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**IDAPA 26
TITLE 01
CHAPTER 23**

26.01.23 – RULES GOVERNING FILMING WITHIN IDAHO STATE PARKS

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Parks and Recreation Board pursuant to Section 67-5201, et seq., Idaho Code, and Sections 67-4210 and 67-4223, Idaho Code, in order to establish procedures for the issuance of permits for Commercial Filming within state parks. (4-11-19)

001. -- 002. (RESERVED)

003. APPEALS.

Any requester who believes he has been adversely affected by the decision of the director may appeal that decision as outlined under IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board." (7-1-93)

004. -- 009. (RESERVED)

010. DEFINITIONS.

Certain terminology and phrases used in these rules shall have the following meanings unless a different meaning is expressly provided or unless the context clearly indicates otherwise. (4-11-19)

01. Applicant. An individual or organization who submits an application to the Department for Commercial Filming within state parks, or within lands managed by the Department. (4-11-19)

02. Commercial Filming. Unless as defined in Exempt Filming, all recording of moving images by use of film, magnetic, digital media or other recording media, for the purpose of generating revenue. Or the recording of still or moving images that makes use of sets, props or models, or requires on-site management to protect park resources or minimize visitor conflicts. (4-11-19)

03. Department. The Idaho Department of Parks and Recreation. (7-1-93)

04. Director. The director of the Idaho Department of Parks and Recreation or the designee of the director. (7-1-93)

05. Exempt Filming. All recording of moving images by use of film, magnetic, digital media or other recording media, not for the purpose of generating revenue, or still photography which does not require the use of sets, props or models, or require on-site management to protect park resources or minimize visitor conflicts. Filming for news purposes is considered Exempt Filming. (4-11-19)

06. Film and Filming. The recording of moving or still images by use of film, magnetic, digital media or other recording media. (4-11-19)

07. Filmmaker. An applicant who has received approval for Commercial Filming within state parks, or lands managed by the Idaho Department of Parks and Recreation through the issuance of a filming permit by the director. (4-11-19)

011. -- 049. (RESERVED)

050. FILMING WITHIN STATE PARKS.

The Department recognizes the desire of individuals and organizations to film within the state parks, or within lands managed by the Department. Individuals and organizations may film within state parks without a filming permit, when the filming purpose is consistent with the definition of Exempt Filming. Individuals and organizations that desire to conduct Commercial Filming within state parks, may do so only after acquiring a filming permit, in accordance with the filming permit requirements of Section 100 of this chapter. (4-11-19)

051. -- 099. (RESERVED)

100. FILMING PERMIT APPLICATION, FEE, AND CONDITIONS.

Persons or organizations that desire to conduct Commercial Filming within a state park, or within lands managed by the Department, shall complete and submit a film permit application, on forms provided by the director, to the Park Manager of the park, or parks, in which the filming will take place. (4-11-19)

01. Application Fee. Each application shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100) which shall be in the form of a check or money order payable to the Idaho Department of Parks and Recreation. (7-1-93)

02. Conditions. All applicants shall agree to film in a manner which is compatible with the activities of park visitors, does not damage facilities or resources, does not disrupt wildlife, does not imply the endorsement of the Department for the content of the film, acknowledges the cooperation of the Department, and conforms with all of the applicable statutes, rules, policies, and procedures of the Department and the instructions of the department staff who supervise the filming. (7-1-93)

101. -- 149. (RESERVED)

150. APPROVAL OR DISAPPROVAL OF FILM PERMIT APPLICATION.

The director shall approve or disapprove a film permit application and establish the filming locations, time periods, and conditions for an approved application. The director may require an approved applicant to submit the following to the Department prior to the issuance of a film permit: (7-1-93)

01. Fees. Fees payable to the Idaho Department of Parks and Recreation in the form of a check or money order in an amount, as determined by the director, will at a minimum, cover the charges for the facilities to be used by a filmmaker and any staff costs to be incurred by the Department due to the filming that are beyond the regular responsibilities of the staff of the Department. (4-11-19)

02. Security. A bond or damage deposit payable to the Idaho Department of Parks and Recreation in an amount, as determined by the director, which is sufficient to cover any damages to park resources or facilities which may occur during the filming; and (7-1-93)

03. Proof of Insurance. Certification that an approved applicant has liability insurance in an amount, as determined by the director, which is sufficient to cover any liability costs associated with the actions of a filmmaker during filming, and that the State of Idaho and the Idaho Department of Parks and Recreation be named as insured parties. (7-1-93)

151. -- 199. (RESERVED)

200. ISSUANCE AND REVOCATION OF FILM PERMIT.

01. Issuance. The director or designee of the director, shall issue a film permit to an approved applicant after the applicant has submitted to the Department any fees, bond or damage deposit, and insurance certification established pursuant to Section 150 of this chapter. (7-1-93)

02. Revocation. If a filmmaker does not comply with all of the applicable statutes, rules, policies, and procedures of the Department and the instructions of the department staff who supervise the filming, the director may revoke a film permit. (7-1-93)

201. -- 249. (RESERVED)

250. ADDITIONAL FEES AND RELEASE OF BOND OR DAMAGE DEPOSIT.

After completion of filming the director shall determine if any additional fees are to be assessed a filmmaker and whether or not any bond or damage deposit submitted to the Department by a filmmaker may be released. (7-1-93)

01. Release of Security. If the director determines that no additional fees are to be assessed and that a

bond or damage deposit is to be released, then a bond or damage deposit shall be returned to a filmmaker. (7-1-93)

02. Notice of Deficiency. If the director determines that additional fees are to be assessed or that a bond or damage deposit is not to be released, then the filmmaker shall be so informed. (7-1-93)

03. Payment of Deficiency. If a filmmaker pays additional fees in the form of a check or money order payable to the Idaho Department of Parks and Recreation which is submitted to the Department within thirty (30) days of receipt of the notice to pay the fees, then the director shall return a bond or damage deposit to a filmmaker. (7-1-93)

04. Claim on Security. If a filmmaker does not pay additional fees within the time period and in accordance with the procedures set forth above, then the director or designee of the director shall exercise the rights of the Department under a bond or damage deposit to pay the additional fees and so inform a filmmaker. (7-1-93)

251. -- 299. (RESERVED)

300. WAIVER OF FEES.

Application fees will be waived for filming done by nonprofit organizations. The director or designee of the director may also waive fees for filming done for a nonprofit organization by a commercial production company. If a commercial production is to occur during regular park hours, will take fewer than eight (8) hours on location, and will require minimal supervision from department staff, the director may waive fees. All other conditions shall be met. (7-1-93)

301. -- 349. (RESERVED)

350. COPIES OF FINISHED PRODUCTIONS.

Applications shall furnish an archive copy of the finished production to the Department. Public performance and reproduction rights will be retained by the owner of the material, and the Department reserves no rights to editorial control. Copies can be in any form that reasonably records that part of a production photographed on or from property administered by the Department. (7-1-93)

351. -- 999. (RESERVED)

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