

DRAFT #1

39.02.22 – RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION

000. LEGAL AUTHORITY.

~~This rule, governing registration and permit fee administration as provided for in Sections 49-434 and 49-439, Idaho Code, is adopted under authority of Section 49-201, Idaho Code.~~ (7-1-21)T

001. ~~TITLE AND SCOPE.~~

~~01. **Title.** This rule is titled IDAPA 39, Title 02, Chapter 22, “Rules Governing Registration and Permit Fee Administration.”~~ (7-1-21)T

~~02. **Scope.** This rule clarifies the procedures for administering registration and permit fees.~~ (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Combination of Vehicles. A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (7-1-21)T

~~02. **Customer.** The individual or entity that is registering/permitting the vehicle. The following terms; customer, individual, company or registrant are interchangeable in this rule.~~ (7-1-21)T

023. ~~I~~nsufficient Funds (~~I~~NSF). ~~I~~NSF will be the abbreviation as it pertains to checks written on personal and/or business checking accounts without sufficient funds to cover the check, for payment to the department. (7-1-21)T

034. Non-Reducible Load. Defined in IDAPA 39.03.01, Rules Governing Definitions Regarding Special Permits. (7-1-21)T

~~05. **Probable Cause.** Information sufficient to create a reasonable belief that the registrant of a motor vehicle(s) has either not paid fees due or has under reported miles traveled or has underpaid fees due.~~ (7-1-21)T

046. Quarterly Report. The form for registrants to report the laden miles traveled on Idaho highways during the preceding three (3) months when transporting non-reducible vehicles/loads under annual overweight/oversize permits. (7-1-21)T

057. Revocation of Registration. The termination of a registrant’s vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the Department and Idaho Code. (7-1-21)T

068. Registrant. A person, firm, or corporation in whose name a vehicle or vehicles are registered, with an Idaho account number assigned by the department. (7-1-21)T

079. Road Use Fee. The fee per mile paid for non-reducible vehicles or combinations of vehicles hauling non-reducible loads. The fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight, in addition to the registration fee. (7-1-21)T

0810. Suspension of Registration. The temporary withdrawal of a registrant’s vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the ~~d~~Department and Idaho Code. (7-1-21)T

~~11. Third Party Checks. Checks payable to one entity, and endorsed over to another entity for payment. (7-1-21)T~~

011. -- 099. (RESERVED)

100. QUARTERLY ROAD USE FEE REPORTS FOR ANNUAL OVERWEIGHT PERMITS.

To comply with Section 49-1001, Idaho Code, the customer will make quarterly reports of laden only mileage to the department for the movements of non-reducible vehicle/loads, at the appropriate permitted weight level of the annual ~~overweight/oversize~~ **special** permits. These fees are in addition to the registration fees ~~required to be paid to the department~~. Mileage and road use fees for single trip ~~overweight/oversize~~ **special** permits are calculated and collected at the time of issuance and are not reported quarterly. (7-1-21)T

101. QUARTERLY ROAD USE FEE REPORTING.

01. Quarterly Reporting Forms Issued. The department will generate an online quarterly report form for each valid annual ~~overweight/oversize~~ **special** permit issued to them. ~~Customers can choose to opt in and receive a printed form via mail.~~ (7-1-21)T

02. Use of Quarterly Reporting Form. The customer ~~is required to~~ **must** report each quarter's information on the ~~Department's~~ form ~~with all requested information completed~~ **provided online or on a Department printed copy that will be mailed** on or before the ~~specified~~ due date ~~specified on the quarterly report form~~, even when reporting zero (0) miles traveled. (7-1-21)T

a. If the customer does not receive a quarterly report form or report their information online, it is the customer's responsibility to notify the ~~d~~Department allowing adequate time to submit the report before the due date. (7-1-21)T

b. Any report transmitted through the US Postal Service ~~shall be~~ **is** considered filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or wrapper containing the report. A postage meter cancellation ~~shall is~~ **not be** considered as a post office cancellation mark. (7-1-21)T

c. If the quarterly report form due date falls on a Saturday, Sunday, or legal holiday, the due date will be extended to the next business day. (7-1-21)T

d. Quarterly reports not submitted will result in the account being suspended. (7-1-21)T

~~03. Information Required on the Quarterly Report Form. Customers must report the following: (7-1-21)T~~

~~**a.** The number of laden miles traveled on Idaho highways when operating under an annual overweight/oversize permit with non-reducible vehicles and/or load that exceed eighty thousand (80,000) pounds and/or legal axle weights for the appropriate weight category for the quarter specified on the quarterly report form, rounded to the next full mile; and the road use fee due; and penalty, if the report is filed after the due date. (7-1-21)T~~

~~**b.** Total amount due. (7-1-21)T~~

~~**c.** Signature and title of company official, and date of report. All reports filed with the department must be signed by an authorized representative of the company/individual in order to be considered a valid report even if zero (0) miles are being reported. (7-1-21)T~~

~~**d.** Address change, if different from quarterly report form. (7-1-21)T~~

~~**e.** Customer telephone number (7-1-21)T~~

102. -- 199. (RESERVED)

200. INSTALLMENT PAYMENTS FOR COMMERCIAL VEHICLE REGISTRATION.

The department offers a Payment Plan for registrants in compliance with Sections 49-434, Idaho Code. (7-1-21)T

01. Requirements to Participate in Installment Payments. (7-1-21)T

a. Participant must sign participation contract agreement. (7-1-21)T

b. Only Full Fee and Idaho IRP registration fees are included in the payment plan. Other jurisdictions' IRP fees ~~shall~~ will not be included. (7-1-21)T

c. Only full annual registration fees ~~shall~~ will be included in payment plan. Registrations for less than one full year ~~shall~~ will not be included. (7-1-21)T

d. Vehicles not registered within thirty (30) days after the previous year registration has expired ~~shall~~ will not be eligible for the installment payment option. Submitted applications for registration that have been invoiced, but not paid for, by the last day of the registration effective month ~~shall~~ will not be eligible for the installment payment option.

e. Installment contract requirements do not provide opportunity for registrant to opt out of any remaining installment payments. The balance of the payment plan ~~shall~~ may continue to be paid even if the truck is not being operated. (7-1-21)T

f. If registrant meets the criteria in Section 300 of this rule, the prorated portion of the Idaho fee ~~shall~~ will be credited toward the installment plan or refunded if the plan has been paid in full. (7-1-21)T

g. Registrant ~~shall~~ may not participate in installment payment plan if the registrant's account has previously been suspended as stated in Subsection 200.06 of this rule. (7-1-21)T

h. The contract ~~shall~~ will stipulate the payment periods and the installment payment vouchers ~~shall~~ will stipulate the due dates of each subsequent payment. (7-1-21)T

i. An installment payment plan fee of fifty dollars (\$50) ~~shall~~ will be required and collected at the time of setup for each installment payment plan created. (7-1-21)T

02. Billings, Payments and Due Dates of Installment Plan. (7-1-21)T

a. The department ~~shall~~ will upon acceptance of the contract by the registrant, receive one-quarter of the annual registration fee along with the installment payment plan fee, and then ~~shall~~ will bill the registrant for three (3) equal installments based upon the previously set payment periods outlined in the contract, which are due by the end of the third, sixth, and ninth months after the effective date of the registration. (7-1-21)T

b. Installment payment vouchers will be provided with the initial invoice. (7-1-21)T

c. US Postal Service postmark ~~shall~~ may be used to determine if payment is received on time. If the envelope is postmarked on or before the last day of the month, the payment ~~shall~~ will be considered "on time."(7-1-21)T

d. If the last day of the month falls on a Saturday, Sunday or legal holiday, the next business day ~~shall~~ will be considered the due date. (7-1-21)T

e. Failure to retain provided payment vouchers does not relieve the burden of the registrant to pay the installment amount by the due date. (7-1-21)T

03. Failure to Pay Installment Payment by Due Date. (7-1-21)T

a. The department ~~shall~~ may send out courtesy pre-suspension notices approximately five (5) days after the due date to registrants who have failed to remit payment by the due date printed on the quarterly billing.(7-1-21)T

b. The pre-suspension letter ~~shall~~ will contain a late penalty fee of ten percent (10%) of the amount due and an additional one percent (1%) for each month or portion of a month that the payment is past due. (7-1-21)T

c. Registrant ~~shall~~ will pay installment amount portion that is due, plus assessed penalties and interest. (7-1-21)T

04. Suspension of Registrant's Account Due to Non-Payment of Payment Plan. Approximately two (2) weeks after pre-suspension notices are mailed to the registrant, the department ~~shall~~ may suspend accounts of registrant's that have failed to remit installment payment and/or interest and penalty. (7-1-21)T

05. Reinstatement Fee for Payment Plan Registration. (7-1-21)T

a. A forty dollar (\$40) reinstatement fee ~~shall~~ will be applied to all payment plan accounts that have been suspended. (7-1-21)T

b. Registrant must pay quarterly payment portion, penalty and interest, if applicable, and reinstatement fee before suspension ~~shall~~ will be cleared from account. (7-1-21)T

06. Repetitive Suspensions Result. (7-1-21)T

a. After the registrant's account has been suspended for delinquent installment payments two (2) or more times, the registrant ~~shall~~ will not be allowed to participate in future payment plan programs unless; (7-1-21)T

i. Customer has twelve (12) consecutive months of no suspensions related to the account starting from the month the account is cleared; and (7-1-21)T

ii. Customer requests in writing to the department to participate in future installment payment plans and will be allowed to do so. (7-1-21)T

201. -- 299. (RESERVED)

300. REFUNDS.

01. Fees Eligible for Refund. Registrants may make a request for refunds if appropriate information is submitted to the Department in the following instances: (7-1-21)T

a. Commercial vehicle registration is eligible for refund when the criteria in Section 49-434, Idaho Code, are met. (7-1-21)T

b. If account has been overpaid, and no other fees are owed to the department. (7-1-21)T

c. Unexpired portion of Idaho based fees are refundable for: (7-1-21)T

i. A vehicle that has been sold or repossessed; (7-1-21)T

ii. A vehicle that has been damaged beyond repair; or (7-1-21)T

iii. A vehicle on which the lease has been terminated. (7-1-21)T

iv. Other refund requests will be reviewed and approved or denied on a case by case basis. (7-1-21)T

02. Fees Not Eligible for Refunds. Other jurisdiction's fees are not refundable by Idaho. (7-1-21)T

~~03. Request for Refunds:~~

~~_____ (7-1-21)T~~

~~_____ a. _____ Registrant can make a request for refund of fees from the department. The refund request must include: _____ (7-1-21)T~~

~~_____ i. _____ Proof of sale or repossession of the vehicle; _____ (7-1-21)T~~

~~_____ ii. _____ Proof from the insurance company or law enforcement agency that the vehicle has been damaged beyond repair; or _____ (7-1-21)T~~

~~_____ iii. _____ Proof of lease termination from the leasing company. _____ (7-1-21)T~~

~~_____ b. _____ Request shall may be subject to audit as provided in Idaho Code. _____ (7-1-21)T~~

~~_____ c. _____ All refund requests shall may be reviewed to ensure that all requests are valid and eligible. The Revenue Operations supervisor shall will also approve/disapprove refunds. If the refund amount is greater than or equal to one thousand (\$1,000) dollars, a Financial Services manager shall will also review and approve/disapprove the request before refund is processed. _____ (7-1-21)T~~

~~_____ d. _____ Approval/disapproval shall may be indicated by either signature, or electronic approval by means of the department's financial management system. _____ (7-1-21)T~~

301. -- 599. (RESERVED)

600. ~~I~~NSUFFICIENT FUNDS.

~~Insufficient Funds will be indicated by the abbreviation ISF. _____ (7-1-21)T~~

01. Payment With ~~I~~nsufficient Fund Check. If a customer pays a fee by check and the check is returned to the department as ~~I~~NSF, the transaction will be cancelled. The department reserves the right to not accept checks from a customer who has written two (2) or more ~~I~~NSF checks within four (4) years to the department. That customer will have to pay with cash, or verifiable check, or credit card. (7-1-21)T

02. Suspension of Account. The department will suspend the customer's account until the customer has paid the amount of the ~~I~~NSF check, along with the twenty dollar (\$20) ~~I~~NSF fee. (7-1-21)T

03. No Further Transactions. The department will not complete further transactions with the customer until the customer has paid the amount of the ~~I~~NSF check along with the twenty dollar (\$20) ~~I~~NSF fee. (7-1-21)T

~~**601. ACCEPTANCE OF CHECKS**~~

~~The department will accept personal checks as form of payment with sufficient proof of identification. If check payment is received by mail, the check will be accepted unless the customer has written two (2) or more ISF checks within four (4) years to the department, per Subsection 600.01 of this rule. _____ (7-1-21)T~~

~~**602. CREDIT CARD PAYMENTS**~~

~~The department will accept only Visa, Discover, American Express, or Mastercard for any fees due to or purchases from the department. _____ (7-1-21)T~~

603. -- 699. (RESERVED)

700. SUSPENSION OF REGISTRATION.

The department ~~shall~~ will suspend the vehicle registration(s) by notifying the registrant in writing sent via first class pre-paid mail to the registrant's last known address if: (7-1-21)T

01. Failure to Comply. The registrant fails to comply with a billing letter requesting payment of fees and penalties. (7-1-21)T

02. Non-Filing by the Registrant. The registrant does not file quarterly reports or make installment payments to the department. (7-1-21)T

701. REVOCATION OF REGISTRATION.

The department ~~shall~~ may revoke the vehicle registration(s) if the registrant fails to comply with a suspension notice within fifteen (15) days of receipt of the notice. (7-1-21)T

702. REQUIREMENTS FOR REINSTATEMENT OF REVOKED OR SUSPENDED VEHICLE REGISTRATION.

01. Revocation. In the case of a revocation, a registrant must pay all fees due and a forty dollar (\$40) reinstatement fee to be reinstated and must also re-register to resume operating. (7-1-21)T

02. Suspension. In the case of a suspension all fees, reports, and records required prior to the suspension must be provided to the department, including a forty dollar (\$40) reinstatement fee. (7-1-21)T

703. REQUIREMENTS FOR COLLECTIONS.

All unpaid amounts owed to the department may be sent to an external collection agency. Collection agencies may charge a fee for their efforts in collection of a debt as per Section 67-2358, Idaho Code. Accounts that have been assigned to a collection agency must pay the collection agency all fees due. The department will not accept the payment once assigned to the collection agency. (7-1-21)T

704. -- 799. (RESERVED)

800. ENFORCEMENT.

01. Delayed Movement. If the registration of a vehicle is suspended the Ports of Entry ~~shall~~ may delay movement of the vehicle until such time as the registrant complies with the condition(s) that caused the suspension. (7-1-21)T

02. Revoked Registrations. If a registrant's registrations are revoked for failure to respond to a suspension notice, the motor vehicle cannot be operated on Idaho highways until the registrant complies with Section 702 of this rule. Registrants with outstanding balances owed to the department or revoked registrations are not eligible to purchase trip permits. (7-1-21)T

801. -- 899. (RESERVED)

900. APPEAL PROCEDURE.

01. Filing of Appeal. A registrant wishing to contest a penalty or suspension of a registration or an account may file an appeal within ten (10) days of receipt of the notice. (7-1-21)T

~~**02. Delivery of Appeal.** The appeal must be either hand delivered or mailed to Compliance Manager, Idaho Transportation Department, P.O. Box 7129, Boise, Idaho 83707-1129. (7-1-21)T~~

~~**03. Delivery of Decision.** A copy of the final decision in response to the request will be sent to the registrant. (7-1-21)T~~

901. -- 999. (RESERVED)