

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 75

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO RECREATIONAL ACTIVITIES; REPEALING SECTION 67-7124, IDAHO CODE, RELATING TO A NONRESIDENT CERTIFICATE EXEMPTION; AMENDING CHAPTER 71, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7124, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING NONRESIDENT OFF-HIGHWAY VEHICLE USER CERTIFICATES; AND AMENDING SECTION 67-7126, IDAHO CODE, TO PROVIDE FOR USER CERTIFICATES AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-7124, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 71, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-7124, Idaho Code, and to read as follows:

67-7124. OFF-HIGHWAY VEHICLES -- NONRESIDENT -- OFF-HIGHWAY VEHICLE USER CERTIFICATE REQUIRED. (1) As of January 1, 2020, before operating within Idaho, any nonresident owner or applicant of a noncommercial off-highway vehicle shall be required to obtain a nonresident off-highway vehicle (OHV) user certificate. A fee of twelve dollars (\$12.00) shall be imposed for the issuance of a nonresident OHV user certificate. The validation sticker shall be displayed in the same manner as provided in section 67-7122, Idaho Code. Nonresident OHV user certificates shall be valid January 1 through December 31. Issuance and administration of nonresident OHV user certificates shall be conducted in the same manner as provided in section 67-7122, Idaho Code, for numbering off-highway vehicles.

(2) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.

(3) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code.

SECTION 3. That Section 67-7126, Idaho Code, be, and the same is hereby amended to read as follows:

67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The twelve dollar (\$12.00) fee collected for off-highway vehicle number certificates and user certificates under the provisions of section 67-7124, Idaho Code, shall be allocated as follows:

(1) Vendors shall charge and retain one dollar and fifty cents (\$1.50) for a handling fee;

(2) Up to fifteen percent (15%) shall be allotted to the department for administration and for the production of number certificates and validation

1 stickers, which moneys shall be placed in the motorbike recreation account.
2 The department shall annually publish a report specifically identifying the
3 uses of account moneys;

4 (3) One dollar (\$1.00) shall be deposited into the off-highway vehicle
5 law enforcement fund. Moneys in said fund shall be paid and used as follows:

6 (a) Sheriffs of counties with a current or an actively developing off-
7 highway vehicle law enforcement program recognized by the department
8 shall receive moneys from the fund based upon a formula as provided in
9 rule promulgated by the board; and

10 (b) Moneys from the fund shall be used only for off-highway-related law
11 enforcement activities; and

12 (4) One dollar (\$1.00) shall be allocated to the Idaho department of
13 lands to provide off-highway vehicle opportunities and to repair damage di-
14 rectly related to off-highway vehicle use. The department of lands shall an-
15 nually publish a report specifically identifying the uses of moneys allo-
16 cated pursuant to this subsection; and

17 (5) The remaining funds shall be transmitted to the state treasurer's
18 office for deposit to the credit of the motorbike recreation account, all
19 such moneys to be transmitted to the state treasurer on or before the tenth
20 day of each month.

21 Collection of fees for off-highway vehicle number certificates shall
22 not impose any additional liability on the state of Idaho or any of its po-
23 litical subdivisions or upon the employees of the state and of its political
24 subdivisions, and those entities and persons shall retain the limitations of
25 liability provided by section 36-1604, Idaho Code, regardless of the use of
26 such fees.