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**IDAPA 39
TITLE 02
CHAPTER 60**

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. (1-3-92)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 39.02.60 "Rules Governing License Plate Provisions." (4-2-08)

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. (4-2-08)

002. WRITTEN INTERPRETATIONS.

This agency does not rely on written interpretations for these rules. (4-2-08)

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 04.11.01. "Idaho Rules of Administrative Procedure of the Attorney General." (4-2-08)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (4-2-08)

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. (4-2-08)

02. Office Hours. Daily office hours at 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-2-08)

03. Telephone and FAX Numbers. The central office may be contacted during office hours by phone at 208-334-8649 or by fax at 208-334-8542. (4-2-08)

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. (4-2-08)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Authorized Employees. Authorized employee as used in this rule shall mean 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. (1-3-92)

02. Furtherance or Pursuance of Business. Furtherance or pursuance of business as used in this rule or in Section 49-1627, Idaho Code, shall mean 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. (1-3-92)

03. Leased or Rented Vehicles. Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, shall mean vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public. (1-3-92)

04. Vehicles Not Held in Stock. Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, shall mean vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title. (1-3-92)

05. Vehicles Sold. Vehicles which have been sold as used in Section 49-1627, Idaho Code, shall mean vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. (1-3-92)

011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.

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. (4-2-08)

012. TEMPORARY REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.

01. Temporary Registration. Upon receipt of payment for required registration and program fees, a forty-five (45) day temporary registration may be issued, indicating "license plates on order." This option will be used whenever license plates are required to be manufactured after the registration transaction has been completed. The temporary registration shall 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) forty-five (45) day temporary registration may be issued, if needed, in order to manufacture license plates. (4-2-08)

02. Placement of Temporary Registration Document. The forty-five (45) day temporary registration document shall be displayed in the rear window of the vehicle for which it is issued. 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 number and expiration date of the permit may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (4-2-08)

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 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 shall enter such registration information, and produce the registration form and validation decals and mail to the registered applicant. The manual temporary registration form shall be displayed in the rear window of the vehicle for which it is issued. 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 number and expiration date of the permit may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (5-8-09)

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:

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

(1-3-92)

02. Designation for Farm Vehicles. License plates for farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight will have the county designator, then a unique serial number followed by the letter "T". (4-2-08)

03. Designation for Recreational Vehicles. License plates for recreational trailers will have the county designator, then a unique serial number followed by the letter "R". (4-2-08)

04. Designations for Motor Homes. License plates for motor homes will have the county designator, then a unique serial number followed by the letter "M". (4-2-08)

101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.

Per Section 49-402 (4), Idaho Code, the Idaho Transportation Department shall provide restricted vehicle plates to county offices for issuance to all-terrain vehicles, utility type vehicles, and motorbikes. Per Section 49-443(1), Idaho Code, such plates shall be four inch by seven inch (4" x 7") plates, shall be printed with a combination of letters and numbers as determined by the department, and shall be printed in black on a white reflective background. Plates shall be printed with "Idaho Restricted Vehicle" on the top and no other inscription. The plate shall also have a decal placed in the lower left-hand corner indicating the year it is required to be re-placed. The plate shall not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, being affixed to the lower right-hand corner of the plate. Idaho restricted vehicle plates may not be personalized. (5-8-09)

102. -- 149. (RESERVED).

150. VEHICLE DEALER LICENSE PLATES FORMATS.

01. Designation for Manufacturers Plates. Plates issued to manufacturers shall bear the designation "MFR" and be numbered from nine thousand (9000) through nine thousand, nine hundred, ninety-nine (9999). (1-3-92)

02. Designation for Dealer Plates. Plates issued to dealers shall bear the designation "DLR" and the sequential license plate number shall be a maximum of two (2) digits. (1-3-92)

a. If a dealer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number. (1-8-90)

b. The dealer number shall be a maximum of four (4) digits. No dealer number shall 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. (1-8-90)

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 shall apply: (1-3-92)

a. Authorized employees may operate vehicles displaying dealer plates only when operated in the furtherance of the dealer's business. The authorized employee must carry an identification card issued by the dealer. The identification card shall 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 shall 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. (1-3-92)

b. A manufacturer shall not display manufacturer plates on vehicle types other than those manufactured by the manufacturer. (1-8-90)

c. A new or used motorcycle or all-terrain vehicle dealer shall not display motorcycle dealer plates on other vehicle types or on a new motorcycle or all-terrain vehicle that the dealer is not enfranchised to sell. (4-2-08)

d. A new vehicle dealer shall not display new vehicle dealer plates on new vehicles that the dealer is not enfranchised to sell. (4-2-08)

e. A prospective purchaser shall not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. (4-2-08)

f. A dealer or manufacturer shall not display a dealer plate for purposes other than provided for by law or regulation. (4-2-08)

02. Penalties. In addition to the penalties for violation of plate use provided for in Section 49-236, Idaho Code, a dealer or manufacturer may have his license to do business in Idaho suspended for a period not less than fifteen (15) days nor more than thirty (30) days. (1-8-90)

152. VEHICLE DEALER LOANER PLATES.

01. Numbering. Plates shall be numbered from LAA001 to LZZ999. (1-03-93)

02. Surrender of Plates. If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There shall be no refund of fees. (1-8-90)

03. Vehicle Log. Dealerships shall maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log shall be available for inspection by any peace officer or agent of the Department and shall contain the: (1-8-90)

a. Vehicle Identification Number (VIN) or dealership stock number if such stock number can be traced to the vehicle's VIN; (1-8-90)

b. Date(s) the plates were displayed on a vehicle; (1-8-90)

c. Number printed on the plate displayed; (4-2-08)

d. Name of person authorized to use the plate; and (1-8-90)

e. Purpose for which vehicle was used. (1-8-90)

04. Identification Card. The Department shall provide an identification card, (registration) for each plate. The registration shall show the: (4-2-08)

a. Dealership name and address; (1-8-90)

b. Number printed on the plate; (4-2-08)

- c. Calendar year for which the registration is valid; (1-8-90)
- d. Dealer number; (1-8-90)
- e. Date of issue; and (1-8-90)
- f. A place for the dealer's signature. (1-8-90)

05. Letter of Authorization. Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired shall have in their possession a letter of authorization or a document showing both the user and dealership name. The document letter must be signed and dated by an authorized employee of the dealership. (1-3-92)

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 shall not exceed thirty (30) days. The dealer shall 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. (4-2-08)

07. User Fee. The dealer may charge the user a fee for vehicles held in stock for sale and provided to a customer of a dealership while the customer's vehicle is being repaired. (1-3-92)

08. Fees. The fees charged for dealer loaner plates shall be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and shall be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 shall be charged one-twelfth (1/12) the annual fee required 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. (1-3-92)

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. (4-2-08)

02. Numbering of Plates. Transporter plates shall be numbered from PA1 TO PZ9999. Transporter plates are required to be displayed on the rear of the trailer. (1-3-92)

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. (1-8-90)

04. Use of Plates. Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate must be registered within the appropriate gross vehicle weight category for the combined load. (4-2-08)

05. Possession of Registration. When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle shall carry the transporter registration in the towing vehicle at all times. (1-8-90)

06. Violations. Violations of this section include: (1-3-92)

- a. Display of a transporter plate on any vehicle not required to be registered under this Section; and (1-3-92)
- b. Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. (1-3-92)

07. Penalties: (1-8-90)

a. Violation of this section shall be a misdemeanor as provided for by Section 49-236, Idaho Code; (1-8-90)
and

b. The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. (1-8-90)

154. -- 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, shall be excluded. (4-2-08)

200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.

01. Year of Manufacture Plates. (1-3-92)

a. Owners of vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974, may apply for the renewal and use of previously canceled Idaho license plates which were originally issued to the same category of vehicle, where the year designation of the plate matches the year of manufacture of a motor vehicle. (4-2-08)

b. The license plate must be in serviceable condition as originally manufactured, i.e., must not 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 shall match the original colors as closely as possible. The quality of the repaint must equal or exceed the original quality. The plate cannot be a duplicate of a previously manufactured plate still in use. (4-2-08)

c. The application for use of the plate shall 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 shall be borne by the registrant. (1-3-92)

d. The license plate number sequence applied for cannot duplicate another existing "year of manufacture" license plate number already in use. (4-2-08)

e. "Classic" or "Old Timer" plates may be used in conjunction with this revived plate at the option of the registrant. (1-3-92)

02. Centennial License Plates. Personalized and regular number plates are available in the centennial format. (4-2-08)

03. Disabled Veteran License Plates. Disabled veteran license plates may, upon the registrant's request, display the international handicapped symbol to ensure reciprocal parking privileges in all states and provinces. (4-2-08)

201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.

01. Option to Apply. Members of the Idaho Legislature have the option of applying to the Department's Special Plates Unit for one (1) set of specially numbered license plates bearing the designation "HOUSE" or "SENATE." (1-3-92)

02. Numbering Assignment List. On or before June 15 each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. The Department will request that these lists be returned by September 1 or, in an election year, within fifteen (15) days after the election. (1-3-92)

03. Plate Availability. Upon receipt of the lists, the Department will ensure that a complete set of special legislative license plates is available for each legislator. (1-3-92)

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. (1-3-92)

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. (5-8-09)

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. (5-8-09)

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. (5-8-09)

d. Disability six inch by twelve inch (6" x 12") plates will display the international handicapped 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 handicapped symbol followed by up to four (4) letters, numbers, and spaces (no half spaces) in the personalized message. (5-8-09)

02. Issue of Personalized Plates. Personalized plates can be issued only 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: (1-3-92)

a. Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; (1-3-92)

b. Vehicles for which the designators "PRP" are required to be printed on the plate to identify the use; and (4-2-08)

c. Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. (4-2-08)

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 not be considered valid until stamped in by the Department. Telephone requests will not be accepted. (4-2-08)

04. Lack of Current Plates. When an applicant for personalized plates does not have current regular number plates: (1-3-92)

a. The Department may issue a thirty (30) day temporary registration to allow time for the billing process for personalized plates. The fee for each thirty (30) day temporary registration shall be as required by Section 49-523, Idaho Code. (4-2-08)

b. The Department may, upon payment of all required fees, issue a temporary registration document as provided in Section 012 of these rules. (4-2-08)

05. Credits. When personalized plates are issued before an applicant's current registration is expired,

credit will be given for unexpired registration fees only. (1-3-92)

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. New plates must be purchased every seven (7) years as provided in Section 49-443, Idaho Code. (4-2-08)

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. (1-3-92)

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: (1-3-92)

a. The combination of numbers and letters requested or combinations of same may not duplicate an existing combination in use. (1-3-92)

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; ethnical degradation; profanity; or refers to bodily functions, bodily fluids, or intimate body parts; 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. (5-8-09)

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. (4-2-08)

d. When a complaint is received from the public concerning an issued plate, the name of the caller will not be recorded nor, if known, revealed. (1-3-92)

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 shall 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. (4-2-08)

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. (4-2-08)

10. Recalled Plates. Personalized plates may be recalled by the Department for the following reasons: (1-3-92)

a. Error in manufacturing; or (1-3-92)

b. Clerical error. (1-3-92)

c. Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. (4-2-08)

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. (4-2-08)

12. Expired Plates. Personalized plates that are allowed to expire shall become immediately available for reissue to another applicant. There is no grace period. (1-3-92)

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.)

(4-2-08)

02. Certified Documentation. Eligibility shall 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.

(1-3-92)

204. -- 299. (RESERVED).

300. PROVISIONS FOR SAMPLE PLATES.

Sample plates are issued at twelve dollar (\$12) per plate on the "Scenic Idaho/Famous Potatoes" red, white, and blue plate as follows:

(1-3-92)

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")).

(1-3-92)

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).

(1-3-92)

a. The applicant completes an Application for Personalized Sample License Plate Form. (4-2-08)

b. The acceptability screening process used is the same as that used for regular personalized plate application. (1-3-92)

c. The Department shall adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations. (1-3-92)

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. (4-2-08)

03. Penalties. There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code). (1-3-92)

301. -- 999. (RESERVED).

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