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**IDAPA 39
TITLE 03
CHAPTER 81**

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

000. LEGAL AUTHORITY.

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

001. TITLE AND SCOPE.

01. Title. The title of this chapter shall be IDAPA 39.03.81, "Rules Governing Issuance of Temporary Permits In Lieu of Full Registration." (3-15-02)

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

002. WRITTEN INTERPRETATIONS.

The Idaho Transportation Department has no written interpretations of this chapter. (3-15-02)

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." (3-15-02)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-15-02)

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

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. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. The Port of Entry Section may be contacted during office hours by phone at 208-334-8688 or by fax at 208-334-8696. (3-15-02)

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. (3-15-02)

007. -- 009. (RESERVED).

010. DEFINITIONS.

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

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

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

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

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

06. Single Vehicle. Any tractor, truck tractor, or motor vehicle that is not combined with nor towing

one (1) or more trailers and/or semitrailers. Additionally, any unlicensed trailer or semitrailer may be deemed a single vehicle. (5-3-03)

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

011. -- 099. (RESERVED).

100. GENERAL PROVISIONS.

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

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

a. Owners or operators electing to use increased registered weight temporary permits must purchase permits prior to movement of vehicles on the public highways or roads. Failure to do so may result in enforcement action and may include mandatory full licensing and registration of such vehicle as required by Section 49-434, Idaho Code. The temporary permit shall be on a form prescribed by the department and prominently displayed on the windshield of the permitted vehicle. (3-15-02)

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

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

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

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

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

101. -- 199. (RESERVED).

200. PERMIT REQUIREMENTS.

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

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

- i. A copy of the Idaho title identifying the owner and vehicle; (3-15-02)
- ii. A copy of a valid lease agreement identifying the owner and the vehicle; (3-15-02)
- iii. A copy of an expired registration identifying the current owner and the vehicle; or (3-15-02)
- iv. A copy of a valid bill of sale transferring ownership of the vehicle. (3-15-02)
- b.** Nonresident vehicle proof of ownership may be documented by: (3-15-02)
 - i. A copy of a valid registration from a base jurisdiction, which qualifies for a permit, identifying the owner and the vehicle; (3-15-02)
 - ii. A copy of an expired lease agreement of an owner/operator not acting as a lessee which identifies the owner and the vehicle; (3-15-02)
 - iii. A copy of a current lease agreement, providing the base jurisdiction qualifies for a permit, which identifies the owner/operator; (3-15-02)
 - iv. A copy of a valid bill of sale transferring ownership of the vehicle; or (3-15-02)
 - v. A copy of the title identifying owner and vehicle. (3-15-02)

02. Weight of Vehicle. One hundred twenty (120) hour temporary permits in lieu of registration shall authorize the legal operation of the permitted vehicle to the maximum combined gross weight of a vehicle, not to exceed one hundred five thousand five hundred (105,500) pounds. (3-15-02)

03. Purchase of Multiple Permits. Residents or nonresidents who qualify for permits may purchase more than one (1) permit at a time to cover a time period not to exceed ninety (90) days. Additional time periods must be purchased in increments of one hundred twenty (120) hours or thirty (30) days and assessed the appropriate fees for each increment. (3-15-02)

04. Permit Denial. Any person who has been notified by mail at his last known business address as it appears on department records, that his registration has been suspended or revoked shall not be allowed to register in Idaho by securing a temporary permit. Any person, having been duly notified, who purchases a permit and subsequently operates a vehicle displaying such permit while his registration is suspended or revoked is in violation of this rule. Any person failing to provide proof of current registration shall not be allowed to temporarily permit for increased registered weight. Any person obtaining a temporary permit for increased registered weight without a current registration is in violation of this rule. (3-15-02)

05. Violation of Permit. If an owner or operator of a vehicle exceeds the operating weight authorized by temporary permit, such owner or operator may be issued a citation for violation of Section 49-438, Idaho Code. The violation shall be limited to the difference between the amount of the actual operating weight and the operating weight authorized by temporary permit. A single temporary permit in lieu of full registration may not be purchased when operating in combination with one (1) or more trailers or semitrailers. Example: Registered or unregistered trailer(s) operating in combination with an unregistered tractor or truck tractor will be required to purchase a temporary permit for a combination of vehicles. (5-3-03)

201. -- 299. (RESERVED).

300. REFUND OF FEES.

01. Cause for Refund. The department will grant refunds for permits sold by its vendors or by Ports of Entry, if the permit was sold as the result of an error made by the department or its vendors. (3-15-02)

02. Request for Refunds. Owners or operators shall address all requests for refunds of temporary

permit fees to the Idaho Transportation Department, Ports of Entry Section, P.O. Box 7129, Boise, Idaho 83707-1129.
(3-15-02)

03. Documentation for Refunds. The following documentation must accompany refund requests:
(6-4-90)

a. Both the yellow display copy and the white receipt copy of the permit; (6-4-90)

b. Proof that the vehicle held a valid Idaho registration at the time the permit was issued; and (6-4-90)

c. Proof that special fuel tax was paid at the pump or that the permitted vehicle was registered with the Idaho Tax Commission for quarterly payment of fuel tax at the time the permit was sold. (6-4-90)

04. Denial of Refund. If the certificate of registration of the permitted vehicle was mailed from Motor Carrier Services or the Division of Motor Vehicles to the correct address of the owner of the vehicle thirty (30) days or more prior to the purchase of the permit or if cause for refund was not provided, a request for refund shall be denied. (3-15-02)

301. -- 399. (RESERVED).

400. TEMPORARY PERMIT VENDOR PROGRAM.

01. Vendor Authorization. Vendors may be established to sell temporary permits provided the vendor meets state requirements. (3-15-02)

02. Payment to Vendor. Vendors shall be paid by the department at the rate of three dollars (\$3) per permit sold. Permits sold in multiple increments shall be deemed to be issued as one (1) permit for purposes of payment or remuneration to the vendor. (3-15-02)

401. -- 499. (RESERVED).

500. ADDITIONAL REQUIREMENTS.

Any overlegal permit required pursuant to Section 49-1004, Idaho Code, shall be in addition to those required by this rule. (3-15-02)

501. -- 999. (RESERVED).

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