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**IDAPA 39
TITLE 02
CHAPTER 22**

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. (3-29-10)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39, Title 02, Chapter 22, "Rules Governing Registration and Permit Fee Administration." (3-19-07)

02. Scope. This rule clarifies the procedures for administering registration and permit fees. (3-19-07)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (3-19-07)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-19-07)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-19-07)

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 PO Box 7129, Boise ID 83707-1129. (3-19-07)

02. Office Hours. Daily office hours are 7:30 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (3-29-10)

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8611 or by Fax at 208-334-2006. (3-29-10)

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. (3-19-07)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Combination of Vehicles. A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (11-20-91)

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. (3-19-07)

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. (3-19-07)

04. Non-Reducible Load. Defined in IDAPA 39.03.01, "Rules Governing Definitions," Subsection 010.31. (3-19-07)

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. (3-19-07)

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. (3-19-07)

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. (3-19-07)

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. (3-19-07)

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. (3-19-07)

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. (3-19-07)

11. Third-Party Checks. Checks payable to one entity, and endorsed over to another entity for payment. (3-19-07)

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 otherwise required to be paid to the department. Mileage for single trip overweight/oversize permits is determined and collected at the time of issuance. (3-19-07)

101. QUARTERLY ROAD USE FEE REPORTING.

01. Quarterly Reporting Forms Issued. The department will issue a quarterly report form to customers for each valid annual overweight/oversize permit issued to them. (3-19-07)

02. Use of Quarterly Reporting Form. The customer is required to report each quarter's information on the form provided before the due date specified on the quarterly report form. (3-19-07)

a. If the customer does not receive a quarterly report form, it is the customer's responsibility to notify the department allowing adequate time to submit the report before the due date. (3-19-07)

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. (3-19-07)

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. In the event the department is late mailing the quarterly report form the due date shall be adjusted by the department. (11-1-94)

03. Information Required on the Quarterly Report Form. Customers must report the following: (3-19-07)

a. The number of laden miles traveled on Idaho highways 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. (3-19-07)

b. Total amount due. (11-20-91)

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. (3-19-07)

d. Address change, if different from quarterly report form. (11-20-91)

e. Customer telephone number (3-19-07)

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. (3-19-07)

01. Requirements to Participate in Installment Payments. (3-19-07)

a. Participant must sign participation contract agreement. (3-19-07)

b. Only Full Fee and Idaho IRP registration fees are included in the payment plan. Other jurisdictions' IRP fees shall not be included. (3-19-07)

c. Only full annual registration fees shall be included in payment plan. Registrations for less than one full year shall not be included. (3-19-07)

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 due date stated on the fee summary sheet shall not be eligible for the installment payment option. (3-29-10)

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. (3-19-07)

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. (3-29-10)

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. (3-29-10)

h. The contract shall stipulate the payment periods and the installment confirmation letter shall stipulate the due dates of each subsequent payment. (3-19-07)

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. (3-29-10)

02. Billings, Payments and Due Dates of Installment Plan. (3-19-07)

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. (3-29-10)

b. Courtesy billing notices for the next installment payment due will be mailed approximately one (1)

month prior to the due date. (3-29-10)

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." (3-19-07)

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. (3-19-07)

e. Non receipt of the department's billing notice does not relieve the burden of the registrant to pay the installment amount by the due date. (3-19-07)

03. Failure to Pay Installment Payment by Due Date. (3-19-07)

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. (3-29-10)

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. (3-19-07)

c. Registrant shall pay installment amount portion that is due, plus assessed penalties and interest. (3-19-07)

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. (3-19-07)

05. Reinstatement Fee for Payment Plan Registration. (3-19-07)

a. A forty dollar (\$40) reinstatement fee shall be applied to all payment plan accounts that have been suspended. (3-19-07)

b. Registrant must pay quarterly payment portion, penalty and interest, if applicable, and reinstatement fee before suspension shall be cleared from account. (3-19-07)

06. Repetitive Suspensions Result. (3-29-10)

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; (3-29-10)

i. Customer has twelve (12) consecutive months of no suspensions related to the account starting from the month the account is cleared; and (3-29-10)

ii. Customer requests in writing to the department to participate in future installment payment plans and will be allowed to do so. (3-29-10)

201. -- 299. (RESERVED)

300. REFUNDS.

01. Fees Eligible for Refund. (3-19-07)

a. Commercial vehicle registration is eligible for refund when the criteria in Section 49-434, Idaho Code, are met. (3-19-07)

b. If account has been overpaid, and no other fees are owed to the department. (3-19-07)

c. Unexpired portion of Idaho based fees are refundable for: (3-19-07)

- i. A vehicle that has been sold or repossessed; (3-29-10)
- ii. A vehicle that has been damaged beyond repair; or (3-19-07)
- iii. A vehicle on which the lease has been terminated. (3-19-07)
- 02. Fees Not Eligible for Refunds:** (3-19-07)
 - a. Other jurisdiction's fees are not refundable by Idaho. (3-19-07)
 - b. Temporary trip permits are issued for specific vehicles only and fees are not refundable, nor transferable to other vehicles. (3-19-07)
- 03. Request for Refunds:** (3-19-07)
 - a. Registrant can make a request for refund of fees from the department. The refund request must include: (3-19-07)
 - i. Proof of sale or repossession of the vehicle; (3-29-10)
 - ii. Proof from the insurance company or law enforcement agency that the vehicle has been damaged beyond repair; or (3-19-07)
 - iii. Proof of lease termination from the leasing company. (3-19-07)
 - b. Request shall be subject to audit as provided in Idaho Code. (3-19-07)
 - c. All refund requests shall be reviewed by a Commercial Vehicle Services supervisor 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. (3-19-07)
 - d. Approval/disapproval shall be indicated by either signature, or electronic approval by means of the department's financial management system. (3-19-07)
- 301. -- 399. (RESERVED)**
- 400. DELINQUENT BILLS FOR NONPAYMENT OF OVERLEGAL PERMITS.**
 - 01. Payment Options.** A customer may request overlegal permits to be issued without prepayment. The customer may pay when he picks up the permit at the nearest Port-of-Entry or at the department. (3-19-07)
 - 02. Non-Payment of Overlegal Permits.** If the customer fails to pick up the permit, the permit fee is still due and not dependent upon receipt of the permit, unless customer has requested to cancel the permit prior to the valid date of the permit. (3-19-07)
 - a. The department will send a billing notice to the customer requesting payment. The amount is due within fifteen (15) days of the date of the notice. (3-19-07)
 - b. The customer's account will be suspended thirty (30) days after the original billing for non-payment of fees. If the account is suspended, it will be subject to a reinstatement fee of forty dollars (\$40). (3-19-07)
 - c. A demand notice will be sent out thirty (30) days after account has been suspended with all the fees due, including original permit amount, and reinstatement fee. (3-19-07)
 - d. The customer account will remain suspended if fees are uncollected. After sixty (60) days from the

date of suspension, the account will be assigned to a collection agency. (3-19-07)

401. -- 499. (RESERVED)

500. NON-PAYMENT OF FEE ACCOUNT BILLINGS FOR OVERLEGAL PERMITS.

01. Fee Accounts. A customer may opt to have a fee account with the department for convenience of ordering overlegal permits. A fee account may be established by the department for the customer provided that the customer: (3-19-07)

a. Is not suspended or in revoked status. (3-19-07)

b. Pays a cash bond or provides a surety bond. The bond shall be equal to the value of permits required for any consecutive three-month period, except that no bond shall be less than one thousand (\$1,000) dollars. (3-19-07)

02. Charging. A customer may "charge" over-legal permits to their fee account. (3-19-07)

03. Billing Notice. The department will send a billing notice to the customer on or about the first of each month. The amount is due within fifteen (15) days of the date of the notice. (3-19-07)

04. Suspension. The department will suspend customer account(s) thirty (30) days after the original billing notice date if the account is not paid in full. (3-19-07)

05. Second Notice. The department will send a demand letter for payment to the customer approximately thirty (30) days after the account has been suspended. (3-19-07)

06. Collections. When the department determines the amount is uncollectible, the account will be assigned to a collection agency. (3-19-07)

501. -- 599. (RESERVED)

600. INSUFFICIENT FUNDS. Insufficient Funds will be indicated by the abbreviation ISF. (3-19-07)

01. Payment With Insufficient Fund Check. If a customer pays a fee prescribed by law, and the check is returned to the department as ISF, the transaction will be cancelled because the fee has not been paid. (3-19-07)

02. Pay the Original Transaction Fees. The department will attempt to contact the customer, and allow him to pay the original transaction fees, along with the twenty dollar (\$20) fee. (3-19-07)

03. Collection. The department will assign all ISF checks including a twenty dollar (\$20) fee to a credit agency for collection, (3-19-07)

04. 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. (3-19-07)

05. Department Reserves the Right to Not Accept Checks. 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. (3-19-07)

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 600.05 of this rule. (3-19-07)

602. CREDIT CARD PAYMENTS.

The department will accept only Visa or Mastercard payments that do not exceed ten thousand (\$10,000) dollars for any fees due to or purchases from the department. (3-19-07)

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: (3-19-07)

01. Failure to Comply. The registrant fails to comply with a billing letter requesting payment of fees and penalties. (3-19-07)

02. Non-Filing by the Registrant. The registrant does not file quarterly reports or make installment payments to the department. (3-19-07)

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. (3-19-07)

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. (3-19-07)

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 dollars (\$40) reinstatement fee to be reinstated. (3-19-07)

703. -- 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. (3-19-07)

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 suspended or revoked registrations are not eligible to purchase trip permits. (3-19-07)

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. (3-19-07)

02. Delivery of Appeal. The appeal must be either hand delivered or mailed to Commercial Vehicle Services Manager, Idaho Transportation Department, P.O. Box 7129, Boise, Idaho 83707-1129. (3-19-07)

03. Delivery of Decision. A copy of the final decision in response to the request will be sent to the registrant. (3-19-07)

901. -- 999. (RESERVED)

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