OFF-HIGHWAY VEHICLE

LAW ENFORCEMENT

INFORMATION

2020

This publication was developed by the Idaho Department of Parks and Recreation, Motorized Trails Program, in cooperation with the Idaho Sheriff's Association, United States Forest Service, and the Bureau of Land Management in an effort to promote consistent application of Off-Highway Vehicle laws throughout the State of Idaho. The contents of this booklet are summaries of law and are not intended to be construed as complete or precise interpretations. For complete definitions, refer to the abridged or unabridged codes.

Plates & Stickers

IDPR Off-highway Vehicle

IDPR Nonresident Off-highway Vehicle

ITD Restricted Vehicle License Plate

ITD Motor Vehicle License Plate

IDPR Resident Snowmobile

IDPR Non-Resident Snowmobile

IDPR Rental Snowmobile

Placement - Placement of the IDPR Certificate of Number sticker:

Motorbike - Riders right fork.

Snowmobile - Right and left side of the cowling.

ATV, UTV, and SOHV upon the rear fender.

ATV,UTV, or Motorbike sticker placement on restricted vehcile license plate.

Definitions

All Terrain Vehicle - (ATV) means any recreational motor vehicle designed for or capable of traveling off developed roadways and highways with three (3) or more tires and fifty-five (55) inches or less in width, with a wheelbase of sixty-one (61) inches or less, and with handlebar steering and a seat designed to be straddled by the operator.

Closed Course Competition Event (Federal Areas/EPA Definition) - 40 CFR 205.151(11) means any organized competition event covering an enclosed, repeated or confined route intended for easy viewing of the entire route by all spectators. Such events include short track, dirt track, drag race, speedway, hillclimb, or ice race.

Department or IDPR - means the Idaho Department of Parks and Recreation.

Dual-Sport - A motorcycle designated for use on and off-highway that has a highway motorcycle license plate. Conversion of an off-highway motorbike to dual-sport highway license is legal in Idaho.

Highway - means roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public.

Motorbike - means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractors, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes

or dual purpose motorcycles.

Motorcycle - means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground that meets the federal motor vehicle safety standards as originally designed, and includes a converted motorbike, but does not include a motor-driven cycle, a motorbike, a tractor, or a moped.

OHV - means an all-terrain vehicle, motorbike, specialty off-highway vehicle, or utility type vehicle as defined in this section.

Operator - means any person who is in physical control of a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle, or snowmobile.

Snowmobile - means any self-propelled vehicle under two thousand (2,000) pounds unladened gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

Spark Arrester - is a device constructed of non-flammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine which is qualified and rated by the United States Forest Service.

Specialty off-highway vehicle - means any vehicle manufactured, designed or constructed

exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility type vehicle or motorbike as defined in this section.

Utility type vehicle - (UTV) means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four (4) or more tires, maximum width less than eighty (80) inches, and having a wheelbase of one hundred ten (110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or vehicles otherwise registered under title 49, Idaho Code. A "utility type vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

OHV Operation - Off-highway

These are the requirements for motorbikes, ATVs, UTVs, and Specialty Off-highway vehicles operating off highway on a trail, open riding area, or motocross track.

- Valid IDPR OHV Certificate of Number sticker for resident and nonresident. IC 67-7122
- A DOT approved helmet under age 18. IC 49-666
- Muffler and U.S. Forest Service approved spark arrestor. The muffler must pass 96 dB at the half-meter test, SAE J1287. IC 67-7125

OHVs used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2) do not require an OHV certificate of number sticker or restricted vehicle license plate. For any uses other than agricultural or snow-plowing on private land the OHV must be numbered or licensed for that purpose.

OHV Operation - State and Federal Roads

This includes Idaho Department of Lands, Bureau of Land Management, U. S. Forest Service, Idaho Department of Parks and Recreation, Idaho Department of Fish and Game, and privately owned roads open to OHV use.

- Valid driver's license (except under the age of 16 when supervised by a licensed adult operator). * IC 49-301
- Any unlicensed operators under the age of sixteen (16) years, on national forest roads must have completed an OHV safety course approved by IDPR.** IC 49-302 (11)a
- Liability insurance or alternative insurance. IC 49-1223 or IC 49-1232
- Valid IDPR OHV Certificate of Number sticker for resident and nonresident. IC 67-7122
- A DOT approved helmet under age 18. IC 49-666
- Muffler and U.S. Forest Service approved spark arrestor. The muffler must pass 96 dB at the half-meter test, SAE J1287. IC 67-7125

OHV Operation - State and Federal Roads

** Any person under the age of sixteen (16) years when operating an ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or state land where the road is not part of the highway system of the state of Idaho or local road management authority and is supervised by a licensed adult operator eighteen (18) years of age or older.*

For purposes of this subsection, "supervised" means that the supervising adult must be in a position, on another ATV, UTV, specialty off-highway vehicle or motorbike, or if on the ground, within three hundred (300) feet of the unlicensed operator, to provide close support, assistance or direction to the unlicensed operator.

***Currently, IDPR recognizes OHV education certificates issued from IDPR or any "state issued" certification card. The state card must possess the state or state department logo on the certificate.*

Snowmobiles displaying a current IDPR Certificate of Number are exempt from displaying a Park-N-Ski permit in their tow-vehicle when parked in a Park-N-Ski lot

OHV Operation - City, County, or Highway District Roads

The following requirements must be met on city, county, and highway district roads.

- Valid restricted vehicle license plate. IC 49-402(4)
- Valid IDPR OHV Certificate of Number sticker affixed to restricted vehicle license plate. IC 67-7122
- Valid driver's license. IC 49-301
- Liability insurance or alternative insurance. IC 49-1223 or IC 49-1232
- A DOT approved helmet under age 18. IC 49-666
- Muffler and U.S. Forest Service approved spark arrestor. The muffler must pass 96 dB at the half-meter test, SAE J1287. IC 67-7125

49-426 (4) ATVs, UTVs, SOHVs, and motorbikes shall be permitted to travel upon and cross that portion of any non-full access-controlled state highway with speed limits of 45 and under extending to within 1 mile of any municipality, unless closed.

Idaho Vehicle Code Applicable to OHVs Title 49

- **49-114 (10)** - Motorbikes converted for highway use.
- **49-301** - Valid driver's license.
- **49-302 (11)a** - OHV Education requirement.
- **49-304** - Motorcycle endorsement.
- **49-402** - Valid Registration as a motor vehicle.
- **49-426** - Exemption from operating fees.
- **49-428** - Display a valid license plate.
- **49-501** - Titling.
- **49-666** - Helmet under age 18. (DOT standard)
- **49-1229** - Valid liability insurance.
- **49-1232** - Carry proof of liability insurance in vehicle.

Idaho Code Recreational Activities Title 67

- **67-7101** - Definitions.
- **67-7102** - Requirement that Snowmobile must be numbered.
- **67-7104** - Nonresident snowmobile user certificate required.
- **67-7105** - Government ownership.
- **67-7109** - Prohibition against highway operation - Exemptions.
- **67-7110** - Restrictions, Snowmobile. (Breaks, muffler, lights, neg. ops)
- **67-7111** - Accident resulting in personal injuries or property damage. (Snowmobile - $200.00)
- **67-7112** - Groomed Snowmobile Trails.(ATV and snowmobiles over one thousand (1,000) pounds).
- **67-7113** - Property Damage, snowmobile.
- **67-7114** - Operation under the influence of alcohol, drugs or any other intoxicating substance.
- **67-7115** - Winter Recreational Parking Permit - Snowmobile Exemption.
- **67-7122** - Idaho Residents - Required to obtain an IDPR OHV Certificate of Number.
- **67-7124** - Nonresident - Required to obtain an IDPR OHV Certificate of Number.
- **67-7125** - Noise abatement 96bd at a half-meter.
- **67-7129** - Penalties. Violation of 67-71 is an infraction and 67-7102 through 67-7112, 67-7122, 67-7125 are a fixed penalty $81.50, 67-7109 is a fixed penalty $156.50

Sound Limits IC 67-7125

Muffler and U.S. Forest Service approved spark arrestor.

Your muffler must pass 96 dB at the half-meter test, SAE J-1287.

Off-highway vehicle	Sound Limit
Motorbike	96 dBA
All-Terrain Vehicle	96 dBA
Utility-Type Vehicle	96 dBA
Specialty off-highway vehicle	96 dBA

* Competition off-highway vehicles are those that are not manufactured to comply with EPA noise. For information on the designation of the OHV, refer to the owner's manual or contact the local dealership.

Testing is done using procedures established by the Society of Automotive Engineers under Standard J-1287. For further information regarding the SAE Standard J-1287 testing procedure including purchase of the complete document, go to: http://www.sae.org/servlets/productDetail?PROD_TYP=STD&PROD_CD=J1287_199807

Operation

- **18-705** - Obstruct and delay police officer.
- **18-708** - Trespassing.
- **18-7001** - Malicious injury to property.
- **18-8007** - Leaving the scene of injury or death accident.
- **36-1508** - Shoot firearm from roadway.
- **49-426-4** - Operation on state highway with a speed limit posted forty-five (45) miles per hour or less.
- **49-456-1** - Operating unregistered vehicle.
- **49-613** - Littering.
- **49-654-1** - Speed too fast for conditions.
- **49-801** - Fail to obey traffic control device (signs).
- **49-1301** - Leaving the scene property damage accident.
- **49-1305** - Leaving the scene injury accident.
- **49-1401** - Reckless driving.

Specific to U.S. Forest Service (for use by Federal officers only)

TITLE 36 CODE OF FEDERAL REGULATIONS

A violation of these prohibitions is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, or imprisonment for not more than 6 months, or both.

PROPERTY

251.50(a) Group use, event, or commercial use without special use permit.

261.9(a) Damaging any natural feature or other property of the United States.

261.9(c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.

OCCUPANCY AND USE

261.10(a) Construct/maintain any road/trail w/o special use authorization.

261.10(f) Placing a vehicle or other object in such a manner that is an impediment or hazard to the safety or convenience of any person.

261.58(bb) Open Alcoholic Container (Reg. Order #98-1) and minor in possession.

261.58(g) Parking a vehicle in violation of posting when provided by Order.

NATIONAL FOREST SYSTEM ROADS/TRAILS

261.12(c) Damaging/leaving damage on any road/trail.

261.12(d) Blocking/restricting use of road/trail.

MOTOR VEHICLE USE

261.13 Possess/operate motor vehicle off designated route after identified on a "motor vehicle use map".

USE BY OVER-SNOW VEHICLES

261.14 Possess/operate over-snow vehicle in violation or prohibition (after identified on an "over-snow motor vehicle use map") of 36 CFR 212, subpart C.

USE OF VEHICLES <u>OFF ROAD</u>

261.15(a) Without valid license as required by state law.

261.15(b) Without an operable braking system.

261.15(c) Operating in hours of darkness w/o lights.

261.15(d) Violation of any Federal (USFS or EPA) or State noise standards.

261.15(e) While under the influence of alcohol or drugs.

261.15(f) Creating excessive or unusual smoke.

USE OF VEHICLES OFF ROAD

261.15(g) Reckless driving.

261.15(h) Damaging/disturbing land/wildlife/vegetation.

261.15(i) In violation of state law established for vehicles used off-roads.

261.56 Use of vehicles off National Forest System Roads.

DEVELOPED RECREATION SITES

261.16(m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.

261.16(n) Operating a bicycle, motorbike, or motor-cycle on a trail unless designated for this use

261.16(o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.

NATIONAL FOREST WILDERNESS

261.18(a) Possessing/using a motor vehicle without authorization.

FIRE RESTRICTIONS (when provided by an order)

261.52(j) Operating engine without properly maintained and USFS qualified spark arrester.

261.52(h) Operating an internal combustion engine. Limits OHV use when provided by an order.

NATIONAL FOREST SYSTEM ROADS (when provided by an order)

261.54(a)/(b) Operating a vehicle on any road posted as closed to traffic or restricted to use by traffic.

261.54(d) Operating or possessing a motor vehicle on National Forest Systems roads in violation of state law established for vehicles used on roads.

261.54(f) Reckless operation of vehicle.

WILDERNESS RESTRICTION (when provided by an order)

261.57(h) Possessing/using vehicle in wilderness.

Specific to BLM Authority (for use by Federal officers only)

43 CODE OF FEDERAL REGULATIONS

§ 8340.0–7 Penalties - Any person who violates or fails to comply with the regulations of subparts 8341 and 8343 is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1,000 or imprisonment for not longer than 12 months, or both.

§ 8340.0–8 Applicability - The regulations in this part apply to all public lands, roads, and trails under administration of the Bureau.

§ 8341.1 Regulations governing use.

(a) The operation of off-road vehicles is permitted on those areas and trails designated as open to off-road vehicle use.

(b) Any person operating an off-road vehicle on those areas and trails designated as limited shall conform to all terms and conditions of the applicable designation orders.

(c) The operation of off-road vehicles is prohibited on those areas and trails closed to off-road vehicle use.
(d) It is prohibited to operate an off-road vehicle in violation of State laws and regulations relating to use, standards, registration, operation, and inspection of off-road vehicles. To the extent that State laws and regulations do not exist or are less stringent than the regulations in this part, the regulations in this part are minimum standards and are controlling.
(e) No person may operate an off-road vehicle on public lands without a valid State operator's license or learner's permit where required by State or Federal law.
(f) No person shall operate an offroad vehicle on public lands:

1. In a reckless, careless, or negligent manner;
2. In excess of established speed limits;
3. While under the influence of alcohol, narcotics, or dangerous drugs;
4. In a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural,or vegetative resources or other authorized uses of the public lands; and

5. During night hours, from a half-hour after sunset to a half-hour before sunrise, without lighted headlights and taillights.

(g) Drivers of off-road vehicles shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animaldrawn vehicles.

(h) Any person who operates an offroad vehicle on public lands must comply with the regulations in this part, and in § 8341.2 as applicable, while operating such vehicle on public lands.

§ 8341.2 Special rules - (a) Notwithstanding the consultation provisions in § 8342.2(a), where the authorized officer determines that offroad vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated
and measures implemented to prevent recurrence.
Such closures will not prevent designation in accordance with procedures

in subpart 8342 of this part, but these lands shall not be opened to the type(s) of off-road vehicle to which it was closed unless the authorized officer determines that the adverse effects have been eliminated and measures implemented to prevent recurrence.

(b) Each State director is authorized to close portions of the public lands to use by off-road vehicles, except those areas or trails which are suitable and specifically designated as open to such use pursuant to subpart 8342 of this part.

Subpart 8343—Vehicle Operations

§ 8343.1 Standards - (a) No off-road vehicle may be operated on public lands unless equipped with brakes in good working condition.

(b) No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise exceeding Environmental Protection Agency standards, when established, may be operated on public lands.

(c) By posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau offices, the authorized officer may indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrester. The spark arrester must meet

either the U.S. Department of Agriculture—Forest Service Standard 5100–1a, or the 80-percent efficiency level standard when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350. These standards include, among others, the requirements that:

(1) The spark arrester shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and

(2) the spark arrester has been warranted by its manufacturer as meeting this efficiency requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation. A spark arrester is not required when an off-road vehicle is being operated in an area which has 3 or more inches of snow on the ground.

(d) Vehicles operating during night hours, from a half-hour after sunset to a half-hour before sunrise, shall comply with the following:

(1) Headlights shall be of sufficient power to illuminate an object at 300 feet at night under normal, clear atmospheric conditions. Two or threewheeled vehicles or single-tracked vehicles will have a minimum of one headlight. Vehicles having four or more wheels, or more than a single-track will have a

minimum of two headlights, except double tracked snowmachines with a maximum capacity of two people may have only one headlight.

(2) Red taillights, capable of being seen at a distance of 500 feet from the rear at night under normal, clear atmospheric conditions, are required on vehicles in the same numbers as headlights.

Subpart 8344—Permits

§ 8344.1 Permit requirements - Permits are required for certain types of ORV use and shall be issued in accordance with the special recreation permit procedures under subpart 8372 of this chapter.

Operation

8341.1(b) ORV operations off designated areas and trails.

8341.1(c) ORV operation in closed area.

8341.1(d) Assimilation of Idaho Vehicle Code applicable to public lands.

8341.1(f) 1) Reckless/negligent operation.
2) Excess of established speed limit.
3) Under influence of drugs or alcohol.
4) Causing environmental damage.
5) During night hours without headlights and taillights.

8341.1(g) OHV yield right-of-way.

8343.1(a) Brakes required.

8343.1(b) Muffler required.

8343.1(c) Spark arrester required where posted.

8343.1(d) Headlight & taillight standards for nighttime operation.

8351.11(a) Motorized vehicle on a national scenic trail.

8364.1(d) Violation of closure or restriction order.

8365.1-1(b)(3) Drain or dump refuse or waste from trailer or other vehicle.
8365.1-2(b) Unattended personal belongings longer than 10 days unless authorized.
8365.1-3 Speed in excess of posted speed limit or negligent manner.
8365.1-4(a)(1) Making unreasonable noise.
8365.1-4(a)(2) Creating a hazard or nuisance.
8365.1-5(a)(1) Natural feature destruction.
8365.1-6 Supplementary Rules.
8365.2-3(a) Failure to pay any required fee.

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