

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 542

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLE REGISTRATION AND CERTIFICATION; AMENDING  
2 SECTION 49-401B, IDAHO CODE, TO PROVIDE THAT CERTAIN BUSINESSES,  
3 TRUSTS OR OTHER STATUTORILY CREATED ENTITIES SHALL PROVIDE A WRITTEN  
4 STATEMENT; AMENDING SECTION 49-504, IDAHO CODE, TO PROVIDE THAT CERTAIN  
5 BUSINESSES, TRUSTS OR OTHER STATUTORILY CREATED ENTITIES SHALL PROVIDE  
6 A WRITTEN STATEMENT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN  
7 EMERGENCY.  
8

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

10 SECTION 1. That Section 49-401B, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 49-401B. APPLICATION FOR REGISTRATION -- RECEIPT FOR FEE -- RECORD OF  
13 APPLICANTS. (1) Application for the registration of a vehicle required to  
14 be made to the assessor or the department as specified in that section, by  
15 the owner upon the appropriate form. Every application shall contain the  
16 owner's Idaho driver's license number, Idaho identification card number,  
17 or social security number. In the case of a business, the employer tax  
18 identification number is required. Every application shall also contain  
19 the owner's true and full legal name. In the event that the owner does  
20 not possess a social security number, Idaho driver's license number,  
21 or Idaho identification card number, the owner shall present written  
22 documentation sufficient to the department to determine that no social  
23 security number has been issued. In the event that a business, trust or  
24 other statutorily created entity is not required to have and does not  
25 possess an employer tax identification number, the applicant shall provide  
26 a written statement certifying that the entity does not possess an employer  
27 tax identification number. Such application must be signed by the owner  
28 and contain his residence address and a brief description of the vehicle  
29 to be registered, including the name of the maker, the type of fuel used,  
30 and the identification number. Upon registration of a new vehicle, the  
31 application shall also show the date of sale by the manufacturer or dealer  
32 to the person first operating such vehicle. The application shall contain  
33 any other information as may be required by the department. The assessor  
34 shall issue to the applicant a receipt for any fee paid. Social security  
35 numbers collected shall not appear on certificates of registration, and all  
36 applications on file shall be exempt from disclosure, except as provided in  
37 sections 49-202, 49-203 and 49-203A, Idaho Code.  
38

39 (2) The assessor shall record on a form prescribed and furnished by the  
40 department, the names of all owners of vehicles residing in the county who  
41 make application for registration, together with the amounts of the fees  
42 paid by such owners.

1 (3) When application for registration is made by any motor carrier, the  
2 assessor or the department shall require each such applicant to execute a  
3 certification of safety compliance.

4 (4) Vehicles registered under the proportional registration  
5 provisions of section 49-435, Idaho Code, shall be registered by the  
6 department.

7 (5) Every owner of a vehicle registered by a county assessor shall give  
8 his physical domicile residence address or the business' physical principal  
9 address to the assessor so that the proper county can be entered upon the  
10 registration. Failure to do so shall be unlawful. The department shall then  
11 attribute the registration, and all fees to be apportioned to the highway  
12 distribution account, to the county of residence regardless of the county  
13 in which the registration occurred. Fees imposed under the provisions of  
14 sections 40-827 and 40-1416, Idaho Code, shall be separately identified and  
15 accounted for, and paid to the highway district for which collected. For  
16 the purposes of vehicle registration, a person is an actual and permanent  
17 resident of the county in which he has his principal residence or domicile. A  
18 principal residence or domicile shall not be a person's workplace, vacation,  
19 or part-time residence.

20 (6) A violation of the provisions of this section shall be an  
21 infraction.

22 SECTION 2. That Section 49-504, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE --  
25 IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be  
26 made upon a form furnished by the department and shall contain the owner's  
27 Idaho driver's license number, Idaho identification card number or social  
28 security number. In the case of a business, the employer tax identification  
29 number is required. Every application shall also contain the owner's true  
30 and full legal name. In the event that the owner does not possess a social  
31 security number, Idaho driver's license number, or Idaho identification  
32 card number, the owner shall present written documentation sufficient to  
33 the department to determine that no social security number has been issued.  
34 In the event that a business, trust, or other statutorily created entity is  
35 not required to have and does not possess an employer tax identification  
36 number, the applicant shall provide a written statement certifying that  
37 the entity does not possess an employer tax identification number. The  
38 form must contain the owner's physical domicile address or in the case of  
39 a business, ~~the business'~~ trust or other statutorily created entity, such  
40 entity's physical address and any mailing address if different from the  
41 physical address. Such application must be signed by the owner and contain a  
42 full description of the vehicle including the make, identification numbers,  
43 and the odometer reading at the time of sale or transfer, and whether the  
44 vehicle is new or used, together with a statement of the applicant's title  
45 and of any liens or encumbrances upon the vehicle, and the name and address  
46 of the person to whom the certificate of title shall be delivered, and any  
47 other information as the department may require. The application shall  
48 be filed with the department, and if a certificate of title has previously  
49 been issued for that vehicle in this state, shall be accompanied by the

1 certificate of title duly assigned, unless otherwise provided for in this  
2 chapter. The department may promulgate rules to provide for exceptions  
3 to the odometer requirement. Social security numbers collected shall not  
4 appear on certificates of title and all applications on file shall be exempt  
5 from disclosure, except as provided in sections 49-202, 49-203 and 49-203A,  
6 Idaho Code.

7 (2) If a certificate of title has not previously been issued for the  
8 vehicle in this state, the application, unless otherwise provided for  
9 in this chapter, shall be accompanied by a proper bill of sale or a duly  
10 certified copy thereof, or by a certificate of title, bill of sale or other  
11 evidence of ownership required by the law of any other state from which the  
12 vehicle was brought into this state, and a vehicle identification number  
13 inspection completed by any city, county or state peace officer or other  
14 special agent authorized by the department.

15 (3) In the case of a new vehicle being titled for the first time, no  
16 certificate of title or registration shall be issued unless the application  
17 is indorsed by a franchised new vehicle dealer licensed to sell a new  
18 vehicle. Each application shall be accompanied by a manufacturer's  
19 certificate of origin or manufacturer's statement of origin executed by the  
20 manufacturer and delivered to his agent or his franchised vehicle dealer.  
21 The certificate or statement of origin shall be in a form prescribed by the  
22 board and shall contain the year of manufacture or the model year of the  
23 vehicle, the manufacturer's vehicle identification number, the name of the  
24 manufacturer, the number of cylinders, a general description of the body,  
25 if any, and the type or model. Upon sale of a new vehicle, the manufacturer,  
26 his agent or franchised dealer shall execute and deliver to the purchaser  
27 an assignment of the certificate or statement, together with any lien or  
28 encumbrance to which the vehicle is subject.

29 (4) The department shall retain the evidence of title presented by the  
30 applicant and on which the certificate of title is issued. The department  
31 shall maintain an identification numbers index of registered vehicles, and  
32 upon receiving an application for a certificate of title, shall first check  
33 the identification number shown in the application against the index. The  
34 department, when satisfied that the applicant is the owner of the vehicle and  
35 that the application is in proper form, shall issue in the name of the owner  
36 of the vehicle a certificate of title bearing a title number, the date issued  
37 and a description of the vehicle as determined by the department, together  
38 with a statement of the owner's title and of all liens or encumbrances upon  
39 the vehicle, and whether possession is held by the owner under a lease,  
40 contract or conditional sale, or other like agreement.

41 (5) In all cases of transfer of vehicles the application for  
42 certificates of title shall be filed within thirty (30) calendar days  
43 after the delivery of the vehicles. Licensed dealers need not apply for  
44 certificate of title for vehicles in stock or when they are acquired for  
45 stock purposes.

46 (6) In the case of the sale of a vehicle by a dealer to a general  
47 purchaser or user, the certificate of title shall be obtained in the name  
48 of the purchaser by the dealer upon application signed by the purchaser.  
49 If a lien is to be recorded, the title documentation as required in this  
50 section shall be submitted to the department by the dealer or the lienholder

1 upon application signed by the purchaser. A copy of this application  
2 shall be given to the purchaser to be used as a seventy-two (72) hour  
3 temporary permit. In all other cases the certificates shall be obtained  
4 by the purchaser and the seller's bill of sale shall serve as a seventy-two  
5 (72) hour permit. The seventy-two (72) hour time period for temporary  
6 permits shall be calculated excluding weekend days and legal holidays  
7 observed by the state of Idaho. This temporary permit allows operation  
8 of any noncommercial vehicle or unladen commercial vehicle or vehicle  
9 combination without license plates for the period of time specified in  
10 the permit. A laden commercial vehicle or vehicle combination may also  
11 operate without license plates for the period of time specified in the  
12 temporary permit provided that the owner or operator has also obtained a  
13 permit issued under the provisions of section 49-432, Idaho Code.

14 (7) If the vehicle has no identification number, then the department  
15 shall designate an identification number for that vehicle at the time of  
16 issuance of the certificate of title. The identification number shall be  
17 permanently affixed to or indented upon the frame of the vehicle and legibly  
18 maintained by the owner at all times while a certificate of title to the  
19 vehicle shall be issued and outstanding.

20 SECTION 3. An emergency existing therefor, which emergency is hereby  
21 declared to exist, this act shall be in full force and effect on and after its  
22 passage and approval.