

67-7101. DEFINITIONS. In this chapter:

- (1) "All-terrain vehicle" or "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.
- (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 sale 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 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.
- (10) "Non-motorized recreational parking location" means all federally owned parking areas used to access non-motorized recreational opportunities in Idaho. These areas include designated trailheads with defined parking areas, restrooms, kiosks, etc., but also include non-designated trailheads that serve as access to non-motorized trails.
- (11) ~~(10)~~ "Off-highway vehicle" or "OHV" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.
- (12) ~~(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.
- (13) ~~(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.
- (14) ~~(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.
- (15) ~~(14)~~ "Public roadway" means all portions of any highway controlled by an authority other than the Idaho transportation department.

~~(16)~~~~(15)~~ "Snowmobile" means any self-propelled vehicle under two thousand (2,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, that may be steered by tracks, skis, or runners.

~~(17)~~~~(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.

~~(18)~~~~(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 and having a maximum width less than eighty (80) inches. A utility type vehicle must have a minimum width of fifty (50) inches and a minimum weight of at least nine hundred (900) pounds. 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.

~~(19)~~~~(18)~~ "Vendor" means any entity authorized by the department to sell recreational certificates of number and nonresident user certificates.

~~(20)~~~~(19)~~ "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing recreation account.

NON-MOTORIZED RECREATIONAL PARKING PERMIT -- FEES -- FINES -- EXEMPTIONS -- SNOWMOBILE, OFF-HIGHWAY VEHICLE, AND WINTER RECREATIONAL PARKING PERMIT OWNERS

- (1) Except as hereinafter provided, no person shall, park a vehicle in a non-motorized recreational parking location unless the vehicle displays a permit. The permit shall be permanently 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) For Idaho residents, the fee for the permit shall be fifteen dollars (\$15.00).
- (3) For non-residents, the fee for the permit shall be twenty dollars (\$20.00).
- (4) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.
- (5) 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.
- (6) No parking permit shall be required under the provisions of this section for vehicles being utilized for agricultural or grazing purposes on public lands, or vehicles owned and operated by the United States, any state, or a political subdivision of a state.

- (7) Snowmobile or off-highway vehicle operators, when snowmobiling or operating off-highway vehicles, shall be allowed to park their transportation vehicles in non-motorized recreational parking locations without displaying a non-motorized recreational parking permit. From November 15 to April 30, passholders of a winter recreational parking permit shall be allowed to park their vehicles in a winter recreational parking location without displaying a non-motorized recreational parking permit.

NON-MOTORIZED RECREATIONAL PARKING PERMIT -- PRINTING, DISTRIBUTION AND SALE – MULTIPLE YEAR PERMITS – VOLUNTARY DONATIONS

- (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 be bonded in accordance with rules and regulations of the department. Authorized vendors will receive a stipulated commission for each permit sold.
- (3) The department shall make available to Idaho residents the option to purchase non-motorized recreational parking permits that are valid for multiple, consecutive seasons. The fee shall be multiplied by the number of seasons that the non-motorized recreational parking permit is valid, except that portion of the fee for vendors shall be the same regardless of the duration of the non-motorized recreational parking permit purchased; for example, a vendor fee for a two (2) season non-motorized recreational parking permit would be two dollars and fifty cents (\$2.50).
- (4) An applicant for a non-motorized recreational parking permit pursuant to sections (insert numbers and subsections), Idaho Code, who makes a purchase of the same directly from the department, and not through a vendor, may make a voluntary donation to support the non-motorized recreation account as established by (insert number and subsection), Idaho Code, in conjunction with the purchase of the permit. The department shall include an accommodation to notify a purchaser of the opportunity and to allow a purchaser to designate such a donation and shall transfer all such funds received to the non-motorized recreation account as established by section (insert number and subsection), Idaho Code, at least monthly. None of the proceeds from voluntary donations shall be used for administrative expenses of the department.

NON-MOTORIZED RECREATIONAL PARKING PERMIT -- ESTABLISHMENT OF NON-MOTORIZED RECREATION ACCOUNT. -- DISTRIBUTION OF FEES. There is hereby established in the state treasury an account to be known as the "non-motorized recreation account," into which the money specified in (insert number and subsection), Idaho Code, shall be deposited. The moneys collected on the sale of each non-motorized recreational parking permit shall be allocated as follows:

- (1) Vendors shall charge and retain two dollars and fifty cents (\$2.50) on each permit sold;
- (2) Up to fifteen percent (15%) shall be allotted to the department to defray administrative costs and the production of the permits. Any moneys unused at the end of each fiscal year shall be returned to the Idaho state treasurer for deposit in the non-motorized recreation account;
- (3) One dollar (\$1.00) shall be allocated the Idaho Department of Lands to provide non-motorized recreational opportunities and to repair damage directly related to non-motorized recreational

use. The department of lands shall annually publish a report specifically identifying the uses of moneys allocated pursuant to this subsection;

- (4) The remaining funds shall be transmitted to the state treasurer for deposit to the credit of the non-motorized recreation account, all such moneys to be transmitted to the state treasurer on or before the tenth day of each month.
- (5) Up to 50% may be distributed through an annual grant process to be determined by the department.

The department shall annually publish a report identifying the use of revenues generated from non-motorized recreational parking permits. Collection of fees for non-motorized recreational parking permits shall not impose any additional liability on the state of Idaho or any 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.

NON-MOTORIZED RECREATIONAL PARKING PERMIT – USE OF MONEYS IN ACCOUNT. The department shall administer the non-motorized recreation account. The moneys derived from this account shall be used as follows:

- (1) For the securing of special leases, use licenses, recreation easements or permits, or for the actual purchase of land under private, state, or federal ownership to be used for public recreational non-motorized activity;
- (2) For the securing, maintenance, construction, or development of trails and other public recreational facilities for non-motorized use on private, state, and federal lands;
- (3) To finance the formulation and implementation under the board's direction of a non-motorized user education program; and
- (4) To acquire applicable matching federal funds.
- (5) To enforce the laws and regulations governing non-motorized recreational opportunities in the state of Idaho.

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

(e) The three (3) non-motorized recreation representatives from the Recreational Trails Program advisory committee shall advise the department on matters relating to the annual non-motorized grant process (insert numbers and subsections), Idaho Code.