

IDAHO PARK AND RECREATION BOARD TELECONFERENCE MEETING

“To improve the quality of life in Idaho through outdoor recreation and resource stewardship.”

September 13, 2013

Originating at IDPR Headquarters
Conference Dial-in Number: (424) 203-8400
208-514-2259 Ext 7414

AGENDA

Friday September 13, 2013

9:00 a.m. MDT Call to Order
Welcome guests
Additions or deletions to the printed agenda

Idaho State Parks Passport Program Update *IO
Additional Budget Request Information *IO
Revenue Generating Ideas *IO
Proposed Registration Legislation *IO
Registration Task Force Recommendations to IDPR Board *IO

*Consent Agenda CA

*Information Only IO

*Action Item AI

Please Note: Discussion times for agenda items are approximate. The Board reserves the right to move agenda items and adjust time schedule as needed.

(1) This is the final agenda. Copies of the agenda will be available at the Idaho Department of Parks & Recreation, 5657 Warm Springs Avenue, Boise, Idaho. The agenda can also be found on the Department Website (www.parksandrecreation.idaho.gov). If you have questions or would like to arrange auxiliary aids or services for persons with disabilities, please contact the Department Administrator of Management Services at 208-334-4199. Accommodations for auxiliary aids or services must be made no less than five working days in advance of the meeting.

(2) The Consent Agenda addresses routine items the board may approve without discussion. An item may be moved from this agenda area to another at the request of the Board.

(3) The Action Items address policy and program items the Board may wish to discuss prior to making a formal recommendation or decision. An item may be moved from this agenda area to another at the request of the Board.

(4) The Director's Report provides information only. An item may be moved from this agenda area to another at the request of the Board.

IDAPA RULE
 BOARD POLICY

IDAPA FEE

BOARD ACTION REQUIRED

X INFO ONLY, NO ACTION REQUIRED

AGENDA
Idaho Park and Recreation Board Meeting
September 13, 2013
Teleconference
Originating in Boise Idaho

AGENDA ITEM: Idaho **State Parks Passport Update**

ACTION REQUIRED: **Information Only**

PRESENTER: **Director Merrill**

PRESENTATION

BACKGROUND INFORMATION:

On Tuesday, March 6, 2012, Governor Otter signed into law House Bill 446, the Idaho Parks Passport Program. A vote of 67-0-3 in the House and 33-0-1 in the Senate is a clear indication of the overwhelming support the members of this Legislative Session have for this program. The effective date of H446 was 07-01-12.

The concept is to offer the citizens of Idaho an opportunity to purchase an Idaho State Parks Passport sticker for an opt-In price of \$10 per vehicle/per year. This Opt-In purchase takes place when the vehicle is registered or registration is renewed. The effective date of July 1, 2012.

The following information is an update of revenue from Chris Fisher, Registrations Program and Internal Communications Division of Motor Vehicles Idaho Transportation Department.

Time Frame	Total Transaction	Total Revenue
Oct. thru Dec. 2012	18441	\$233,919
Jan. thru July 2013	65455	<u>\$794,562</u>
GRAND TOTAL	83896	\$1,018,481

STAFF RECOMMENDATION: Information only.

IDAPA RULE

IDAPA FEE

BOARD ACTION REQUIRED

BOARD POLICY

INFO ONLY, NO ACTION REQUIRED

AGENDA

Idaho Park and Recreation Board Meeting

September 13, 2013

Teleconference

Originating in Boise Idaho

AGENDA ITEM: Additional Budget Request Information

ACTION REQUIRED: Information Only

PRESENTER: Director Merrill

PRESENTATION

BACKGROUND INFORMATION: The following information will be presented to Governor Otter on September 17, 2013. IDPR is requesting \$3 million in additional funds for backlog maintenance. At this time, this information is in draft form. The Governor will be presented with portfolio the day before the scheduled meeting.

STAFF RECOMMENDATION: Information only.



Idaho Department of Parks and Recreation

Budget Reduction History FY 2009 – Present Impacts to Deferred Maintenance Needs Fiscal Stability Scenarios

Agency Background

Since FY 2009, IDPR's General Fund appropriation for operational funding has been reduced approximately \$6 million.

Basic operational funding includes the personnel and operating expenditures for the normal, reasonable costs of keeping our parks open, clean, and safe for millions of visitors. It includes items such as electricity, fuel, trash collection, and park staff necessary for business.

IDPR has filled this \$6 million hole through a variety of cost reduction and revenue generating measures.

Staff Reductions (from 164.5 FTP to 143.5 FTP in 2014)

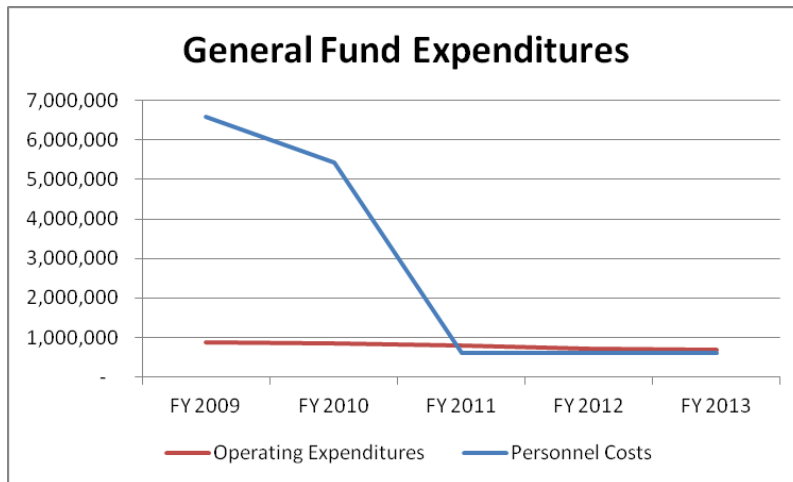
FY 2010 General Fund expenditures for Personnel Costs were cut by \$1,141,200 (17.4%). This was accomplished by keeping positions vacant and by hiring 25% fewer seasonal staff for the summer season. This reduced the number of summer seasonal staff from 300 to around 230. This resulted in less maintenance being done and fewer staff available for restroom detailing and customer service, and collection of fees.

FY 2011 General Fund expenditures for Personnel Costs were cut an additional \$4,833,500 (89%). This was accomplished by eliminating 25 FTPs, further reducing the number of seasonal staff, further reducing basic maintenance and customer service. Eliminated nearly all Park Interpretive Programs. Reached an agreement with the Board and RV Advisory Committee to utilize \$1.5 million in RV Funds for a period of five years just to keep all parks open. Additionally, General Fund expenditures for Operating Expenditures cut \$67,000 (7.7%).

FY 2012 General Fund expenditures for Operating Expenditures cut an additional \$86,800 (10.9%).

FY 2013 Slight increase in General Funds due to Personnel Cost inflation and 2% CEC.

Rising cost of insurance and retirement contributions increases personnel costs.
IDPR relies on staff / volunteers to provide the services, critical to the generation of revenue for our agency:



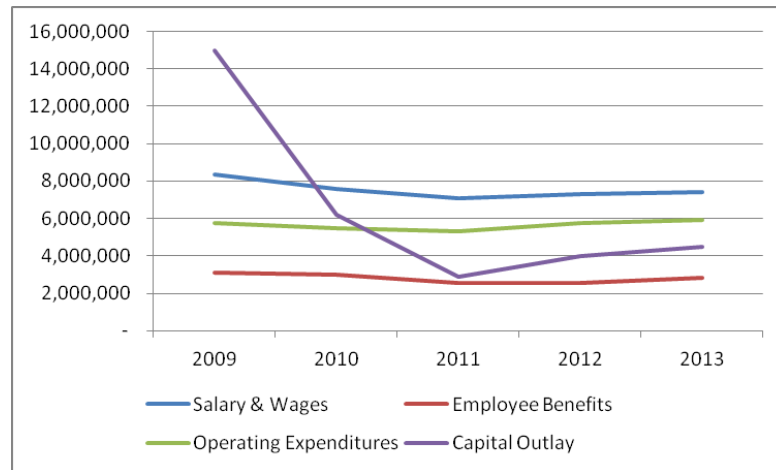
IDPR's General Fund contributions have steadily declined since FY 2009. This graph depicts the dramatic decrease in funds available to support personnel costs.

Additional Cost Reduction Efforts

The list below is a reflection of strategies IDPR has explored and employed from SFY 2009, to present to assist the agency in bridging significant budget reductions over the course of the last five years.

- The use of \$1.5 million from the Recreational Vehicle fund for operational expenditures
- Rely on volunteers to provide over 86,000 hours of assistance
- Thorough evaluation of the agency organizational structure, streamlining operations
- Shift to electronic payment service
- Emphasis on electronic document share / storage
- Eliminated all non-essential purchases / travel / training
- Implemented 'Pack-it-in, Pack-it-out' trash programs where applicable
- Reduction of fleet
- Sharing of heavy equipment on a regional basis
- Leveraging Foundation and like-agency partnerships
- Co-op and cost-share programs
 - Be Outside Idaho Children in Nature
 - Stay on Trails
 - Maximizing benefit of 501(c)3 status, advertising buys
- Off-setting costs with Corporate Sponsorships
 - Event refreshments
 - Program equipment (tents, lanterns, chairs)
 - Special projects (capitol project campaign).

Funds historically used for capital investment, infrastructure repair and maintenance have been reallocated to meet operational needs.



IDPR put all Capital Outlay projects on hold in order to fund personnel and operating expenses associated with keeping our 30 state parks open and generating the revenue critical to maintaining.

Funding Needs

Despite our best efforts, inflationary pressures on operating expenditures have eroded our cost reduction and revenue generating successes. Additionally, the reallocation of funds needed for capital investment has created a substantial backlog of deferred repair and maintenance needs. This is compounded by the fact that our facilities are aging and much of the original infrastructure has reached the end of its useful life. (See Attachment 1)

New Revenue

- Fee increases, Passport Program and retail marketing efforts have increased revenue approximately \$2.9 million
- Removed the Motor Vehicle Entry Fee (MVEF) exemption for campers
- Implemented business and marketing plans for every Idaho State Park
 - Expanded retail store offerings in park nature stores
 - Expanded rental equipment offerings within parks
 - Revised hours of operation for visitor centers
- Strengthened fee compliance enforcement
 - Additional entrance kiosks
 - Volunteers / staff assigned to kiosk fee collection (enforcement presence)
- Ability to accept donations online
- Promotion of state parks and amenities
- Diversified in-park overnight accommodations
 - Very popular deluxe cabins at Ponderosa State Park
 - Designated Premium Campsites / adjusted use fees
 - 50-amp campsite pedestals to accommodate demand from larger, more modern RV's
 - Expanded use season

- Continue to seek corporate support on items such as fleet vehicles, capital improvement projects, paper goods, etc., further reducing operational overhead.

Possible Solutions

- Research feasibility of utilizing a percentage of the real estate transfer fees to help pay for increased visitation in the parks associated with population growth
- Research feasibility of utilizing a percentage of lottery earnings through a specialized scratch ticket, dedicated to state parks
- Preparation of a rolling five year repair and maintenance plan, ensuring facilities are repaired and updated on a regular basis
- Research and implement best management practices for collection of fees.
- Evaluate all IDPR owned property and usability/ consider trade or sale of some of these unusable properties
- Research feasibility of using a % of the sales tax as it relates to the sales of recreation and camping equipment

Ongoing investment in capital facilities (buildings, roads, water and sewer systems, campsites) is an essential part of any plan for achieving operating self-sufficiency. Revenue from fees may cover the cost of operating these facilities, but not the ongoing costs of the deferred maintenance of the facilities. Failure to address the repairs and maintenance will cause attendance to decline and revenues to fall.

Our Goal – to restore long term fiscal stability for IDPR in order to preserve and protect the invaluable assets of our state parks and to allow us to continue our mission “to improve the quality of life in Idaho through outdoor recreation and resource stewardship”

Solution – A few state parks and natural resource agencies have been successful in securing a long term dedicated funding source through voter set aside of sales tax or lottery earnings. The scenarios below illustrate how such a solution might look in Idaho:

Scenario #1 Sales and Use Tax		<u>Percentage Set-aside</u>	<u>Funding Level</u>
FY 2012 Sales and Use Tax	\$1,200,000,000	0.25%	\$3,000,000
		0.50%	\$6,000,000
Scenario #2 – Lottery	\$41,500,000	7.24%	\$3,000,000
		14.46%	\$6,000,000

A short term solution is a one time investment of \$3,000,000 for deferred repairs and maintenance in Idaho State Parks.

Idaho State Parks and Recreation respectfully request that the Governor reinvests in Idaho's State Parks capital facilities by supporting the \$3,000,000 one time request from general funds, and to also consider one of the longer term solutions of a small percentage of the sales tax or lottery revenues.

Respectfully submitted,

Idaho Park and Recreation Board

Chairman Charles Correll District 2
 Tom Crimmins District 1
 Jean McDevitt District 4

Vice Chair Randy Doman District 2
 Susan Buxton District 3
 Robert Hansen District 6

Overview of CIN B-8

Lucky Peak	Stabilize Shoreline Erosion	\$475,000
Round Lake	Replacing and Relocating Well	\$350,000
Old Mission	Repair Interior and Exterior	\$ 40,000
Heyburn	Repair Restroom and Shower House	\$ 40,000
Eagle Island	Water Slide	\$150,000
Bruneau Dunes	Removal Asbestos	\$ 20,000
Massacre Rocks	Electrical Update	\$350,000
Old Mission Church	Repair Interior	\$ 50,000
Old Mission Church	Repair Roof	\$160,000
Eagle Island	Construct Future Entrance	\$250,000
Winchester	Repair Fishing Platforms	\$100,000
Farragut	Repair Wave Attenuator	\$100,000
Heyburn	Demolish Seasonal House	\$ 35,000
Thousand Springs	Repair Ritter Island Bridge	\$500,000
Harriman	Jones House replace siding and trim	\$ 35,000
Eagle Island	Enlarge east side restroom	\$250,000

ATTACHMENT #1

Farragut State Park

Repair Eagle Cove Wave Attenuator

The Department is requesting Capital Outlay funds to repair damaged Wave Attenuator (breakwater sections) at Farragut State Park. Inspection of the Farragut Eagle Boat Launch Wave Attenuator was performed by staff on March 28, 2013. The wave attenuator is designed as a continuous box truss laterally supported by steel pipe piling. IDPR engineering staff has identified five (5) new locations of localized primary chord buckling failure in the wave attenuator box truss at pile anchorage. Four (4) sections of the wave attenuator were structurally repaired/reinforced in April, 2012. The Department is requesting one-time, general fund \$100,000 Capital Outlay for this project. There is currently no funding in the base to support this project.

The Department is requesting a **one-time, \$100,000** general fund Capital Outlay. There is currently no funding in the base to support this project. If this request is not funded, the wave attenuator will fail and will cost two-three times as much to replace as repair at this time. This wave attenuator serves to protect the Eagle Cove boat launch area and provides safe refuge for boaters coming off of the lake in times of severe storms.



1.a Wave Attenuator 2008



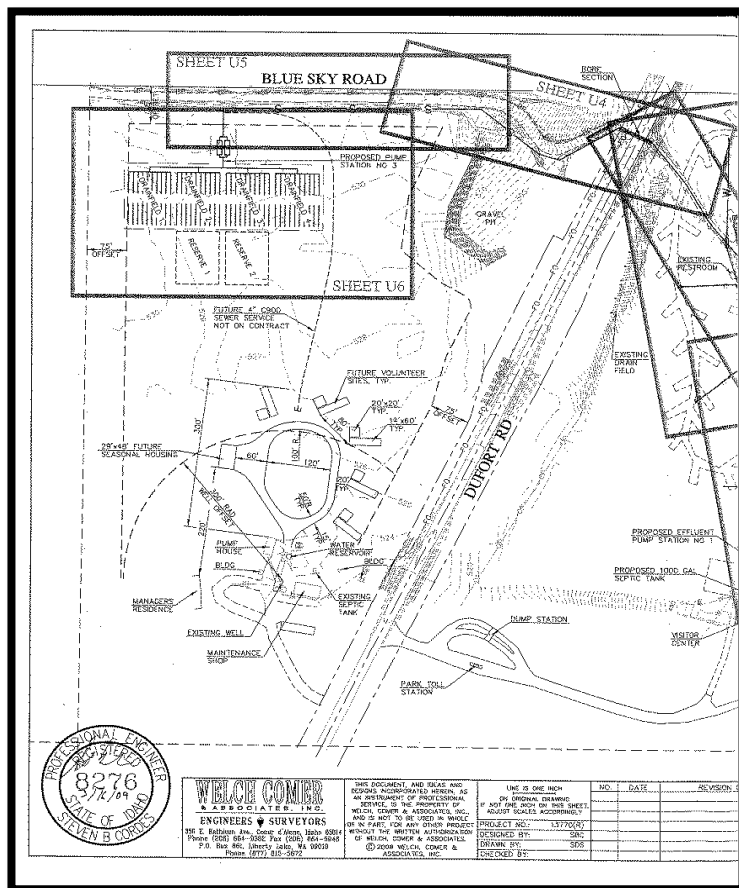
1.b Wave Attenuator 2013

Round Lake State Park

Replacing and Relocating Well

The Department is requesting general fund Capital Outlay to dig a new well at Round Lake State Park. The existing well is original to the park when it was established in the 1970s. In 2008, the existing sewer drain field failed. This required IDPR to build a replacement sewer system including a new drain field. IDPR worked with both Department of Environmental Quality (DEQ) and Panhandle Health District to get a 2009 sewer upgrade permitted and built. At that time, funds were not available to connect all aspects of the park to the new system. However, there were enough funds to build the system and with a future plan for a Phase 2 which would connect the remaining structures to the system. DEQ then contacted IDPR saying the park could not add any more facilities to the sewer system because of cross contamination. Once the new well is in place, the Department will connect facilities, not currently served by sewer, to the recently upgraded sewer drain field.

The Department is requesting **\$350,000 one-time**, general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, contamination to the parks water system with eventual closure of the park will very like take place.



1.a Welch Comer Engineers map

Old Mission State Park

Repair Interior and Exterior of Old Mission Church

The Department is requesting general fund Capital Outlay to fill interior and exterior concrete floor joints in the Old Mission Church, seal crack the pathways, and repair the dry rot in the building front columns. The concrete joints present a tripping hazard. The request will also provide the necessary funds to address the dry rot on the columns, bases, and pedestals. The Old Mission church is one of the oldest buildings in Idaho. Preserving this structure for historical and cultural reasons is important to the Department. This request addresses the needed repairs to protect visitors.

The Department is requesting **one-time, \$40,000 general fund Capital Outlay** for this project. There are no general funds in the base for the Capital Outlay request. If this project is not funded, public safety is jeopardized.



1.a Columns at Old Mission Church Dry Rot (Repaired Several Times)



1.b Dry Rot at Base of Columns



1.c Asphalt Trail with Numerous Cracks

Coeur d'Alene Old Mission State Park

Repair Old Mission Church Interior

The Department is requesting Capital Outlay funds to repair a failing wall on the historic Parish House at Coeur d'Alene's Old Mission State Park. The Parish House sits adjacent to the Old Mission Church. The western wall has a large bow in it that has occurred, showing structural failure of the internal wall components do in part to snow loads and some decomposition of building materials . The upstairs has been used to store historic artifacts and is no longer safe for staff to access and to use for storage space.

The Department is requesting **one-time \$50,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the Parish House wall will fail in the near future and costs to repair at that time will be significantly higher than repairs today.



1. a Structural Failure



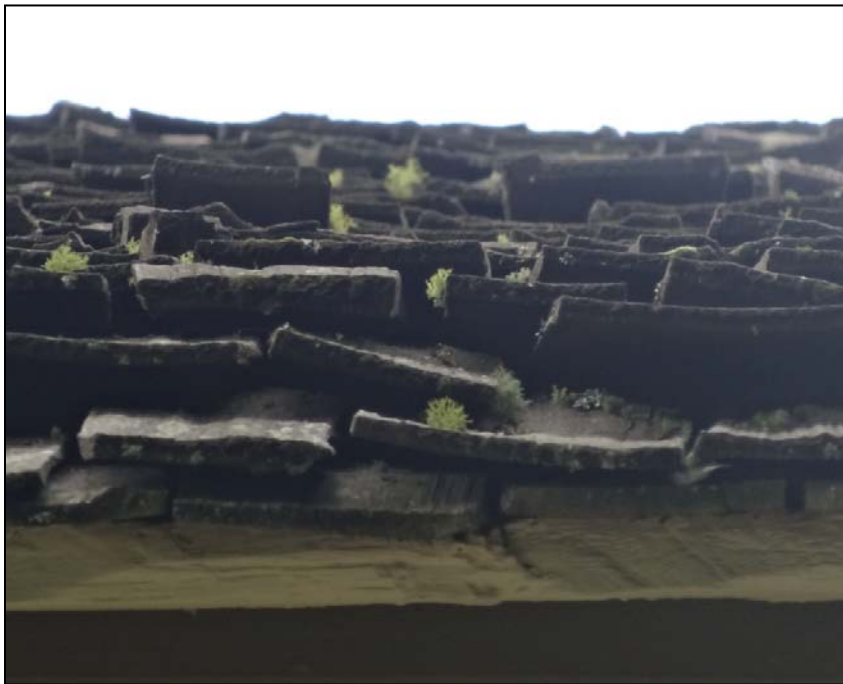
1.b Bowing of Wall

Coeur d'Alene Old Mission State Park

Repair of Old Mission Church Shake Roof

The Department is requesting Capital Outlay funds to replace the cedar shake roof at the Mission church located in Coeur d'Alene Old Mission State Park. The Mission church is on the National Historic Register and is considered the oldest standing public building in the state of Idaho. The Church was last roofed in the 1970s. The 48 inch cedar shakes are worn out and no longer protecting this historic structure. The roof leaks with during rain fall. Park staff has laid down rolls of plastic sheeting in the attic to help prevent damage.

The Department is requesting **one-time, \$160,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the roof will continue to deteriorate and permanent damage to the structure may occur.



1.a Deteriorating wood shake roof

Heyburn State Park

Repair Restroom and Shower House Hawley's Landing Campground

The Department is requesting Capital Outlay funds to repair the restroom and shower house at Hawley's Landing Campground in Heyburn State Park. The restroom/shower house was built in 1987 and serves as the campgrounds primary lavatory facility. The deteriorating tile has exposed sharp and rough edges that pose a safety hazard to users.

The Department is requesting **one-time \$25,000** general fund Capital Outlay to repair the building and provide a safe environment for IDPR customers. There is no general fund Capital Outlay in the base for this repair. If the project is not funded, public safety is jeopardized.



1.a Deteriorating Tiles



1.b Rough/Sharp Edges

Heyburn State Park

Demolish of 1930's Seasonal House

The Department is requesting Capital Outlay funds to demolish a decommissioned seasonal house at Heyburn State Park. This structure was constructed in the 1930's and has been used to house summer seasonal park staff up until two years ago. An asbestos study revealed hazardous amounts of asbestos as well as lead paint. A new seasonal house was constructed in 2011 to replace it. The 1930's house was decommissioned, boarded, and locked up at that time. The entire structure will need to be demolished and transported to an approved hazardous dumping facility by a specialty contractor.

The Department is requesting **one-time \$35,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded this structure will continue to be a safety hazard to the public and park staff.



1.a Decommissioned 1930's House

Winchester State Park

Repair Fishing Platforms

The Department is requesting Capital Outlay funds to repair fishing platforms at Winchester State Park. Currently several fishing platforms have been closed or restricted from public access at Winchester State Park due to safety hazards . The shoreline has been prone to collapsing. With limited park staff, the enforcement of the closure or restricted public access has been difficult.

The Department is requesting **one-time, \$100,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the Department will continue to restrict access to these areas along the shoreline with limited resources. If an injury occurs do to shoreline collapsing, the state may be liable.



1.a Fishing Platform in Disrepair

Eagle Island State Park

Repair of Water Slide

The Department is requesting Capital Outlay funds to replace the waterslide at Eagle Island State Park. The existing water slide was constructed in 1995 and is reaching the end of its functional life. The fiberglass construction materials used deteriorate with time due to UV rays from the sun. Maintenance and ongoing repairs to leaks and additional reinforcing is constantly required over the summer use season.

The Department is requesting **one-time \$150,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If funding is received, the Department will work with a licensed design professional and a public works contractor to complete the project. No additional resources will be required to support the well operation. If this request is not funded, the waterslide will become unsafe and non usable in the near future. If this happens the park will be closed.



1.a Waterslide at Eagle Island State



1.c Mended Crack in Water



1.b Deteriorating Support

Eagle Island State Park

Construct Future Entrance

The Department is requesting Capital Outlay funds construct a park entrance road at Eagle Island State Park. This project would construct an entrance road, based on the approved Eagle Island Master Plan, from the recently finished bridge across the north channel of the Boise River. The state has a sizable investment in the new bridge and this would allow for the State Street entrance to become the primary entrance into the park. This would make access to the park for IDPR users more convenient and safer than traversing through neighborhood roads to access the park.

The Department is requesting **one-time, \$250,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the Department and public will continue to use the current access points.



1.a Future Entrance



1.b Future Entrance

Eagle Island East Restroom

Repair and Enlarge East Restroom

The Department is requesting Capital Outlay funds to repair the East restroom at Eagle Island State Park. The current restroom is undersized for the large group events that take place in this part of the day use area. The park sees 200-2500 people during large group events. The restroom would be enlarge and made to be operational year round by adding heat and installing a new pump switch to separate its operation from other park facilities that are closed for the winter months. Repairs to failing fixtures, walls, finishes, tiles would also be done. Currently no public restrooms are operational during the winter.

This request is for one-time \$250,000 general fund Capital Outlay request. If this request is not funded, the building tiles and walls will continue deteriorate posing a safety concern to our customers. Without repairs, the Department may have to close the building to prevent injuries from the tile edges.



1.a East side restroom



1.b Large attendance east side of park

Lucky Peak State Park

Stabilize Shoreline Erosion

The Department is requesting general fund Capital Outlay to stabilize severe shoreline erosion at Spring Shores unit of Lucky Peak State Park. The erosion is getting critically close to developed areas, parking lots, paths, and gangways. Approximately 900 lineal feet of shoreline is affected. An annual repair of gangways and dock abutments is a constant use of maintenance budget and resources.

The Department is requesting **\$475,000 one-time**, general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the repairs will continue to deplete maintenance budget and resources.



1.a Erosion of Shoreline



1.b Erosion of Shoreline

Thousand Springs State Park

Repair Ritter Island Bridge

The Department is requesting Capital Outlay funds to replace an 80 foot vehicular bridge accessing Ritter Island at Thousand Springs State Park. Idaho Transportation Department (ITD) sent a letter of June 11, 2013 stating the results of their load rating analysis on the Ritter Island timber bridge (Bridge Key No. 25628). The results of the ITD bridge analysis is that the timber bridge has significant structural deficiency and is not safe to the traveling public. The Ritter Island timber bridge must be immediately closed to vehicular traffic until significant repairs are made or the structure is replaced. Bridge shall be immediately posted and barriers installed to prevent vehicular traffic onto the bridge. IDPR has complied and closed the bridge to all vehicular traffic. A letter has also been received from the Wendall City Fire Department expressing their concerns about not being able to provide fire suppression and emergency services to Ritter Island due to the bridge being closed.

The Department is requesting **one-time, \$500,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded access, public activities, fire suppression, and emergency services will be severely compromised the Department.



1.a Disrepair of Ritter Island Bridge

Bruneau Dunes State Park

Removal of Asbestos in Park Manager's House

The Department is requesting Capital Outlay funds to remove asbestos from the Park Manager's house at Bruneau Dunes State Park. An asbestos study was done at the park by The Washington Group, a private consulting company. This study identified several areas of asbestos concerns that will deteriorate to the point of exposure in the near future.

The Department is requesting **one-time \$20,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the Department will be forced to have the house vacated and will no longer have a 24 hour presence in the park.



1.a Park Manager's House

Massacre Rocks State Parks

Repair and Upgrade of Campground Electrical Services

The Department is requesting Capital Outlay funds to repair and upgrade campground electrical services at Massacre Rocks State Park. The current electrical service is a combination of 20 amp and 30 amp connections that were installed in the 1970s and 80s. They are worn out and require constant maintenance of replacing breakers and plugs. This work needs to be done by an electrician. The system is under sized for today's RV's which generally need 50 amp service. This results in breakers tripping and unhappy customers. There is currently no funding in the base to support this project.

The Department is requesting **one-time \$350,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the Department will be forced to have the house vacated and will no longer have a 24 hour presence in the park. If this request is not funded, the Department will continue to incur unnecessary service calls and added maintenance expense along incurring bad customer service.



1.a Electrical Boxes in Disrepair



1.b Unstable Electrical Boxes

Harriman State Park

Replace siding and trim on Jones House

The Department is requesting Capital Outlay funds for repairs of the Jones House at Harriman State Park. The Jones House is an historic structure within compound area of Harriman State Park.

Restoration of this historic building has been an ongoing process. Most recently the roof and flashing have been redone, but the siding and trim still need to be completed. This project would replace the siding and trim using historic materials and construction methods.

The Department is requesting **one-time \$35,000** general fund Capital Outlay for this project. There is currently no funding in the base to support this project. If this request is not funded, the existing siding will continue to deteriorate and put the historic structure in jeopardy the Department.



1.a Jones House



1.b Disrepair of siding and

IDAPA RULE

IDAPA FEE

BOARD ACTION REQUIRED

BOARD POLICY

INFO ONLY, NO ACTION REQUIRED

AGENDA
Idaho Park and Recreation Board Meeting
September 13, 2013
Teleconference
Originating in Boise Idaho

AGENDA ITEM: Proposed Registration Legislation

ACTION REQUIRED: Information Only

PRESENTER: Director Merrill

PRESENTATION

BACKGROUND INFORMATION:

At the last Registration Task Force Committee meeting, held on September 11, 2013, Sandra Mitchell, Executive Director for Idaho Recreation Council, presented a draft of the proposed registration legislation that will be carried by the RV users in the 2014 legislative season. The following information is the proposed legislation.

STAFF RECOMMENDATION: Information only.

PROPOSED CHANGES TO CHAPTER 71, TITLE 67, IDAHO CODE

§ 67-7101. Definitions

In this chapter:

(1) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more tires and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of *section 67-4221, Idaho Code*.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, utility type vehicles or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

(7) "Director" means the director of the department of parks and recreation.

(8) "Highway." (See *section 40-109, Idaho Code*, but excepting public roadway as defined in this section)

(9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractor, 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.

(10) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.

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

(12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(13) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(14) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.

(15) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

(16) "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. The vehicle classification provided for in this subsection shall become effective on January 1, 2010.

(17) "Utility type vehicle" or "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 seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, 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.

(18) "Vendor" means any entity authorized by the department to sell recreational registrations.

(19) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

§ 67-7102. Requirement that snowmobile be numbered

Except as otherwise provided, no snowmobile shall be operated within the jurisdiction of the state of Idaho unless numbered as provided in this chapter.

§ 67-7103. Application for number -- Attachment of number -- Certificate -- Application for transfer of certificate -- Transfer of certificate fee -- Temporary number -- Fees

(1) On or before November 1 of each year the ~~owner~~ operator of each snowmobile requiring numbering by the state of Idaho shall file an application for number with the department on forms approved by it. The application shall be signed by the ~~owner and shall~~, except as provided in subsection (7) of this section, be accompanied by a fee of thirty-one dollars (\$ 31.00). Upon receipt of the application the department shall issue to the applicant a certificate of number stating the number assigned to the snowmobile and the name and address of the ~~owner~~ applicant. The ~~owner~~ operator shall attach to the snowmobile the identification number in a manner as may be prescribed by rules of the department. The number shall be located on the right and left side of the cowl of the snowmobile and shall be completely visible and shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the snowmobile for which issued, wherever the snowmobile is in operation.

Comment [DC1]: This reflects change that operator, rather than owner, is obligated to ensure machine he is operating has a sticker

(2) The department may issue any certificate of number directly or may authorize any persons to act as vendor for the issuance. In the event a person accepts the authorization, he may be assigned a block of numbers and certificates which upon issue, in conformity with this chapter and with any rules of the department, shall be valid as if issued directly by the department.

(3) All records of the department made or kept pursuant to this section shall be public records.

(4) Each snowmobile must be ~~registered~~ numbered before it leaves the premises at the time of sale from any retail snowmobile dealer.

~~(5) The purchaser of a snowmobile shall, within fifteen (15) days immediately after acquisition, make application to the department for transfer to him of the certificate of number issued to the snowmobile, giving his name, address and the number of the snowmobile and shall at the same time pay to the department a fee of three dollars (\$ 3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the snowmobile to the new owner or owners. Unless the application is made and fee paid within fifteen (15) days, the snowmobile shall be considered to be without a certificate of number and it shall be unlawful for any person to operate that snowmobile until the certificate is issued.~~

~~(6) No number other than the number issued to a snowmobile pursuant to this chapter shall be painted, attached, or otherwise displayed on the snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.~~

~~(7) Resident and nonresident owners/operators of snowmobiles used for rental purposes shall purchase certificates of number for sixty-one dollars (\$ 61.00) and the certificates of number shall be displayed on the machine at all times.~~

§ 67-7104. Nonresident snowmobile user certificate required

The owner of a nonresident, noncommercial snowmobile shall not be required to comply with the registration requirements of the state of Idaho, but shall be required to obtain a nonresident snowmobile user certificate. A fee of thirty-one dollars (\$ 31.00) shall be imposed for the issuance of a nonresident snowmobile user certificate. The certificate of

number shall be displayed in the same manner as provided in *section 67-7103, Idaho Code*. Such certificates shall be valid beginning November 1 through October 31 of the following year. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in *section 67-7103, Idaho Code*, for numbering of snowmobiles.

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

(2) In the absence of a bona fide program in the area or upon the request of the bona fide county snowmobile advisory committee of the nearest affected county in Idaho, the requirements for the nonresident certificate may be waived by the parks and recreation board on specific trails where the snowmobile trail grooming is solely supported by a state other than Idaho.

§ 67-7105. Government ownership

Certificate of number and registration portions of this chapter shall not apply to snowmobiles, all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes owned and operated by the federal government, a state government or a subdivision of it.

§ 67-7106. Distribution of moneys collected -- County snowmobile fund -- State snowmobile fund -- State snowmobile search and rescue fund

(1) Each vendor shall not later than the fifteenth day of each month remit all moneys collected under the provisions of *sections 67-7103 and 67-7104, Idaho Code*, to the state treasurer for credit to the state snowmobile fund, established in the dedicated fund, to be administered by the director, except that one dollar (\$ 1.00) from each snowmobile certificate of number fee, one dollar (\$ 1.00) from each rental certificate of number fee, and one dollar (\$ 1.00) from each nonresident snowmobile user certificate issued by the vendor shall be credited by the state treasurer to the state snowmobile search and rescue fund created in *section 67-2913A, Idaho Code*.

(2) Each county with a bona fide snowmobile program shall be entitled to receive from the department eighty-five percent (85%) of the moneys generated for that county during that registration period. Counties with a bona fide snowmobile program may use up to fifteen percent (15%) of their county snowmobile moneys upon recommendation by their county snowmobile advisory committee for snowmobile law enforcement purposes.

(3) Up to fifteen percent (15%) of the revenue generated from snowmobile registrations each year may be used by the department to defray administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the state snowmobile fund.

(4) Vendors shall be entitled to charge an additional one dollar and fifty cents (\$ 1.50) handling fee per registration for the distribution of certificates of number. Handling fees collected by the department shall be deposited to the state snowmobile fund.

(5) For those registrations not designated to a bona fide county snowmobile program, the moneys generated shall be deposited to the state snowmobile fund, and such fund shall be available to the department for snowmobile-related expenses.

§ 67-7107. County advisory committee

The county commissioners of any county may appoint snowmobile advisory committees to serve without salaries and wages in an advisory capacity relating to the establishment and maintenance of parking and unloading areas on public and private property, and the expenditure of moneys deposited in the county snowmobile fund; and to serve at the pleasure of the county commissioners. The persons selected shall be active snowmobilers representing snowmobile clubs, organizations, or merchants engaged in the sale or rental of snowmobiles, or be a member of the general public actively engaged in the sport of snowmobiling.

The board of county commissioners is hereby authorized, upon advisement of the special advisory committee, to use and expend the special fund created in *section 67-7106, Idaho Code*, outside the county.

§ 67-7108. Prohibition against numbering by political subdivisions

The provisions of this chapter shall govern the numbering and registration of snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles operated in this state. All political subdivisions of the state are expressly prohibited from numbering or registering snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles in any respect.

§ 67-7109. Prohibition against highway operation -- Exceptions

No person shall operate a snowmobile upon any highway or public roadway in this state, with the following exceptions:

(1) Properly numbered snowmobiles may cross, as directly as possible after a full and complete stop, highways and public roadways, except controlled access highways, provided that the crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on the highway or public roadway. It shall be the responsibility of the operator of the snowmobile to yield the right-of-way to all vehicular traffic upon any highway or public roadway before crossing.

(2) Loading or unloading shall be done without causing a hazard to vehicular traffic approaching from either direction on a highway or public roadway. Loading or unloading shall be accomplished with regard to safety, at the nearest possible point to the area of operation.

(3) The prohibition against operating snowmobiles upon highways and public roadways shall not apply to any highway or public roadway drifted or covered with snow to an extent that travel on it by other motor vehicles is impractical or impossible.

(4) Snowmobiles may be operated on that portion of a highway or public roadway right-of-way that is not maintained or utilized for the operation of conventional motor vehicles.

(5) Local authorities may, by ordinance, specifically designate public roadways upon which snowmobiles may be operated.

§ 67-7110. Restrictions

It shall be unlawful for any person to drive or operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) In a negligent manner so as to endanger the person or property of another, or to cause injury or damage to either, or to harass, chase or annoy any wild game animals or birds or domestic animals.

(3) Without a lighted headlight and taillight between the hours of dusk and dawn, or when upon or crossing any public roadway or highway, or when otherwise required for the safety of others.

(4) Without an adequate braking device which may be operated by either hand or foot.

(5) Without an adequate muffler, except when used in conjunction with public racing events.

(6) Upon a public roadway or highway without a valid motor vehicle operator's license, unless the public roadway or highway is closed to other motor vehicle travel.

§ 67-7111. Accident resulting in personal injuries or property damage

The operator of any snowmobile involved in any accident resulting in injuries to or death to any person or property damage in the estimated amount of two hundred dollars (\$ 200) or more, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident should the operator of the snowmobile be unknown, shall immediately notify a proper law enforcement agency of the facts relating to the accident and within five (5) days file a report of the circumstances with the department on forms prescribed by the department. For any accident occurring on a highway or public roadway the owner, the operator, or both shall be subject to the provisions of *section 49-2417, Idaho Code*.

§ 67-7112. Groomed snowmobile trails

Any all-terrain vehicle operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be ~~registered~~ numbered as a snowmobile under the provisions of *section 67-7103, Idaho Code*. Counties shall have the option to allow all-terrain vehicles, if ~~registered~~ numbered, to use snowmobile trails in the county. No other vehicles shall operate on groomed snowmobile trails unless specifically allowed by the county. Violation of the provisions of this section shall be an infraction.

§ 67-7113. Violations -- Accountable for property damage

(1) Any person who violates any provision of *sections 67-7102 through section 67-7112, Idaho Code*, shall be guilty of an infraction, and shall be punished by a fine of not less than ~~thirty-one ten~~ ~~dollars (\$ 4031.00)~~ nor more than one hundred dollars (\$ 100). In addition thereto the operator and/or owner of the snowmobile shall be responsible and held accountable to the owner of any lands where trees, shrubs or other property have been damaged as the result of travel over their premises.

Comment [DC2]: Shouldn't the fine at least be equal to the amount it would cost to buy the sticker?

§ 67-7114. Operation under the influence of alcohol, drugs or any other intoxicating substance

Any person driving or operating a snowmobile, motorbike, utility type vehicle, specialty off-highway vehicle or all-terrain vehicle under the influence of alcohol, drugs or any other intoxicating substance on a public roadway or highway or off-highway shall be guilty of a misdemeanor.

§ 67-7115. Winter recreational parking permit -- Fee -- Fines -- Permits for snowmobile owners -- Exemptions

(1) Except as hereinafter provided, no person shall, from November 15 of any year to April 30 of the next year, park a vehicle in a winter recreational parking location unless the vehicle displays an annual or temporary parking permit. The annual permit shall be permanently affixed and the temporary permit shall be temporarily affixed on the front window of the vehicle nearest the driver's seat in such a manner that they are completely visible and shall be kept in a legible condition at all times.

(2) The fee for the annual permit and the temporary permit shall be set by the board, but shall not exceed thirty dollars (\$ 30.00) for the annual permit or ten dollars (\$ 10.00) for the temporary permit.

(3) The owner of any vehicle, as defined in chapter 1, title 49, Idaho Code, that violates the provisions of subsection (1) of this section has committed an infraction punishable as provided under *section 18-113A, Idaho Code*, and shall be punished with a fine of not less than twenty dollars (\$ 20.00) or more than fifty dollars (\$ 50.00). The fact that a motor vehicle which is illegally parked under the provisions of this chapter is registered or leased in the name of a person shall be considered prima facie evidence that the person was in control of the vehicle at the time of parking.

(4) Snowmobile owners, when snowmobiling, shall be allowed to park their transportation vehicles in a designated winter recreational parking area without displaying a parking permit.

(5) No parking permit shall be required under the provisions of this section for a vehicle owned and operated by the United States, any state or a political subdivision of a state, or a vehicle registered in another state, if that vehicle displays

a similar cross-country skiing permit, but only to the extent that an exception or privilege is granted under the laws of that state for permit holders from this state.

§ 67-7116. Printing, distribution and sale of winter recreational parking permits

(1) The department shall print the parking permits and shall supervise the sale of the permits throughout the state.

(2) The department shall distribute and sell the permits directly or may authorize vendors under agreement according to rules and regulations of the department. The department may require that the authorized vendors shall be bonded in accordance with rules and regulations of the department. Authorized vendors will receive a stipulated commission for each permit sold.

§ 67-7117. Cross-country skiing recreation account

There is established in the state treasury an account to be known as the "cross-country skiing recreation account," into which the money specified in *section 67-7118, Idaho Code*, shall be deposited. The board is charged with the administration of the account for the purposes specified in *section 67-7118(3), Idaho Code*. All claims against the account shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state, except that the board is empowered to enter into agreements with the counties for the disbursement of funds to them on a project by project basis.

§ 67-7118. Distribution of fees

The moneys collected by or for the board on the sale of each winter recreational parking permit shall be allocated as follows:

(1) The authorized vendor shall be entitled to receive a commission of one dollar (\$ 1.00) on each permit sold, which sum may be retained as compensation for the sale of the permit.

(2) Fifteen per cent (15%) shall be allotted to the department for the production of the parking permits and necessary administration expenses incurred by the department in carrying out the provisions of *section 67-7115(3), Idaho Code*, which moneys shall be placed in the park and recreation account.

(3) The balance shall be transmitted to the state treasurer for deposit to the credit of the cross-country skiing recreation account to be appropriated first for the reimbursement for costs incurred in the removal of snow from winter recreation parking locations. Any remaining monies may be appropriated to provide grants to public or nonprofit entities for the acquisition, lease, development and maintenance of sanitation facilities, trail marking and other facilities designed to promote the health and safety of persons engaged in cross-country skiing.

§ 67-7119. Cross-country skiing advisory committees

(1) In counties where cross-country skiing activities result in additional demands for roadside parking, the boards of county commissioners may appoint cross-country skiing committees of at least three (3) persons to serve in an advisory capacity to the commissioners on matters relating to the establishment and maintenance of winter recreational parking facilities. The persons selected shall be active cross-country skiers representing cross-country ski clubs or organizations, merchants engaged in the sale or rental of cross-country skiing equipment, cross-country skiing instructors, or members of the general public actively engaged in the sport. Where park and recreational committees already exist they may be used in lieu of the appointment of new committees if each group includes at least one (1) cross-country skier.

(2) Each county advisory committee shall hold a minimum of two (2) meetings during the cross-country skiing season, one (1) to be held prior to November 15 of each year and one (1) to be held prior to January 15 of the following year. All meetings of the committee shall be open to the public.

(3) Members of the advisory committees shall receive no compensation or expenses for their services.

§ 67-7102. Requirement that off-highway vehicles be numbered.

Comment [DC3]: Added for consistency with snowmobile statutes

Except as otherwise provided by law, no all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle shall be operated within the jurisdiction of the state of Idaho unless numbered as provided in this chapter.

§ 67-7122. Application for number – Attachment of number – Certificate -- Fees Requirements – Registration – Procedure

(1) On or before January 1 of each year, the operator/owner of any all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in section 67-7101, Idaho Code, or any motorcycle as defined in section 49-114, Idaho Code, used off public highways, on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho or on highways as prescribed in section 49-426(3) and (4), Idaho Code, but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, shall obtain a number certificate for register that vehicle at any vendor authorized by the department. Effective January 1, 2010, a fee of twelve dollars (\$ 12.00) shall be charged for each number certificate registration, which fee includes a one dollar and fifty cent (\$ 1.50) fee to be retained by the vendor and the remainder of which shall be remitted to the department together with information a duplicate copy of the application form, noting the number of the registration sticker certificate issued, the identity of the operator that purchased the number certificate, and the type of motorbike, all-terrain vehicle or utility type vehicle for which the number certificate was issued.

Comment [DC4]: Obligation to get sticker is on operator, not the owner

Comment [DC5]: No longer a registration - now a number certificate

(2) At the time of sale from any dealer, each motorbike, all-terrain vehicle or utility type vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, must obtain a number certificate be registered.

(a) Application blanks and registration certificate stickers numbers shall be supplied by the department and the registration certificate sticker number shall be issued to the person making application for registration the number certificate.

(b) All registration certificate stickers numbers which are issued shall be in force through December 31 of the issued year. All registration certificate stickers numbers shall be renewed by the owner/operator of the all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle in the same manner provided for in the initial securing of the same or with any vendor authorized by the department. A vendor issuing a renewal certificate registration sticker number shall retain a one dollar and fifty cent (\$ 1.50) vendor fee and remit the remainder of the twelve dollar (\$ 12.00) renewal certificate registration sticker number fee to the department together with information noting the number of the certificate issued, the identity of the operator that purchased the number certificate, and the type of motorbike, all-terrain vehicle or utility type vehicle for which the number certificate was issued together with a duplicate copy of the application form, noting the number of the registration sticker issued.

(c) The issued certificate registration sticker number shall be placed upon the restricted vehicle license plate of the all-terrain vehicle, motorbike or utility type vehicle, or upon the right fork of a vehicle registered pursuant to section 49-402(3), Idaho Code, or of a motorbike if used exclusively off-highway, or upon the rear fender of an all-terrain vehicle, specialty off-highway vehicle or utility type vehicle if used exclusively off-highway. The placement shall be made in such a manner that it is completely visible, does not cover the license plate numbers or letters, if licensed, and shall be kept in a legible condition at all times.

(3) For operation of a motorbike that meets the requirements specified in section 49-114(10), Idaho Code, on the public highways, the vehicle shall also be registered pursuant to the provisions of section 49-402(3), Idaho Code. A motorbike that meets the requirements specified in section 49-114(10), Idaho Code, and that is registered-numbered pursuant to section 49-402(3), Idaho Code, shall not be required to obtain a restricted license plate pursuant to section 49-402(4), Idaho Code. A motorbike, all-terrain vehicle, specialty off-highway vehicle or utility type vehicle operated exclusively off-highway or on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho and that meet the registration requirements specified in this section shall not be required to obtain a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code.

(4) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to *section 49-402(4), Idaho Code*, and/or a certificate sticker number for an all-terrain vehicle, motorbike or utility type vehicle.

§ 67-7123. Transfer of ~~registration sticker number certificates~~ and restricted vehicle license plate

The purchaser of an all-terrain vehicle, utility type vehicle or motorbike, which has been previously issued a certificate number registered pursuant to *section 67-7122, Idaho Code*, and issued a restricted vehicle license plate pursuant to *section 49-402, Idaho Code*, shall within fifteen (15) days after acquiring same, ~~make application to the county assessor or county motor vehicle office as may be designated by the county assessor for transfer to him of the certificate sticker number of registration~~ and restricted vehicle license plate issued to the vehicle, giving the same information as on the original application and the number of the ~~registration sticker certificate number~~ and restricted vehicle license plate, and shall at the same time pay a transfer fee of one dollar and fifty cents (\$ 1.50).

§ 67-7124. Nonresident -- Exemption

(1) The provisions of *section 67-7122, Idaho Code*, regarding ~~registration number certificates~~ shall not apply to any ~~nonresident owneroperator~~; provided the all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike is currently and properly registered or numbered ~~in the state of the operator's residence, and provided further that the state of the operator's residence does not require all-terrain vehiclees, utility type vehicles, specialty off-highway vehicles or motorbikes numbered in this state to obtain any registration or number for use in the operator's state of residence.~~ ~~Owners Operators~~ of an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike from states that do not have a registration or numbering ~~requirement, or do not allow reciprocity with this state~~, shall be numbered registered in Idaho under the provisions of *section 67-7122, Idaho Code*, prior to operation in this state.

Comment [DC6]: Only allow out-of-state reciprocity if the other state allows the same

(2) Nonresidents with an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike registered or numbered ~~in another state~~ shall have the same use privileges and responsibilities as a resident of this state with a properly registered or numbered vehicle.

§ 67-7125. Noise abatement

(1) Except as hereinafter provided, every vehicle subject to registration under *section 67-7122, Idaho Code*, shall comply with the provisions of this section. Every vehicle subject to the provisions of this section shall at all times be equipped with an exhaust system in good working order and in constant operation. If the vehicle was originally equipped with a noise suppressing system or if the vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect, modify or alter any part of that system in any manner which will amplify or increase the vehicle's noise emission above the noise limits established in subsection (3) of this section, except temporarily in order to make repairs, replacements or adjustments. No person shall operate and no owner shall cause or permit to be operated any vehicle while the vehicle's noise emission exceeds the noise limits established in subsection (3) of this section or while the vehicle's noise suppressing system is disconnected, modified or altered in violation of the provisions of this section.

(2) No person shall operate a vehicle subject to the provisions of this section unless that vehicle is equipped with a spark arrester device, affixed to the exhaust system, of a type qualified and rated by the United States forest service. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner.

(3) Any vehicle subject to the provisions of this section shall at all times be equipped with a noise suppressing system or other device which limits noise emission to a base level of not more than ninety-six (96) decibels when measured on the "A" scale using standards and procedures established by the society of automotive engineers (SAE), specifically SAE standard J1287, June, 1988, describing a test of a stationary vehicle with sound measured twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or as otherwise described. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner or on public land under permit.

(a) The department shall adopt regulations in accordance with chapter 52, title 67, Idaho Code, establishing the test procedures and instrumentation to be utilized. These procedures shall incorporate requirements for the test site environment and sound measuring equipment as set forth in SAE standard J1287, June, 1988.

(b) Instrumentation shall include but not be limited to a sound level meter meeting the type 1, type S1A, type 2, or type S2A requirements of the American national standards institute (ANSI) specification for sound level meters, S1.4-1983; a sound level calibrator, microphone wind screen, external engine speed tachometer.

(4) A showing that the noise emission level of any vehicle subject to and not otherwise exempt from the provisions of this section exceeds ninety-six (96) decibels, as described and tested in subsection (3) of this section, shall be prima facie evidence of a violation of subsection (1) of this section.

§ 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 ~~registration-number certificates~~ 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 ~~registration-number certificates~~, which moneys shall be placed in the motorbike recreation account. The department shall annually publish a report specifically identifying the uses of account moneys;

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

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

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

(4) One dollar (\$ 1.00) shall be allocated to the Idaho department of lands to provide off-highway vehicle opportunities and to repair damage directly related to off-highway vehicle use. The department of lands shall annually publish a report specifically identifying the uses of moneys allocated pursuant to this subsection; and

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

Collection of fees for off-highway vehicle ~~registration-number certificates~~ shall not impose any additional liability on the state of Idaho or any of its political subdivisions or upon the employees of the state and of its political subdivisions, and those entities and persons shall retain the limitations of liability provided by *section 36-1604, Idaho Code*, regardless of the use of such fees.

§ 67-7127. Use of moneys in account

The board shall administer the motorbike recreation account. The moneys derived from this account shall be used as follows:

(1) For the securing of special leases or permits, or for the actual purchase of land under private, state or federal ownership to be used for recreational off-highway vehicle activity;

(2) For the securing, maintenance, construction or development of trails and other recreational facilities for off-highway vehicle use on state and federal lands;

(3) To finance the formulation and implementation under the board's direction of an off the road rider education program.

(4) To acquire applicable federal matching funds.

§ 67-7128. Off-road motor vehicle advisory committee -- Creation -- Selection -- Term of office -- Duty

(1) The park and recreation board shall appoint an off-road motor vehicle advisory committee (ORMV) of nine (9) members. The membership of the advisory committee shall consist of three (3) members each from northern Idaho, southwestern Idaho, and southeastern Idaho. Two (2) members from each area shall represent the following groups: motorbikes, ATV or UTV riders and snowmobilers. One (1) member interested in ORMV projects shall be appointed from each area without regard to the recreational activity in which that member participates and shall represent interests other than motorbike, ATV or UTV riders and snowmobilers. Each member of the advisory committee shall be chosen by the park and recreation board to serve a term of three (3) years, except that the term of the initial appointees shall commence on the date of appointment and shall be of staggered lengths. Each member of the advisory committee shall be a qualified elector of the state. Duties shall include:

(a) Representing the best interests of the ORMV users and activities which they represent in the district from which they are appointed;

(b) Advising the department as to whether proposed ORMV projects meet the needs of ORMV users in that area;

(c) Advising the department as to how funds can be used to rehabilitate areas on public or private lands and how the department can assist in the enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho;

(d) The three (3) motorbike, all-terrain vehicle or utility type vehicle representatives from the ORMV advisory committee shall advise the department on matters relating to the use of moneys in the motorbike recreation account as provided for in *section 67-7127, Idaho Code*.

(2) The committee shall be compensated as provided in *section 59-509(f), Idaho Code*, and authorized by the department.

§ 67-7129. Penalties

Unless otherwise specifically provided, any violation of the provisions of this chapter or any rule promulgated by the department pursuant to this chapter, shall be an infraction and be punished as provided in *section 18-111, Idaho Code*.

§ 67-7132. Rules and regulations

The director shall adopt and enforce administrative rules and regulations under the provisions of chapter 52, title 67, Idaho Code, as necessary to carry out the provisions of this chapter.

§ 67-7133. Responsibility for enforcement

The provisions of this chapter shall be enforced by the law enforcement personnel of the Idaho state police, the department of fish and game, employees of the department of parks and recreation authorized by the director of the Idaho state police, the sheriffs and their deputies of the various counties in the state and peace officers of each city.

PROPOSED CHANGES TO CHAPTER 42, TITLE 49, IDAHO CODE

Comment [DC7]: These changes are to conform existing law to the above changes in Chapter 71, Title 67, Idaho Code

§ 49-426. Exemptions from operating fees

The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, any state registered nonprofit subscription fire protection unit, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) Farm tractors, implements of husbandry, those manufactured homes which qualify for an exemption under the provisions of *section 49-422, Idaho Code*, road rollers, wheel mounted tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies, portable toilet trailers, street sweepers, other construction equipment, forestry equipment, lawn and grounds equipment and similar devices as determined by the department which are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in *section 49-108(2), Idaho Code*. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn mowers, and scooters operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles need not be licensed under the provisions of this chapter or registered ~~numbered~~ pursuant to the provisions of *section 67-7122, Idaho Code*, if they are being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations or used exclusively for snow removal purposes. Travel upon the public highways shall be limited to travel between farm or ranch locations. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles used for this purpose shall meet the emblem requirements of *section 49-619, Idaho Code*.

(3) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances or resolutions designating highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this chapter and ~~registered-numbered~~ pursuant to *section 67-7122, Idaho Code*. The operation of licensed and ~~registered-numbered~~ all-terrain vehicles, utility type vehicles and motorbikes and those vehicles exempt from licensing and ~~registration-numbered~~ pursuant to subsection (2) of this section shall not be permitted on controlled access highways. The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of any all-terrain vehicle, utility type vehicle or motorbike upon highways. Costs related to the posting of signs on highways or sections of highways that are closed to such vehicles, indicating the ordinance, are eligible for reimbursement through the motorbike recreation account created in *section 67-7126, Idaho Code*.

(4) The Idaho transportation board may designate sections of state highways over which all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may cross. The requirements of title 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes when using designated crossings on state highways.

(5) All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may be used on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho, provided the ~~registration-numbering~~ requirements of *section 67-7122, Idaho Code*, are met.

PROPOSED CHANGES TO CHAPTER 70, TITLE 67, IDAHO CODE

Comment [DC8]: These changes relate only to eliminating the pro-rating of boat registration fees

§ 67-7008. Certificate of registration -- Expiration -- Fees

(1) Within fifteen (15) days after purchase, or as otherwise herein provided, the owner of each vessel requiring numbering by the state of Idaho shall file an application for registration with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee herein designated. Upon receipt of an application in approved form, and the appropriate fee, the assessor or authorized vendor shall enter the same upon the records of its office and issue to the applicant two (2) validation stickers and a certificate of registration stating the number issued to the vessel, the receipt of any fee paid and the name and address of the owner, and the assessor or authorized vendor shall forward to the department a duplicate copy. The owner shall paint on or permanently attach to each side of the bow of the vessel the registration number and validation sticker in a manner as may be prescribed by rules of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of registration shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators may have the rental agreement on board rented vessels in lieu of the certificate of registration.

(2) The owner of any vessel for which a current certificate of registration has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if the vessel is operated on the waters of this state in excess of sixty (60) days, make application for a certificate of Idaho registration in the manner prescribed in this section.

(3) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for certificates of registration, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of each record for the preceding month.

(4) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(5) Every certificate of registration issued shall continue in full force and effect through December 31 of the year of issue unless sooner terminated or discontinued in accordance with law. Certificates of registration may be renewed by the owner in the same manner provided for in the initial securing of them.

(6) The owner of any vessel shall notify the department within fifteen (15) days if his vessel is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons or if the owner's address no longer conforms to the address appearing on the certificate of registration. In all such cases, the notice shall be accompanied by a surrender of the certificate of registration. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter that fact in its records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of registration issued for the vessel, giving his name, address, and the number of the vessel and shall, at the same time, pay to the department a transfer fee of three dollars (\$ 3.00). Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of registration.

(8) No number other than the registration number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

(9) If any certificate of registration becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars (\$ 3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the

IDAPA RULE

IDAPA FEE

BOARD ACTION REQUIRED

BOARD POLICY

INFO ONLY, NO ACTION REQUIRED

AGENDA
Idaho Park and Recreation Board Meeting
September 13, 2013
Teleconference
Originating in Boise Idaho

AGENDA ITEM: Registration Task Force Recommendation for IDPR Board

ACTION REQUIRED: Information Only

PRESENTER: Director Merrill

PRESENTATION

BACKGROUND INFORMATION: The Registration Task Force met on September 11, 2013 and crafted the following recommendation for IDPR Board's consideration.

Short Term Goals

- Legislation to change owner to operator (prepared and carried by users)
- Continue current process until new system is identified.
- Put unused portion of 15% Admin into "Capital" Fund for registration system upgrade
- Remove /clarify highway crossing in 49-426 (4) (Need Law enforcement involved)
- Share Legislative intent with agencies impacted

Long Term Goals

- Direct partial fees for system upgrades/replacements
- Board consider raising registration fees to ensure upgrades/replacements are covered
- Board review replacement options (COTS, ITD or IDPR)

Also included is the position letter from the Tax Commission, and survey information.

STAFF RECOMMENDATION: Information only.

Online Survey

145 survey responses were collected online and at the regional open houses. Respondents represented a variety of registration types.

Where do you prefer to register your vehicles?

- 56% - Local retail location
- 20% - Online
- 15% - County DMV
- 8% - Walk-in, Mail
- <1% - Trailhead

Are you aware of the website and online renewal option?

- 64% - Yes

Would you support a change to a less formal 'Recreation Sticker' program?

- 60% - Yes

Would you support an increase in registration fees?

- 53% - No

Regional Public Meetings

Regional public meetings were held:

August 13, 2013

Northern Idaho, Coeur d'Alene,
Eastern Idaho, Idaho Falls

August 15, 2013

Southern Idaho, Boise

Key Takeaways

- IDPR should retain program oversight and fund management
- Maintain retail and DMV vendors
- Keep it simple
- Protect the program(s) and maximize funds for use on-the-ground

County Assessor / DMV Input

19 survey responses were collected.

If all boat registrations were conducted only through DMV offices, how much would this impact the Assessors?

- 29% - Not at all
- 35% - A little
- 24% - A fair amount
- 12% - A lot

If motorbike, ATV, UTV and snowmobile registration renewals were no longer conducted at DMVs, how much would that impact Assessor's Offices?

- 6% - Not at all
- 13% - A little
- 56% - A fair amount
- 25% - A lot

88% of respondents indicated that it would not be feasible for DMV offices to support an additional terminal to register OHV vehicles.

81% of respondents indicated they would not agree to allow IDPR to place a kiosk in their office space to support recreation registrations, citing space and staffing as key concerns.

Tax Commission

Summary of position:

“It is the position of the Idaho State Tax Commission that the proposal [to change the current registration process to a less formal, sticker-only program] significantly reduces the effectiveness of the information as it is currently used by the Tax Commission and negatively impacts audit and collections efforts.”

- Information is vital and used to audit and tax contribution
- Taxes in Idaho benefit all Idahoans, including recreationists

**Position Statement from Idaho State Tax Commission on
Idaho Parks and Recreation Registration Proposal**

Idaho Parks and Recreation (IDPR) has proposed significant changes in the recreational vehicle and vessel registration process. The Idaho State Tax Commission is particularly concerned with and most affected by the reduction in the amount of information collected from users registering and renewing recreational vehicles with IDPR. Consequently, this position paper will focus on that issue alone and leave discussion of other proposed changes to parties more directly affected. To reduce redundancy in writing, any reference to recreational vehicle or merely vehicle is generally intended to refer to vessels as well.

It is the position of the Idaho State Tax Commission that the proposal significantly reduces the effectiveness of the information as it is currently used by the Tax Commission and negatively impacts audit and collections efforts.

Currently, the Tax Commission uses the Idaho Transportation Department (ITD) system every day to review registration information collected by IDPR. This information is used in audit work to ensure that the proper amount of sales or use tax has been paid on the purchase and use of recreational vehicles in Idaho. The information also makes it much easier to determine who owns a particular vehicle, so that the correct individual may be contacted for the tax they may legally owe. In addition, the information is used in collection efforts to verify the assets owned by a particular taxpayer.

If a recreational vehicle is not titled through ITD (whether it is legally required or not), the IDPR registration information may be the only way for the Tax Commission to know that a taxpayer owns a particular vehicle. The proposed changes will make it much more difficult for the Tax Commission to obtain this information since it will only be known how many registration stickers a particular individual purchased. For example, if somebody buys three stickers five years in a row, that individual may have owned the same three recreational vehicles over that period of time or he may have sold and purchased several vehicles in that time never needing more than three registration stickers at once. Since sales or use tax is owed each time a taxpayer acquires a vehicle, it is important for the Tax Commission to track these changes over time. The Tax Commission will have to expend significantly more resources to obtain the same information it currently obtains and, in many cases, the information will not be obtainable through any reasonable means.

Even in cases where a recreational vehicle is titled through ITD, the IDPR registration information can be used to verify that a vehicle was still in the possession of a taxpayer on a certain date. This can be very helpful for a collections officer to understand the complete financial picture of a taxpayer. If an individual that owes a tax debt claims to have sold an asset

years ago, the IDPR registration information as currently collected can show us the last time that vehicle was registered with IDPR. This is often much more up-to-date information than ITD alone can provide.

The Tax Commission attended a meeting earlier this year where IDPR and its recreational users expressed their concern over collection of information that they felt did not directly benefit the operations of the state parks of Idaho. However, it should be noted that the sales and use tax collected by the Tax Commission, a portion of which is collected through the audit and collections process, is primarily devoted to the general fund which makes up a part, though admittedly a small part, of IDPR's annual budget. In addition, every tool available to the Tax Commission in fulfilling its role as the tax enforcement agency for the state of Idaho further ensures a more level playing field for all the taxpayers of Idaho, including recreational users.

Regardless of what registration information IDPR decides to collect in the future, it is the Tax Commission's hope that any information collected will continue to be available to us in our efforts to ensure that the tax laws of Idaho are administered fairly and equitably.