

# DRAFT #1

## 39.02.41 – RULES GOVERNING SPECIAL PROVISIONS APPLICABLE TO FEES FOR SERVICES

### 000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-201, Idaho Code. ( )

### 001. TITLE AND SCOPE PURPOSE.

This rule is titled IDAPA 39.02.41, “Rules Governing Special Provisions Applicable to Fees for Services,” and identifies the fees and conditions for providing records, data for records maintained by the Department and services provided by the Department special provisions applicable to fees for services not specifically outlined in Title 49, Idaho Code. ( )

### 002. -- 099. (RESERVED)

### 100. ADMINISTRATION.

Idaho Code provides for the collection of fees for related services. This rule provides for automation considerations and a fee schedule to uniformly apply the fee provided by Section 49-202(2)(h), Idaho Code. The following fees apply for services and copies of files regarding motor vehicle or other registrations, motor vehicle titles, driver’s licenses or commercial driver’s licenses, and are based on the per hour charge specified in Section 49-202(2)(h), Idaho Code. ( )

**01. Paper or Imaged Records.** Copies of supporting driver’s license, registration, or title records from paper or imaged records, based on an average of twenty-four (24) minutes to fully process these requests at the per-hour rate specified in Section 49-202(2)(h), Idaho Code, and rounded to the nearest whole dollar. ( )

**a.** Requests for vehicle information by customer name will be charged the fee specified in Section 49-202(2)(g), Idaho Code. ( )

**02. Automated Records.** ~~Idaho Code does not provide a fee for complete county or statewide automated copies of registration or title files. A fee has been based on the costs to produce special file requests.~~ ( )

~~**a.** A base charge for providing data, that is not otherwise publicly published, is \$75 per delivery of the data programs requiring: One (1) to three (3) sorts, seventy five dollars (\$75). Each additional sort, twenty five (\$25).~~

~~**b.** In addition to the above, the computer cost, printer cost and tape access cost, as established by the information technology section will be charged.~~ ( )

**ea.** Any mailing, shipping or special handling costs will also be added to the charges. ( )

**03. Electronic Media Must Be Provided.** ~~Requestors must provide electronic media for this purpose, unless the file can be transmitted electronically. Data is provided in a standard department format. Vehicle or driver history information is not included. The only selection criterion is by counties.~~ ( )

**04. Records Provided Free of Charge Entities Exempt from Fees.** Motor vehicle and driver records will be provided free of charge to those statutorily exempt from the fees in Sections 49-202(3) and 49-426(1), Idaho Code the following:

**a.** ~~State Agencies.~~ ( )

**b.** ~~County Assessors.~~ ( )

**c.** ~~County Sheriffs.~~ ( )

**d.** ~~Peace Officers requesting records in the performance of their duties as per Section 49-202(3), Idaho~~

Code. ( )

**05. — Rules for Providing Records Free of Charge.** The Division of Motor Vehicles will observe the following guidelines when providing records free of charge: ( )

**a. —** Records will be provided free of charge only if they are a standard computer run that does not require special programming and/or sorting. Records requiring special handling will be provided for a fee equal to the cost of the additional handling. ( )

**b. —** Records will be provided free of charge electronically or on electronic media supplied by the requestor, or as a standard computer printout. All other formats will be provided for a fee equal to the cost of the additional materials. ( )

**c. —** The Assessor's Clearinghouse and the Sheriff's Clearinghouse shall each establish a single standardized computer printout that will be used for all motor vehicle and driver requests from their respective agencies. ( )

**d. —** Records access agreements between the Division of Motor Vehicles and government agencies requesting motor vehicle and driver records shall be negotiated and renewed annually, and shall contain a list of all personnel who will have access to the records and/or on line terminals. ( )

**e. —** On line computer installation and equipment shall be charged at a rate defined in the annual agreement. ( )

**101. -- 199. (RESERVED)**

**200. LAW ENFORCEMENT INQUIRIES.**

The Department provides full access to motor vehicle files by Law Enforcement at no charge through the Idaho Law Enforcement Telecommunication Systems (ILETS). There is also no charge to Law Enforcement for certified motor vehicle or driver record packets to peace officers. For additional services beyond access to motor vehicle records (special reports, etc...), actual costs incurred by the Department will be charged. ( )

**201. — JURY LISTS.**

Idaho Code provides for the use of motor vehicle records for jury lists. The Department does not charge the counties for this use. ( )

**202. SPECIAL AGREEMENTS.**

**01. Agreements for Services.** The Department may enter into agreements to provide for services and copies of records or data maintained by the Department motor vehicle files to requestors with special highway safety and statistical reporting requirements. Initial costs incurred by the Department shall be reimbursed by the requestor. Ongoing charges or fees will be based on the agreement. ( )

**02. Right to Receive Information Subject to Idaho Code.** This rule is not intended to imply that a requestor has the right to receive information. The fees, as stipulated in this rule, apply when the requestor is eligible to receive the information, subject to Idaho Code. **Inappropriate Use or Redisclosure of Department Data. Inappropriate use of data received from the Department or redisclosing data to an entity that inappropriately uses Department data, may result in cancellation of the contract. Inappropriate use includes, but is not limited to, use of data obtained from the Department to contact citizens of Idaho.** ( )

**203. — MISCELLANEOUS.**

The fee for vehicle inquiries by name will be based on the proper fee per vehicle record. Commercial vehicle inquiries shall be based on a per vehicle record fee. ( )

**204.1. -- 999. (RESERVED)**