

IN THE SENATE

SENATE BILL NO. 1179

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO TRANSPORTATION AND VEHICLES; AMENDING SECTION 40-317, IDAHO  
2 CODE, TO ESTABLISH PROVISIONS RELATING TO AGREEMENTS WITH AUTHORIZED  
3 REPRESENTATIVES OF CONTIGUOUS STATES FOR CERTAIN PURPOSES; AND AMEND-  
4 ING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
5 49-244, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTAIN INDIAN  
6 TRIBAL MEMBERS FOR PURPOSES OF VEHICLE REGISTRATION AND TITLING.  
7

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

9 SECTION 1. That Section 40-317, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 40-317. POWERS AND DUTIES -- COOPERATIVE EFFORTS. The board may:

12 (1) Cooperate with, and receive and expend aid and donations from the  
13 federal government for transportation purposes, and receive and expend do-  
14 nations from other sources for the construction and improvement of any state  
15 highway or transportation project or any project on the federal-aid primary  
16 or secondary systems or on the interstate system, including extensions of  
17 them within urban areas; and, when authorized or directed by any act of con-  
18 gress or any rule or regulation of any agency of the federal government, ex-  
19 pend funds donated or granted to the state of Idaho by the federal government  
20 for that purpose, upon highways and bridges not in the state highway system.

21 (2) Contract jointly with counties, cities, and highway districts for  
22 the improvement and construction of state highways.

23 (3) Cooperate with the federal government, counties, highway dis-  
24 tricts, and cities for construction, improvement, and maintenance of  
25 secondary or feeder highways not in the state highway system.

26 (4) Cooperate financially or otherwise with any other state or any  
27 county or city of any other state, or with any foreign country or any province  
28 or district of any foreign country, or with the government of the United  
29 States or its agencies, or private agencies or persons, for the erecting,  
30 construction, reconstructing, and maintaining of any bridge, trestle, or  
31 other structure for the continuation or connection of any state highway  
32 across any stream, body of water, gulch, navigable water, swamp or other  
33 topographical formation requiring any such structure and forming a boundary  
34 between the state of Idaho and any other state or foreign country, and for the  
35 purchase or condemnation or other acquisition of right-of-way.

36 (5) Serve as the state's representative in the designation of forest  
37 highways within the state.

38 (6) Negotiate and enter into bilateral agreements with designated rep-  
39 resentatives of contiguous states. Agreements may provide for the manning  
40 and operation of jointly occupied ports of entry, for the collection of  
41 highway user fees, registration fees and taxes which may be required by law,  
42 rule and regulation. Agreements may further provide for the collection of

1 these fees and taxes by either party state at jointly occupied ports of entry  
2 before authorization is given for vehicles to legally operate within that  
3 state or jurisdiction, and for the enforcement of safety, size and weight  
4 laws, rules or regulations of the respective states. As to the provisions  
5 of title 63, chapter 30, Idaho Code, the state tax commission is hereby au-  
6 thorized to enter into reciprocal agreements with other states concerning  
7 the exemption of, or taxation of, persons employed by the state of Idaho or of  
8 another state in jointly operated ports of entry. As used in this section,  
9 "jointly operated ports of entry" shall mean any state operated facility  
10 located within or without this state that employs persons that are direct  
11 employees of the state of Idaho and of another state which operates for the  
12 mutual benefit of both states.

13 (7) Pursuant to the authority and process defined in sections 67-2328  
14 and 67-2333, Idaho Code, enter into agreements with authorized represen-  
15 tatives of contiguous states for the purpose of establishing reciprocal  
16 procedures allowing the Idaho transportation department and contiguous  
17 state motor vehicle departments to collect fees for and to issue driver's  
18 licenses and identification cards to nonresident individuals in the same  
19 manner as would be issued in the individual's home state, provided that no  
20 Idaho driver's license or Idaho identification card may be issued to a non-  
21 resident of the state of Idaho and that any reciprocal agreement under this  
22 provision shall otherwise be consistent with the driver license compact,  
23 chapter 20, title 49, Idaho Code.

24 (8) Enter into all contracts and agreements with the United States gov-  
25 ernment in the name of the state of Idaho, relating to the survey, construc-  
26 tion and maintenance of roads, under the provisions of any act of congress  
27 including county and city highways, and submit a program of construction and  
28 maintenance as may be required by the United States government or any of its  
29 agencies, and do all other things necessary to cooperate and complete those  
30 programs.

31 SECTION 2. That Chapter 2, Title 49, Idaho Code, be, and the same is  
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
33 ignated as Section 49-244, Idaho Code, and to read as follows:

34 49-244. IDAHO RESIDENCY AND DOMICILE REQUIREMENTS -- INDIAN RESERVA-  
35 TIONS. Notwithstanding the residency and domicile requirements provided for  
36 in chapters 1, 4 and 5 of this title, enrolled tribal members, residing and  
37 domiciled within the boundaries of a federally recognized Indian reserva-  
38 tion, which boundaries are located in whole or in part within this state,  
39 shall be considered Idaho residents for purposes of vehicle registration and  
40 vehicle titling in Idaho.