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**IDAPA 39
TITLE 02
CHAPTER 47**

39.02.47 - RULES GOVERNING REVOCATION OF VEHICLE REGISTRATION FOR FAILURE TO COMPLY WITH A MOTOR VEHICLE EMISSION INSPECTION ORDINANCE

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-201(1) and 49-202(12)(f), Idaho Code. (3-20-04)

001. TITLE AND SCOPE.

01. Title. This rule shall be known as IDAPA 39.02.47, "Rules Governing Revocation of Vehicle Registration for Failure to Comply With a Motor Vehicle Emission Inspection Ordinance," IDAPA 39, Title 02, Chapter 47. (3-20-04)

02. Scope. The rule establishes the procedure for revoking the vehicle registration of an owner who fails to comply with approved ordinances requiring motor vehicle emission inspection and readjustment. (3-20-04)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (3-20-04)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-20-04)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-20-04)

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. (3-20-04)

02. Office Hours. Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (3-20-04)

03. Telephone and FAX Numbers. The central office may be contacted during office hours by phone at 208-334-8000 or by fax at 208-334-3858. (3-20-04)

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (3-20-04)

007. -- 099. (RESERVED).

100. NOTIFICATION OF FAILURE TO COMPLY AND REGISTRATION REVOCATIONS.

The county air quality agency shall provide the Department with certification of: (3-20-04)

01. Notice of Non-Compliance and Opportunity for Hearing. The vehicle owner has been given notice of non-compliance and opportunity for hearings in accordance with the ordinance of the city or county. (1-2-93)

02. Failure to Respond. The owner failed to respond to the notice of non-compliance or did not achieve favorable rulings as a result of his hearing. (1-2-93)

101. -- 199. (RESERVED).

200. ACTION BY THE DEPARTMENT.

Upon receipt of the information in Section 100 of this rule, the Department shall prepare and mail notices of revocation of the vehicle registration to the owner. Each notice of revocation shall be effective on the same date that the letter of revocation is issued. The notice shall be mailed by first class mail. (3-20-04)

201. -- 299. (RESERVED).

300. FEE FORFEITURE.

When vehicle registrations are revoked, the regular registration fees and any applicable special program fees associated with special license plates still in force, are forfeited by the owner. (1-2-93)

301. REINSTATEMENT OF REGISTRATION.

01. Reinstatement Procedure. A vehicle owner may reinstate his registration by providing an official notice of compliance with the emission inspection ordinance to a county assessor or, in the case of a special plate, to the Department, and by paying all fees due. (1-2-93)

02. Reinstatement Period. County Assessors or the Department shall reinstate vehicle registrations for a period of one (1) year from the date of the official notice of compliance and shall enter the new registration into the automated system. (1-2-93)

03. Personalized Plates Revoked. If a personalized license plate is revoked, the plate designation remains with the registrant until the normal expiration date. The personalized designation is available for issue to another requester immediately upon its expiration. (1-2-93)

302. -- 999. (RESERVED).

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