five (5) SWFs, with an additional one hundred dollars (\$100) for each SWF beyond five (5); *or* ()
- ii. One thousand dollars (\$1,000) for non-recurring fees for a new pole (*i.e.* not a collocation) intended to support one (1) or more SWF; and ()
- iii. Two hundred seventy dollars (\$270) per SWF per year for all recurring fees, including any possible ROW access fee or fee for attachment to structures in the ROW. ()
- 005. – 999. (RESERVED)**