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**IDAPA 11
TITLE 07
CHAPTER 01**

11.07.01 - RULES GOVERNING MOTOR VEHICLES - GENERAL RULES

000. LEGAL AUTHORITY (RULE 0).

These rules adopting national safety codes and standards are promulgated pursuant to the authority granted to the Idaho State Police pursuant to Section 67- 2901 and 49-901, Idaho Code. (4-2-08)

001. TITLE AND SCOPE (RULE 1).

01. Title. The name of this chapter is IDAPA 11.07.01, “Rules Governing Motor Vehicles - General Rules.” (4-2-08)

02. Scope. All owners and operators of motor vehicles that operate on the highways under the jurisdiction of the Idaho State Police are required to comply with these rules to the extent the rules are applicable. (4-2-08)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Director of the Idaho State Police is authorized to make and give informal interpretations of the terms and definitions found in the Idaho Code, this Department’s rules applicable to motor vehicles and other filings relating to motor vehicles maintained by the Department pursuant to law. The Director may be contacted in writing at the Idaho State Police, PO Box 700, Meridian, Idaho 83680-0700, or may be reached by telephone at (208) 884-7200. For future rulemakings written interpretations in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. The Department reserves to itself the authority to issue formal declaratory orders construing these items. (4-2-08)

003. ADMINISTRATIVE APPEALS (RULE 3).

All administrative appeals under these rules are conducted under IDAPA 04.11.01 et. seq, “Idaho Rules of Administrative Procedure of the Attorney General.” (5-3-03)

004. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS (RULE 4).

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (5-3-03)

02. Mailing Address. The mailing address for the headquarters office is Idaho State Police, P.O. Box 700, Meridian, Idaho 83680. (4-2-08)

03. Street Address. The headquarters office of the Idaho State Police is located at 700 S. Stratford Drive, Meridian, Idaho 83642. (4-2-08)

005. PUBLIC RECORDS ACT COMPLIANCE (RULE 5).

All materials in motor vehicle rule files, except those that are exempt from disclosure pursuant to Idaho Code, are public records available for inspection, examination and copying. Investigatory records are not public records, but may be examined or disclosed by the object of the investigation pursuant to Section 9-335, Idaho Code. (4-2-08)

006. DEFINITIONS (RULE 6).

01. Department. The “Department,” as used herein, means the Idaho State Police. (7-1-93)

02. Director. The “Director,” as used herein, means the Director of the Idaho State Police. (7-1-93)

03. Motor Vehicle. Will be the same as the definition found in Idaho Code 49-123(2)(g). (4-2-08)

04. Highway. Will be the same as the definition found in Section 49-109(h), Idaho Code. (4-2-08)

007. CITATION (RULE 7).

The official citation of these rules is IDAPA 11.07.01.000 et seq. For example, this rule is cited as IDAPA 11.07.01.007. (4-2-08)

008. INCORPORATED BY REFERENCE (RULE 8).

Rules 20, 30, and 40 incorporate by reference various state and national safety codes and federal regulations. Each applicable rule identifies the issuing entity for each code or regulation and indicates where the incorporated materials may be obtained. Incorporated materials are also available for inspection and copying at the Headquarters Office of the Idaho State Police, listed in Rule 004. The following codes and standards are incorporated: (4-2-08)

01. Society of Automotive Engineers (SAE). The SAE Ground Vehicle Lighting Standards Manual and SAE standards are published by the Society of Automotive Engineers and are available from SAE World Headquarters, 400 Commonwealth Drive, Warrendale, PA 15096-0001 and may be ordered by calling 1-877-606-7323 or on the worldwide web at <http://store.sae.org/>. (4-2-08)

02. Idaho State Department of Education, Standards for Idaho School Buses and Operations Manual. The Standards for Idaho School Buses and Operations Manual is published by the Idaho Department of Education, 650 West State Street, P.O. Box 83720, Boise, ID 83720-0027 and may be ordered by calling 1-208-332-6800 or downloaded from the worldwide web at <http://www.sde.idaho.gov/Transportation/library.asp>. (4-2-08)

03. Federal Regulations – 49 C.F.R. Parts 392, 393, and 571. These regulations are found in the Code of Federal Regulations, available from the U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 37954, Pittsburgh, PA 15250-7954. The incorporated parts are also available on the worldwide web at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>. (4-2-08)

009. -- 019. (RESERVED).

020. SOCIETY OF AUTOMOTIVE ENGINEERS (SAE) (RULE 20).

The Director incorporates by reference the SAE Ground Vehicle Lighting Standards Manual, 2006 edition, and SAE standards J586, J588, and J639. All owners and operators of motor vehicles that operate on the highways under the jurisdiction of the Idaho State Police are required to comply with the applicable provisions of the SAE Ground Vehicle Lighting Standards Manual, 2006 edition, and SAE standards J586, J588, and J639. (4-2-08)

01. Standards and Specifications for Lighting Devices. Pursuant to Section 49-901(1), Idaho Code, the Director hereby incorporates by reference the standards and specifications set forth by the Society of American Engineers in the SAE Ground Vehicle Lighting Standards Manual, 2006 edition, as if set forth herein in full. (4-2-08)

02. Standards for Rear Mounted Acceleration and Deceleration Lighting Systems (Use Optional). The current standards found in “Supplemental High Mounted Stop and Rear Turn Signal Lamps for Use on Vehicles Less Than 2032 MM Overall Width -- SAE J586 and J588,” is found in Section 49-921, Idaho Code, as if set forth herein in full. (4-2-08)

03. Safety Practices and Standards for Automotive Air Conditioning Devices, Standards and Specifications. Pursuant to Section 49-901(7), Idaho Code, the Director hereby incorporates by reference the current standards set forth in “Safety Practices For Mechanical Vapor Compression Refrigeration Equipment of Systems Used to Cool Passenger Compartment of Motor Vehicles -- SAE J639,” as if set forth herein in full. (4-2-08)

021. -- 029. (RESERVED).

030. IDAHO STATE DEPARTMENT OF EDUCATION, STANDARDS FOR IDAHO SCHOOL BUSES AND OPERATIONS MANUAL (RULE 30).

The Director incorporates by reference the standards found in the November 1, 2006 “Standards for Idaho School Buses and Operations” manual approved by the Idaho State Board of Education. All owners and operators of motor vehicles that operate on the highways under the jurisdiction of the Idaho State Police are required to comply with the

applicable standards found in the “Standards for Idaho School Buses and Operations” manual. (4-2-08)

01. General Rules. Pursuant to Section 49-901(8), Idaho Code, the Director hereby incorporates by reference the standards found in the November 1, 2006 “Standards for Idaho School Buses and Operations” manual approved by the Idaho State Department of Education as if set forth herein in full. (4-2-08)

02. Lighting Equipment. Pursuant to Section 49-901(2), Idaho Code, the Director hereby incorporates by reference the standards found in the November 1, 2006 “Standards for Idaho School Buses and Operations” manual approved by the Idaho State Department of Education as if set forth herein in full. (4-2-08)

031. -- 039. (RESERVED).

040. FEDERAL REGULATIONS - 49 C.F.R. PARTS 392, 393, AND 571 (RULE 40).

The Director incorporates by reference Title 49 of the Code of Federal Regulations, October 1, 2007 edition, Parts 392, 393, and 571. All owners and operators of motor vehicles that operate on the highways under the jurisdiction of the Idaho State Police are required to comply with the applicable Parts found in Title 49 of the Code of Federal Regulations. (4-2-08)

01. Certain Vehicles Required to Stop at All Railroad Crossings. Pursuant to Section 49-648, Idaho Code, the Director hereby incorporates by reference the requirements found in Title 49 (49 C.F.R.) of the Code of Federal Regulations (Federal Motor Carrier Safety Regulations) Part 392, Subpart B, Section 392.10, as if set forth herein in full. (4-2-08)

02. Devices With Self Contained Energy Sources. Pursuant to Section 49-952, Idaho Code, the Director hereby incorporates by reference the standards and specifications with regard to Requirements for fuses and liquid burning flares found in 49 C.F.R., Part 393, Subpart H, Section 393.95. Warning devices with self-contained energy sources permissible, under this chapter are limited to liquid burning emergency flares, and fuses. (4-2-08)

03. Modulating Headlights for Motorcycles. Pursuant to Section 49-925, 49-901(3), 49-901(4), Idaho Code, the Director hereby approves modulating headlights for use on motorcycles. Such headlights shall conform to the standards and specifications with regard to modulating headlights found in 49 C.F.R. Section 571.108, Standard 108, S7.9.4, which is hereby adopted by reference as if set forth herein in full. (4-2-08)

04. Standards for Safety Helmets. Pursuant to Section 49-666, Idaho Code, the Director hereby incorporates by reference the standards found in 49 C.F.R. Section 571.218, Standard No. 218, as if set forth herein in full. (4-2-08)

05. Standards for Devices Without Self Contained Energy Sources. Pursuant to Section 49-952, Idaho Code, the Director hereby incorporates by reference the standards and specifications with regard to flares and warning devices found in 49 C.F.R. Section 571.125, Standard 125, as if set forth herein in full. (4-2-08)

041. -- 999. (RESERVED).

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