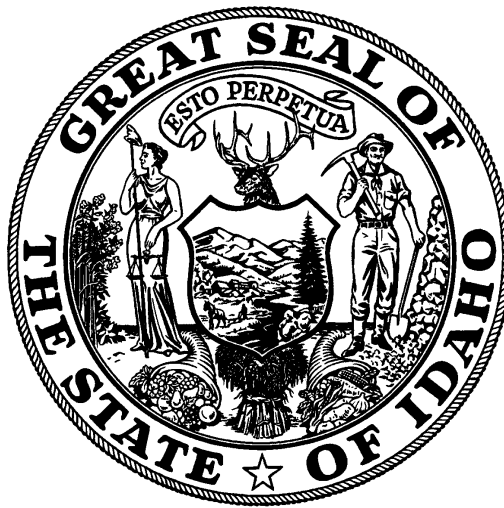


# **PENDING RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

**Submitted for Review Before**  
**House Transportation**  
**& Defense Committee**  
**68th Idaho Legislature**  
**Second Regular Session – 2026**



*Prepared by:*

*Office of the Administrative Rules Coordinator*  
*Division of Financial Management*

*January 2026*

***HOUSE TRANSPORTATION & DEFENSE COMMITTEE***

***ADMINISTRATIVE RULES REVIEW***

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## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS

#### DOCKET NO. 39-0260-2501 (ZBR CHAPTER REWRITE)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Sections 49-201\(1\)](#) and [49-443B\(1\)](#), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The department is seeking to clean up and clarify provisions in this rule related to proof of registration, custom vehicle program fees, plates sizes, and exempt personalized plates. These are not regulatory measures.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 431–442](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 7th day of November, 2025.

Brendan Floyd  
Policy Specialist  
Idaho Transportation Department  
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**THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [49-201\(1\)](#) and [49-443B\(1\)](#), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The department is seeking to clean up and clarify provisions in this rule related to proof of registration, custom vehicle program fees, plates sizes, and exempt personalized plates. These are not regulatory measures.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

**NEGOTIATED RULEMAKING:** Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025, Idaho Administrative Bulletin, [Vol. 25-5, pages 76-77](#).

**INCORPORATION BY REFERENCE:** Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 29th Day of August, 2025.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0260-2501**

## 39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS

### 000. LEGAL AUTHORITY.

~~This rule, establishing the policies used to administer Idaho's standard and specialized license plate programs, is adopted under the authority of Sections 49-201, 49-402D, and 49-443, Idaho Code.~~ (7-1-24)(    )

### 001. ~~PURPOSE~~SCOPE.

~~01. Scope. This rule governs provisions for~~ This chapter implements Sections 49-201, 49-402D, and 49-443, Idaho Code, relating to standard, specialty program, personalized plates, and special eligibility license plates. (7-1-24)(    )

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

**01. Authorized Employees.** Authorized employee as used in this ~~rule chapter~~ means any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made. (7-1-24)(    )

~~02. Exempt License Plate.~~ Standard license plate issued to the entities described in Section 49-426(1), Idaho Code, which are exempt from payment of vehicle operating fees. (7-1-24)

~~03. Exempt Personalized License Plate.~~ An exempt plate which identifies the agency by a unique identifier specified by the agency that does not conform to the standard exempt identifier listed in Section 400; a plate wherein the serial number portion represents inventory control numbers, badge numbers, radio call signs, or other unique lettering or numbering schemes developed by the requesting agency; plates that are lettered and/or numbered to indicate a person's position in the hierarchy of an agency. (7-1-24)

~~04. Furtherance or Pursuance of Business.~~ Furtherance or pursuance of business as used in this ~~rule chapter~~ or in Section 49-1627, Idaho Code, means any lawful use of a dealer or loaner plate by an authorized employee of a dealership for the movement of a vehicle to be sold, repaired or transferred from one (1) location to another. (7-1-24)(    )

~~05. Leased or Rented Vehicles.~~ Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public. (7-1-24)

~~06. Undercover License Plate.~~ A standard license plate issued upon application to the Department from an exempt agency with law enforcement authority. Undercover license plates will be randomly issued by the Department, and appear as a standard county plate. (7-1-24)

~~07. Vehicles Not Held in Stock.~~ Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title. (7-1-24)

~~08. Vehicles Sold.~~ Vehicles which have been sold as used in Section 49-1627, Idaho Code, means vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. (7-1-24)

### 011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.

**01. Plate Numbering and Lettering.** The ~~Idaho Transportation~~ Department is authorized to assign unique plate letter/number spacing schemes ~~and to use specific letter/number combination schemes as needed for the~~

~~purpose of ensuring to ensure~~ unique numbering systems for all license plate programs and to administer ~~the provisions of this rule chapter.~~ (7-1-24)( )

02. **Plate Life Expiration Date.** License plates will be valid for the period described in 49-443 (2) and will expire on the last day of the month, consistent with the month of the registration expiration. (7-1-24)

**012. PROOF OF REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.**

01. ~~Proof of Registration Plate on Order Document.~~ Upon receipt of payment for required registration and program fees, a ~~proof of registration/~~ plates on order document will be issued. ~~This option will be used whenever license plates are manufactured after the registration transaction has been completed.~~ The ~~proof of registration receipt~~ plate on order document will provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. (7-1-24)( )

02. **Placement of Proof of Registration Plate on Order Document.** The ~~proof of registration receipt~~ plate on order document will be displayed in the rear window or on the rear of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the ~~proof of registration~~ plate on order document must be conspicuously displayed where the expiration date of the newly issued plate may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible. (7-1-24)( )

03. ~~Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable.~~ Upon receipt of payment for required registration and program fees, the department or its agent may issue a manual proof of registration on a department form in the event the automated system is unavailable. When the system resumes normal operation, the registration information will be entered in the system, and the registration form will be mailed to the registered applicant. The manual proof of registration form will be displayed in accordance with IDAPA 39.02.60.12.02. (7-1-24)

013. -- 099. (RESERVED)

**100. LICENSE PLATE PROVISIONS FOR STANDARD PLATES.**

01. **County Designations.** The county in which a vehicle is registered will be designated by a number and letter on license plates ~~for passenger cars, pick-up trucks eight thousand (8,000) pounds and under gross weight, hearses, ambulances, wreckers, farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight for motor vehicles registered under Section 49-402, Idaho Code, noncommercial vehicles up to sixty thousand (60,000) pounds gross weight,~~ and recreational trailers. The county designators are as follows:

County Designations			
1A - Ada	2A - Adams	1B - Bannock	2B - Bear Lake
3B - Benewah	4B - Bingham	5B - Blaine	6B - Boise
7B - Bonner	8B - Bonneville	9B - Boundary	10B - Butte
1C - Camas	2C - Canyon	3C - Caribou	4C - Cassia
5C - Clark	6C - Clearwater	7C - Custer	E - Elmore
1F - Franklin	2F - Fremont	1G - Gem	2G - Gooding
I - Idaho	1J - Jefferson	2J - Jerome	K - Kootenai
1L - Latah	2L - Lemhi	3L - Lewis	4L - Lincoln
1M - Madison	2M - Minidoka	N - Nez Perce	1O - Oneida
2O - Owyhee	1P - Payette	2P - Power	S - Shoshone
1T - Teton	2T - Twin Falls	V - Valley	W - Washington

(7-1-24)( )

**101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.**

The Department will produce these plates on demand. Idaho Department of Parks and Recreation has the authority to issue, manage and maintain records of these plates. ~~The plate will not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, affixed to the lower corner of the plate.~~ Idaho restricted vehicle plates may not be personalized. (7-1-24)( )

**102. -- 149. (RESERVED)**

**150. VEHICLE DEALER AND MANUFACTURER LICENSE PLATES FORMATS.**

**01. Designation for Plates.** Plates issued to dealers will bear the designation “DLR” and plates issued to manufacturers will bear the designation “MFR”. The sequential license plate ~~number will be a maximum of two (2) digits~~ ~~plate numbering scheme will be determined by the department.~~ (7-1-24)( )

**a.** ~~If a dealer or manufacturer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number.~~ (7-1-24)

**b.** ~~The dealer or manufacturer number will be a maximum of four (4) digits. No dealer or manufacturer number may be preceded by a zero (0): Dealer number one (1), plate number one (1): 1-01; Dealer number one thousand one (1001), plate number one hundred (100): 1001-A1.~~ (7-1-24)

**c.** ~~Dealer restricted vehicle plates will display the abbreviation “DLR” within the lower left hand box labeled “Restricted Vehicle”. The dealer validation sticker will be displayed within the box labeled “Dealer Validation Sticker”.~~ (7-1-24)

**151. VEHICLE DEALER LICENSE PLATES RESTRICTIONS.**

**01. Restrictions.** Restrictions on the use of manufacturer or dealer plates are provided for by Section 49-1627, Idaho Code. In addition, the following restrictions apply: (7-1-24)

**a.** The authorized employee must carry an identification card issued by the dealer. ~~The identification card will that~~ contains the employee's name, dealership, date of issue, dealer number and signature of an authorized representative of the dealership and the signature of the employee. This use will be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use. (7-1-24)( )

**b.** Vehicles displaying a dealer restricted vehicle plate are not required to display the Idaho Department of Parks and Recreation Off-highway registration to be valid, but are required to be validated in the same manner as are standard dealer plates and display the required annual validation sticker on the restricted plate. Use will be permitted pursuant to Section 49-426 (3) and (4), Idaho Code. (7-1-24)

**c.** A prospective purchaser will not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. (7-1-24)

**152. VEHICLE DEALER LOANER PLATES.**

**01. Numbering.** Plates will be numbered from LAA001 to LZZ999. (7-1-24)

**02. Surrender of Plates.** If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There will be no refund of fees. (7-1-24)

**03. Vehicle Log.** Dealerships will maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log will be available for inspection by any peace officer or agent of the Department and contain the information provided for by section 49-1628, Idaho Code. (7-1-24)

**04. Registration Card.** The authorized issuing entity will provide a registration card for each dealer loaner plate as provided for by ~~s~~Section 49-421, Idaho Code. (7-1-24)(    )

**05. Letter of Authorization.** Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired will have in their possession a letter of authorization or a document showing both the user and dealership name. The document or letter will be signed and dated by an authorized employee of the dealership. (7-1-24)

**06. Vehicle Use Donation for Civic and Charitable Events.** Licensed dealers may authorize the use of their loaner plates when donating the use of vehicles held in their inventory for civic or charitable events. Such time period will not exceed thirty (30) days. The dealer will provide a letter of authorization to be carried in the vehicle and proof of current liability insurance, as required by Chapter 12, Title 49, Idaho Code. (7-1-24)

**07. Fees.** The fees charged for dealer loaner plates will be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and will be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 will be charged one-twelfth (1/12) the annual fee charged for a new vehicle for each month remaining in the licensing year, including the month of application. The annual EMS and plate fees are not prorated. (7-1-24)

**153. ~~VEHICLE DEALER PROVISIONS FOR TRANSPORTER REGISTRATION AND PLATES.~~**

**01. Purpose.** Utility and boat trailers that weigh under two thousand (2,000) pounds unladen may be moved by a manufacturer, dealer, or an employee of either, or by a transporter service contracted by the vehicle's manufacturer or dealer upon registration and payment of an annual fifteen dollar (\$15) transporter plate fee to the department, or by purchase of a single trip permit. These plates may be used only on boat trailers and utility trailers for demonstration purposes, and may be used while laden for demonstration purposes. (7-1-24)

**02. Numbering of Plates.** Transporter plates will be numbered from PA1 TO PZ9999. ~~Transporter plates are to be displayed on the rear of the trailer.~~ (7-1-24)(    )

**03. Renewal of Plates.** The transporter registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. (7-1-24)

**04. Use of Plates.** Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate are to be registered within the appropriate gross vehicle weight category for the combined load. ~~Transporter plates are to be displayed on the rear of the trailer.~~ (7-1-24)(    )

**05. Possession of Registration.** When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle will carry the transporter registration in the towing vehicle at all times. (7-1-24)

**06. Violations.** Violations of this section include: (7-1-24)

a. Display of a transporter plate on any vehicle not required to be registered under this Section; and (7-1-24)

b. Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. (7-1-24)

**07. Penalties:** (7-1-24)

a. Violation of this section will be a misdemeanor as provided for by Section 49-236, Idaho Code; and (7-1-24)

b. The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. (7-1-24)



**154. PROVISIONS FOR WRECKER PLATES.**

**01. Purpose.** Wrecker plates are for the exclusive use of businesses engaged in the towing of a wrecked, abandoned, salvaged, or disabled motorized vehicle. Plates will not be used on vehicles being repossessed. (7-1-24)

**02. Numbering of Plates.** Plates will be numbered as determined by the department and will display the abbreviation "WRKR" vertically on the left hand side of the plate. (7-1-24)

**03. Renewal of Plates.** The wrecker registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. (7-1-24)

**04. Use of Plates.** Plates are not to be displayed on the towing power unit vehicle nor are they to be used on a vehicle not being towed. Plates are to be displayed on the rear of the towed vehicle in such a manner as to be visible to vehicles approaching from the rear. Wrecker plates may be moved from one (1) towed motorized vehicle to another vehicle under the direct lawful control of the registration holder. (7-1-24)

**05. Possession of Registration.** When towing a motorized vehicle displaying a wrecker plate, the operator of the towing vehicle will carry the wrecker plate registration in the towing vehicle. (7-1-24)

**06. Acquisition/Renewal of Wrecker Plates.** Wrecker plates will be issued and renewed through the department by physical or electronic mail ~~or by fax~~ using an application and renewal process determined by the department. (7-1-24)( )

**155. PROVISIONS FOR SPECIAL LICENSE PLATE PROGRAM PREQUALIFICATION AND APPLICATION PROCEDURES.**

**01. Special License Plate Prequalification.** A Special Plate Program Application will be provided to each applicant, detailing the procedures for the prequalification and providing information regarding the steps required to successfully accomplish a special plate program. (7-1-24)

~~**02. Special License Plate Approved by the Legislature.** If a special license plate program is approved by the Idaho legislature, prior to production and sale of the special license plates, the sponsor will meet the requirements outlined in sections 49-402C & 49-402D, Idaho Code. (7-1-24)~~

~~**03.2. Submission to the Legislature.** For those Special License Plate Programs with enacting legislation that fail to meet the requirements of this Section, the Department will report such finding to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature, and will not proceed with production and sale of the special plates. (7-1-24)~~

~~**04. Annual Report.** An annual report form, designed and provided by the Department, will be made available to special license plate sponsors for all special license plate programs receiving revenue in existence or passed by the legislature on or prior to July 1, 2020. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. (7-1-24)~~

~~**05.3. Appeals.** The appeals process will allow the applicant for a special license plate program to appeal the Department's decision to deny the application (See Section 003 of this rule). The notice of the appeal will be sent in writing via mail, electronic mail or facsimile within twenty (20) days of the denial. (7-1-24)( )~~

~~**06.4. Cancellation of Plate Programs.** The Department will notify the plate program sponsor of the intent to cancel the program due to failure to provide an annual report or low active plate ~~sales volume count~~. Sales volume is calculated by determining Active plate count is determined by the number of current active plates, on actively registered vehicles, for the plate program on file with the Department. (7-1-24)( )~~

i. The Department will notify current registrants of the special plate program of the cancellation, and advise the registrant may retain and renew the registration with the additional program fees, and retain the plates until

the physical plates are required to be replaced, however replacement plates will not be available, due to loss or damage. (7-1-24)

ii. The portion of canceled special plate program fees no longer deposited with the nonprofit agency (who has filed a 501 (c) (3) federal income tax status) program sponsor will be deposited in the state highway account. (7-1-24)

iii. Upon mandatory replacement of physical plates as required by statute, the customer may choose another ~~plate~~ specialty program or standard county plates at the customer's preference. (7-1-24)(    )

iv. The Department will include in its annual report to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature any special plate programs that have been canceled during the preceding year. (7-1-24)

**156. -- 198. (RESERVED)**

**199. LICENSE PLATE PROVISIONS FOR SPECIAL PROGRAM AND PERSONALIZED PLATES FOR TRAILERS.**

Special program and personalized plates may be issued to trailers manufactured primarily for recreational vehicle uses. Such trailers will include camper, tent or fifth-wheel recreational trailers. Trailers with multiple uses such as utility, horse, or boat, with or without recreational vehicle facilities, will be excluded. (7-1-24)

**200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.**

**01. Year of Manufacture Plates. (7-1-24)**

a. Vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974 are eligible for this program. (7-1-24)

b. The license plate must be in serviceable condition as originally manufactured, i.e., cannot be marred, bent, faded, or otherwise damaged to the point it is illegible. If the plate is repainted to bring it to a serviceable condition, the colors will match the original colors as closely as possible and will equal or exceed the original quality. The plate number cannot be a duplicate of a previously manufactured "year of manufacture" plate still in use. (7-1-24)

c. The application for use of the plate will include a statement signed by the applicant attesting that the applicant understands, if the plate use is approved, the plate does not have reflectorized material which meets the requirements of Section 49-443, Idaho Code. The responsibility for any accident or injury arising out of the possible consequence of not having this reflectorized safety feature on the license plate will be borne by the registrant. (7-1-24)

d. "Classic" or "Old Timer" plates may be used in conjunction with this revived plate at the option of the registrant. (7-1-24)

~~**02. Centennial License Plates.** Personalized and regular number plates are available in the centennial format. (7-1-24)~~

~~**032. Disabled Veteran License Plates.** Disabled veteran license plates may, upon the registrant's request, display the international disability symbol to ensure reciprocal parking privileges in all states and provinces. (7-1-24)~~

~~**043. Custom Vehicle License Plates.** The applicant ~~shall~~ will pay the initial program fee of \$25 and the annual program fee of \$15. (7-1-24)(    )~~

**201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.**

**01. Option to Apply.** Members of the Idaho Legislature have the option of applying to the Department

for one (1) set of specially numbered license plates bearing the designation “HOUSE” or “SENATE.” (7-1-24)

**02. Numbering Assignment List.** Each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. (7-1-24)

**202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.**

**01. Character Limitations.** No special characters, or punctuation marks, may be used for personalized messages on license plates. (7-1-24)

**a.** The Department will determine how many characters are allowed on any given plate. (7-1-24)

**02. Issue of Personalized Plates.** Personalized plates may be issued to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to: (7-1-24)

**a.** Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; (7-1-24)

**b.** Vehicles for which the designators “PRP” are required to be printed on the plate to identify the use; and (7-1-24)

**c.** Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. (7-1-24)

**03. Specific Requests.** Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, fax transmission time, or data entry time will prevail. If the postmarks are the same, the date stamped upon arrival will prevail. Applications processed at county assessors’ offices will be considered valid when entered in the system. Telephone requests will not be accepted. (7-1-24)

**04. Lack of Current Plates.** When an applicant for personalized plates does not have current regular number plates: (7-1-24)

**a.** The Department may, upon payment of all required fees, issue a proof of registration document consistent with Section 012-~~of this rule~~. (7-1-24)( )

**05. Credits.** When personalized plates are issued before an applicant’s current registration is expired, credit will be given for unexpired registration fees only. (7-1-24)

**06. Renewing Plates.** The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, a plate and mailing fee will be charged in addition to all other fees that are due. Personalized plates will be reissued in accordance with Section 49-443, Idaho Code. (7-1-24)

**07. Transfer of Plates.** When personalized plates are issued, the vehicle’s regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. (7-1-24)

**08. Acceptability of Plates Message.** Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: (7-1-24)

**a.** The characters requested may not duplicate an existing combination in use on the same size plate or replicate an existing law enforcement plate combination. (7-1-24)

**b.** The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, or profanity, as

defined by common internet and dictionary resources. (7-1-24)

i. The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; illegal substances or the use thereof. (7-1-24)

ii. The message may not represent a group that is commonly known to promote violence, illegal substances or illegal acts. (7-1-24)

c. The criteria in Paragraph 202.08.b. ~~of this rule~~ is not to be considered an exhaustive list. A compilation of words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho. (7-1-24)( )

d. When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed. (7-1-24)

e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. ~~The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff.~~ An applicant does, however, have a right to a hearing on the decision. (7-1-24)( )

**09. Message Preferences.** Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail or email. (7-1-24)

**10. Recalled Plates.** Personalized plates may be recalled by the Department for the following reasons: (7-1-24)

a. Error in manufacturing; or (7-1-24)

b. Clerical error. (7-1-24)

c. Unacceptable personalized messages as outlined in Paragraph 202.08.b. ~~of these rules.~~ (7-1-24)( )

**11. Unexpired Fees.** If a set of personalized plates is recalled ~~or rejected~~, the personalized plate program fee, will not be refunded but may be transferred to a new issue of personalized plates. (7-1-24)( )

**12. Expired Plates.** Personalized plates that have their registration expire will become immediately available for reissue to another applicant. There is no grace period. (7-1-24)

## **203. PROVISIONS FOR FORMER PRISONER OF WAR (POW) LICENSE PLATES.**

**01. Eligible Person.** Any veteran who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States during the following recognized war periods may be eligible:

WORLD WAR II	December 7, 1941 to December 31, 1946
KOREAN WAR	June 27, 1950 to January 31, 1955
VIETNAM WAR	August 5, 1964 to May 7, 1975
USS PUEBLO	January 23, 1968 to December 23, 1968
PERSIAN GULF	August 2, 1990 (Congress has not assigned an ending date.)

(7-1-24)

**02. Certified Documentation.** Eligibility will be documented by a copy of the applicant's 53.55 or DD-214 Separation from Active Duty papers, or other specific documentation received from the Veterans Administration that certifies that the applicant was a prisoner of war during the recognized war periods stated above. (7-1-24)

**204. SURRENDER OF PLATES.**

Registered owners desiring to surrender their license plate numbers may do so at any time. Upon surrender, license plate numbers ~~shall~~ will immediately become available to be issued by the system or, if personalized, applied for by another, upon application and payment of applicable plate, registration, and program fees. (7-1-24)( )

**205. -- 299. (RESERVED)**

**300. PROVISIONS FOR SAMPLE PLATES.**

Sample plates are issued at on the "Scenic Idaho/Famous Potatoes" red, white, and blue plate or Special Program License plates as follows: (7-1-24)

**01. Plate Size.** Plates ~~carry~~ must adhere to license plate manufacturing standards in size and display the abbreviation SAMP in the ~~lower right~~ sticker box on both passenger car and motorcycle license plates. (7-1-24)( )

**02. Personalized Sample Plates.** Personalized Sample plates are issued on both plate sizes. (7-1-24)

**a.** The acceptability screening process ~~used is the same as that used for regular personalized plate application in Paragraph 202.08 applies.~~ (7-1-24)( )

**b.** The Department will adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations. (7-1-24)

**c.** The department may include other special license plate programs for sample plate sale, when not prohibited by code, or that would not cause a compromise of a special eligibility plate program. (7-1-24)

**03. Penalties.** ~~There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code).~~ (7-1-24)

**301. -- 399. (RESERVED)**

**SUBCHAPTER A – RULES GOVERNING LICENSE PLATES  
FOR GOVERNMENTAL AGENCIES AND TAXING DISTRICTS**

**400. ~~STANDARD EXEMPT PLATE DESIGNATORS~~ PROVISIONS FOR EXEMPT LICENSE PLATES.** ~~The standard exempt license plate designators used to identify the agency, entity, or office will be assigned pursuant to Section 49-443B (2), Idaho Code.~~ (7-1-24)

**01. Standard Exempt License Plates.** Includes the standard exempt plate designator assigned to the requesting agency and a unique letter/number system as determined by the department or specified by the applicant. ( )

**02. Personalized Exempt License Plates.** Exempt agencies that do not include the standard exempt plate designator will be subject to personalization fees pursuant to Section 49-402 (9), Idaho Code. ( )

**401. ISSUING AGENCY.**

All exempt and undercover license plates will be issued by the ~~Idaho Transportation~~ Department upon receipt of a request from an authorized agency. (7-1-24)( )

**402. INFORMATION TO BE PROVIDED BY AN AUTHORIZED AGENCY.**

A request for exempt or undercover plates will contain: (7-1-24)

**01. Actual Name and Address.** The name and address of the requesting agency. (7-1-24)

**02. Vehicle Description.** The description of the vehicle(s) to be registered, including the year, the make, model, type, vehicle identification (VIN), color and title number, and truck weight if eight thousand one pounds (8,001 lbs.) or more. (7-1-24)

**03. Fictitious Name and Address.** The name and address of the registrant to appear on the undercover plate registration, and title records of the Department. (7-1-24)

**04. Authorized Official.** The request must be signed by an authorized official of the authorized agency. (7-1-24)

**403. VEHICLE TITLING.**

**01. For Exempt Registration and License Plates.** If the vehicle is not titled, the title transaction will be initiated before requesting exempt plates. ~~The control number from the title application may be used in lieu of the title number on the exempt plate request letter.~~ Exempt registration must match the associated title. (7-1-24)( )

**02. Undercover Vehicle Titling.** The actual name and address of the requesting agency, along with the fictitious name and address of the registrant will be provided directly to the Department on a completed application approved by the authorized official. (7-1-24)

**404. EXEMPT AND UNDERCOVER PLATE FEES.**

**01. Department Reimbursement.** State and federal agencies and taxing districts will reimburse the Department the cost of providing license plates. These costs will be determined by the cost of manufacture and the cost to the Department of processing the transaction. (7-1-24)

**02. Adjusted Fees.** Periodically, fees may be adjusted in accordance with changes in manufacturing costs, postage, employee costs and legislative mandate. (7-1-24)

**03. Elective Fees.** Exempt agencies that choose to participate in a special program and/or opt for personalized plate are subject to the initial fee(s) on the original application and each subsequent reissuance of the license plates. Undercover vehicles are not eligible for special program and/or personalized plates. ( )

**405. EXEMPT PLATE DISPLAY.**

Exempt license plates will be displayed in accordance with Section 49-428, Idaho Code. The designator “EX~~MP~~” will be provided with each exempt plate and be attached to the plate(s) in the space provided for this purpose. The department may have the EX~~MP~~ designator printed in the appropriate space on the plate as an alternative to the sticker. (7-1-24)( )

**406. UNDERCOVER PLATE DISPLAY.**

~~Undercover license plates will be displayed in accordance with Section 49-428, Idaho Code. A pressure-sensitive sticker displaying an expiration date matching the plate number will be attached to the plate(s) in the space provided for this purpose. There will be no discerning markings to indicate that the plate or registration record is in undercover use.~~ (7-1-24)

**407. ALTERNATIVE PLATES.**

~~If an authorized agency requests a specialized license plate format normally reserved for the general public, all the statutory special program fees for the plate will be paid, with the exception of the registration (operating) fee, in addition to the department administrative and plate manufacturing fees. Special eligibility plates will not be issued to exempt vehicles. “Special eligibility” requires the individual registrant to meet specific requirements for programs such as: Purple Heart, Disabled Veteran, Disability, Military Reservist, Former Prisoner of War, Congressional Medal of Honor, National Guard and Air National Guard, Radio Amateur, Pearl Harbor Survivor, and Legislative plates.~~

(7-1-24)

**406. -- 407. (RESERVED)**

**408. EXEMPT PLATE STATUS.**

- 01. Non-Expiring Plates.** Exempt plates are non-expiring and require no annual renewal. (7-1-24)
- 02. Transfer of Plates.** Exempt plates may be transferred between vehicles. If an exempt plate is transferred to another vehicle, a transfer request must be made to the Department. (7-1-24)
- 03. Reissue of Plates.** Exempt plates will also be assessed personalization and program fees upon each reissuance. (7-1-24)

**409. UNDERCOVER PLATE STATUS.**

- 01. Expiration of Plates.** Undercover license plates will expire annually or biennially based upon the application of the authorized agency. Registration status will appear as valid, until expiration date. Renewals must be made to the Department upon expiration of the undercover license plate. (7-1-24)
- 02. Transfer of Plates.** Undercover license plates may be transferred between vehicles. If an undercover license plate is transferred to another vehicle, a transfer request must be made to the Department's Vehicle Services Section/Special Plates Unit. (7-1-24)
- 03. Reissue of Plates.** Undercover plates will be reissued in accordance with Section 49-443(2), Idaho Code. (7-1-24)

**410. -- 999. (RESERVED)**



## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.49 – RULES GOVERNING IGNITION INTERLOCK DEVICES

#### DOCKET NO. 39-0349-2501 (ZBR CHAPTER REWRITE)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 18-8008\(4\)](#), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Pursuant to Idaho Code 18-8008(4), the department is required to maintain rules concerning the certification, installation, repair, and removal of ignition interlock devices. This rule was reviewed in accordance with the agency's [Zero-Based Regulation review schedule](#). The proposed edits clarify several provisions and are non-substantive in nature.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 443–451](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 7th day of November, 2025.

Brendan Floyd  
Policy Specialist  
Idaho Transportation Department  
11331 W. Chinden Blvd.  
Boise, ID 83714  
208-334-8474  
[Brendan.floyd@itd.idaho.gov](mailto:Brendan.floyd@itd.idaho.gov)



**THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 18-8008\(4\)](#), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Pursuant to Idaho Code 18-8008(4), the department is required to maintain rules concerning the certification, installation, repair, and removal of ignition interlock devices. This rule was reviewed in accordance with the agency's [Zero-based Regulation](#) review schedule. The proposed edits clarify several provisions and are non-substantive in nature.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

**NEGOTIATED RULEMAKING:** Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025, Idaho Administrative Bulletin, [Vol. 25-5, pages 76-77](#).

**INCORPORATION BY REFERENCE:** Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 29th Day of August, 2025.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0349-2501**

### 39.03.49 – RULES GOVERNING IGNITION INTERLOCK DEVICES

**000. LEGAL AUTHORITY.**

~~This rule is promulgated pursuant to~~ Section 18-8008, Idaho Code. (3-31-22)( )

**001. TITLE AND SCOPE.**

~~The rule is titled IDAPA 39.03.49, “Rules Governing Ignition Interlock Devices,” and the purpose of it is to establish regulations for certification, installation, repair and removal of~~ chapter implements Section 18-8008, Idaho Code, relating to ignition interlock breath alcohol devices. (3-31-22)( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Alcohol.** The generic class of organic compounds known as alcohols ~~and, specifically, the chemical compound ethyl alcohol. For the purpose of Ignition Interlock Devices, all devices will be specific for ethyl alcohol.~~ (3-31-22)( )

**02. Breath Alcohol Concentration (BrAC).** The weight amount of alcohol contained in a unit volume of breath, measured in grams ~~Ethanol~~ two hundred ten (210) liters of breath. (3-31-22)( )

**03. Court (Or Originating Court).** The particular Idaho state court that has required the use of an ignition interlock device by a particular individual. (3-31-22)

**04. Certification.** The approval process required by the ~~Idaho Transportation~~ Department. (3-31-22)( )

~~**05. Department.** The Idaho Transportation Department.~~ (3-31-22)

~~**06.**~~ **05. Device.** An ignition interlock device. (3-31-22)

~~**07.**~~ **06. Diversion Program Administer or Designee.** The prosecuting attorney or an individual or business appointed by a prosecuting attorney of any Idaho county, to administer the diversion program established by the prosecuting attorney on their behalf. (3-31-22)

~~**08.**~~ **07. Ignition Interlock Device.** An instrument designed to measure the BrAC of an individual equipped with a camera and which prevents a motorized vehicle from starting or operating when the BrAC is greater than or equal to point zero two five (.025). (3-31-22)( )

~~**09.**~~ **08. Independent Testing Laboratory.** A laboratory facility that is not subject to the control of the manufacturer or the manufacturer’s representative. (3-31-22)

~~**10.**~~ **09. Interlock.** The state in which a motor vehicle is prevented from starting or operating by a device. (3-31-22)( )

~~**11.**~~ **10. Lessee.** The person ordered by a court to drive only vehicles that have certified devices installed. (3-31-22)

~~**12.**~~ **11. Manufacturer.** The person, or organization responsible for the design, construction and production of the device. (3-31-22)

~~**13.**~~ **12. Manufacturer’s Representative.** A company or corporation registered as a business with the Idaho Secretary of State who is designated by the manufacturer to sell, rent or lease a specific device in the State of Idaho and provide installation, maintenance and removal of the device through the operation of service centers.

(3-31-22)

**143. Circumvention.** To bypass the correct operation of a device by starting the motor vehicle or operating the motor vehicle by any means without first providing a breath test. (3-31-22)

**154. Tampering.** An attempt to disable, adjust, or otherwise alter the proper operation of a device or camera. “Tampering” does not include disconnecting the handset once the vehicle is turned off. (3-31-22)

**165. Ignition Interlock Waiver Liability.** If a court grants a driver relief from the requirement of adding an ignition interlock device under the provisions of either Sections 18-8002A, 18-8002 or 18-8008, Idaho Code, the waiver will cover both ignition interlock requirements from the criminal charges and from the civil administrative license suspension. When the Department receives a court order granting the waiver of an ignition interlock requirement, the Department ~~shall will~~ not be liable for complying with the court’s order, and no cause of action will accrue against the Department for not enforcing the ignition interlock requirement in the civil administrative license suspension under Section 18-8002A, Idaho Code. (3-31-22)( )

**011. -- 099. (RESERVED)**

**100. CERTIFICATION PROCESS.**

**01. Equipment Standards.** A device must be produced by a manufacturer who maintains certification to the current International Organization for Standardization (ISO) 9001 Quality Management Systems for aspects related to the design, maintenance and distribution of the device. Written documentation demonstrating compliance with this requirement ~~shall will~~ be submitted to the Department by the manufacturer on an annual basis. Additionally, a device must meet or exceed the National Highway Traffic Safety Administration’s (NHTSA) model specifications for breath alcohol ignition interlock devices (BAIIDs) as published in the Federal Register/Vol. 78, No. 89/ Wednesday, May 8, 2013 and are subject to subsequent standards published by NHTSA. Written documentation from an independent testing laboratory that is an International Organization for Standardization (ISO) 17025 certified testing laboratory performing the tests as specified, will be accepted as proof of meeting or exceeding the NHTSA Model Specifications for BAIIDs. The documentation from the ISO 17025 certified testing laboratory ~~shall will~~ include: the name, physical location, mailing address and phone number of the testing laboratory; a description of the tests performed; copies of the data and results of the testing procedures; and the name of the device being submitted for approval. (3-31-22)( )

**a.** A manufacturer must report in writing to the Department a material device modification if there is a material change affecting the customer functionality, customer communication or accuracy of the device. Upon written receipt of a material device modification, the Department within thirty (30) days will determine whether written documentation from an independent testing laboratory that is ISO 17025 accredited will be required prior to implementing device usage in Idaho. (3-31-22)

**b.** Devices that were certified under less stringent IDAPA rules governing BAIID devices or previous model specifications as published in the Federal Register will be grandfathered for use in the state for a period no longer than one hundred eighty (180) days from the effective date of the most recent published device specifications at which time the Letter of Certification for the device will be revoked pursuant to Subsection 100.05 ~~of these rules,~~ and removed in accordance with Subsection 100.07 ~~of these rules.~~ (3-31-22)( )

**02. Proof of Insurance.** The manufacturer ~~shall will~~ annually provide to the Department proof of insurance with minimum liability limits of one million dollars (\$1,000,000) per occurrence, with three million dollars (\$3,000,000) aggregate total. The liability covered ~~shall will~~ include defects in product design and materials, as well as workmanship during manufacture, calibration, installation and removal. The proof of insurance ~~shall will~~ include a statement from the insurance carrier that thirty (30) days’ notice ~~shall will~~ be given to the Idaho Transportation Department prior to cancellation. (3-31-22)( )

**03. Hold Harmless.** The manufacturer ~~shall will~~ provide to the Department a notarized statement that the manufacturer will be totally responsible for product liability and will indemnify the following from any liability resulting from the device or its installation or use: (3-31-22)( )

- a. The state of Idaho; and (3-31-22)
- b. The court that ordered the installation of the device. (3-31-22)
- c. The county, its employees and designees administering the program. (3-31-22)

**04. Manufacturer's Reporting Requirements.** The manufacturer ~~shall~~ will provide the Department a description of its installation and monitoring procedures, maintenance technician training program, and set of criteria for monitoring and reporting offenders. (3-31-22)(    )

**05. Criteria for Certification and/or Revocation.** Upon receipt of the required documentation from the Manufacturer as set forth in Subsections 100.01 through 100.04 ~~of these rules~~ the Department ~~shall~~ will issue a Letter of Certification for the device. The Letter of Certification ~~shall~~ will be valid until voluntarily surrendered by the manufacturer or until revoked by the Department for cause. Reasons for revocation include, but are not limited to: (3-31-22)(    )

- a. Evidence of repeated device failures due to gross defects in design, materials and/or workmanship during manufacture, installation or calibration of the device; (3-31-22)
- b. Notice of cancellation of manufacturer's liability insurance is received; or (3-31-22)
- c. Notification that the manufacturer is no longer in business. (3-31-22)
- d. Voluntary request of the manufacturer to remove a device from the certified list; (3-31-22)
- e. Any other reasonable cause to believe the device was inaccurately represented to meet the performance standards; or (3-31-22)
- f. Failure to submit required reports to the Department. (3-31-22)

**06. Notice of Revocation.** Unless necessary for the immediate good and welfare of the public, revocation ~~shall~~ will be effective twenty-one (21) days after manufacturer's receipt of notice, which ~~shall~~ will be sent via certified mail, return receipt requested. A copy of each Notice of Revocation and final outcome ~~shall~~ will be provided to all originating courts or their designees and lessees utilizing the revoked device with notice to contact the manufacturer for a replacement. (3-31-22)(    )

**07. Removal of Revoked Devices.** Upon revocation or voluntary surrender of a certified device, a manufacturer ~~shall~~ will be responsible for removal of all like devices from lessees' vehicles. (3-31-22)(    )

a. A manufacturer will be responsible for any costs connected with removal of their revoked devices from lessees' vehicles and the installation of certified replacement devices. (3-31-22)

b. The manufacturer must obtain and maintain a bond in the amount of thirty-five thousand dollars (\$35,000). The bond ~~shall~~ will inure to the benefit of the State of Idaho and ~~shall~~ will be used to reimburse expenses related to the device services incurred by any lessee who is required to equip a vehicle with a device by the State of Idaho because a manufacturer's certification is being refused, suspended, or revoked. The bond must include the following: (3-31-22)(    )

- i. The bond must be issued by a corporate surety licensed to do business within the State of Idaho; (3-31-22)
- ii. The surety ~~shall~~ will have the ability to cancel the bond and give notice that the bond is cancelled for any reason and ~~shall~~ will continue to be liable under the bond until the commissioner of public safety receives notice; (3-31-22)(    )
- iii. The bond must be executed to the State of Idaho; and (3-31-22)

- iv. The original bond must be filed and held in the Department's office. (3-31-22)

**08. Right to Appeal.** Upon voluntary surrender, written notice of or revocation of a Letter of Certification for a manufacturer's device, manufacturers may request a review of the revocation. Such request ~~shall~~ will be submitted to the Department, in writing, within twenty (20) days of receiving the written notice of revocation. (3-31-22)( )

**09. Repository for Letter of Certification.** The Department ~~shall~~ will maintain a file of all existing Letters of Certification. (3-31-22)( )

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

**200. INSTALLATION STANDARDS.**

**01. Installer.** Device must be installed by a manufacturer or manufacturer's representative. (3-31-22)

**02. Unauthorized Persons.** Lessees or other unauthorized persons ~~shall~~ will not be allowed to watch the installation or removal of the device. (3-31-22)( )

**03. Security.** Adequate security measures must be taken to prevent unauthorized persons from accessing secured materials (tamper seals, installation instructions, etc.) (3-31-22)

**04. Installation Instructions.** Each manufacturer ~~shall~~ will develop written instructions for installation of its device(s). (3-31-22)( )

**05. Vehicle Condition Screen.** The installer must screen vehicles for acceptable mechanical and electrical condition, in accordance with the device manufacturer's instructions. (3-31-22)

**06. Mandatory Vehicle Maintenance.** Conditions that would interfere with the function of the device, (e.g. low battery or alternator voltage, stalling frequent enough to require additional breath tests, etc.) must be corrected to an acceptable level. (3-31-22)

**07. Installation Standards.** Installations must be made in a workmanlike manner, within accordance to accepted trade standards, and according to the instructions provided by the manufacturer. (3-31-22)

**08. Device Removal Standards.** When a device is removed, the vehicle must be reasonably restored to its original condition. All severed wires must be permanently reconnected and insulated with heat shrink tubing or its equivalent. (3-31-22)

**201. -- 299. (RESERVED)**

**300. DEVICE MAINTENANCE AND REPORTS.**

**01. Device Examination Schedule.** Each lessee ~~shall~~ will have the device examined by a manufacturer or manufacturer's representative for correct calibration and evidence of tampering every sixty (60) days, or more often as may be ordered by the originating court, or less frequently, as may be ordered by the originating court. (3-31-22)( )

**02. Report of Examination.** A report on the results of each check ~~shall~~ will be provided to the trial court administrator or designee of the originating court. The report ~~shall~~ will reflect what adjustments, if any, were necessary in the calibration of the device, any evidence of tampering or circumvention, and any other available information the originating court may order. (3-31-22)( )

**03. Corrective Action Report.** Upon request of the originating court, diversion program administrator or their designee complaints by the lessee ~~shall~~ will be accompanied by a statement of the actions taken to correct the problem(s). Reports of the problem(s) and action(s) taken ~~shall~~ will be submitted to the originating court or its designee within three (3) business days. (3-31-22)( )

**04. Additional Report.** Upon request, an additional report will be provided to the Department on a quarterly basis summarizing all periodic checks ordered by the originating court and all complaints received by the manufacturer from the lessee for each model or type of certified device. These reports ~~shall~~ will be categorized by: (3-31-22)(    )

- a. Customer error of operation. (3-31-22)
- b. Faulty automotive equipment other than the device. (3-31-22)
- c. Apparent misuse or attempts to circumvent the device, causing damage. (3-31-22)
- d. Device failure due to material defect, design defect, workmanship errors in construction, installation or calibration. (3-31-22)

**301. DEVICE SECURITY.**

**01. Tampering or Circumvention Precaution.** The manufacturer ~~shall~~ will take all reasonable steps necessary to prevent tampering or physical circumvention of the device. (3-31-22)(    )

**02. Device Identification.** Each device ~~shall~~ will be uniquely serial numbered. All reports to the trial court administrator or designee of an originating court concerning a particular device ~~shall~~ will include the name and address of the lessee, the originating court's file number, and the unique number of the device. (3-31-22)(    )

**03. Warning Label.** The manufacturer ~~shall~~ will provide a label containing a notice (at least ten (10) point boldface type) on each certified device which is visible to the lessee at all times reading: WARNING: ANY PERSON TAMPERING, CIRCUMVENTING, OR OTHERWISE MISUSING THIS DEVICE MAY BE SUBJECTED TO CRIMINAL SANCTIONS. (Section 18-8009, Idaho Code) (3-31-22)(    )

**04. Physical Anti-Tamper Security.** (3-31-22)

a. Use unique, easily identifiable wire, covering or sheathing over all wires used to install the device, which are not inside a secured enclosure. (3-31-22)

b. Make all connections to the vehicle under the dash or in an inconspicuous area of the vehicle. (3-31-22)

c. Use unique, easily identifiable tamper seal, epoxy or resin at all openings and exposed electrical connections for the device (except breath or exhaust ports). (3-31-22)

**05. Personnel Requirements.** Devices must be installed, inspected, tested and maintained by a qualified manufacturer or manufacturer's representative. (3-31-22)

a. Installers must have the training and skills necessary to install, troubleshoot and check for proper operation of the device, and to screen the vehicle for acceptable operating conditions. (3-31-22)

b. Installers whose functions and duties include installing, calibrating, performing tamper and circumventions inspections and reporting duties, should not have been convicted of a crime substantially related to the convicted lessee's violation. This includes, persons convicted of: Driving under the influence (DUI) within the last five (5) years; more than one (1) DUI overall; probation violation; and perjury. (3-31-22)

c. For the purposes of this section, "convicted" ~~shall~~ includes entering a plea of guilty, nolo contendere, or to have been found guilty or been given a withheld judgment. (3-31-22)(    )

**302. -- 399. (RESERVED)**

**400. MANDATORY OPERATIONAL FEATURES.**



Notwithstanding other provisions of this ~~rule~~ chapter, a certified device must comply with the following:

(3-31-22)( )

**01. Device Setpoint.** The setpoint of each device to interlock when the breath sample is provided point zero two five (.025) or greater (Section 18-8008(2), Idaho Code). The capability to change this setting ~~shall~~ will be made secure, by the manufacturer, to prevent unauthorized adjustment of the device. (3-31-22)( )

**02. Camera.** Every device currently installed in a vehicle must be equipped with a camera that is not located inside the handset and is mounted to the vehicle in such a way to capture a reference photo at the time of installation and a digital image of the driver sitting in the driver's compartment when a breath sample is submitted, refused, or the device is circumvented. The device must store all data, including the image, time, date, and BrAC of the accepted breath sample each time the individual attempts to use the device. (3-31-22)

**a.** The device camera must function in all lighting conditions. (3-31-22)

**b.** All images and data collected between calibration periods must be stored in the device's data storage system and be downloadable at the time of calibration by the device manufacturer or manufacturer's representative in order to ensure proper record maintenance. (3-31-22)

**401. OTHER PROVISIONS.**

Notwithstanding other provisions of this ~~rule~~ chapter, each manufacturer of a certified device: (3-31-22)( )

**01. Repair Deadline.** ~~Shall~~ will guarantee repair or replacement of a defective device within the state of Idaho within a maximum of forty-eight (48) hours of receipt of complaint. (3-31-22)( )

**02. Statement of Charges.** The manufacturer or the manufacturer's representative will provide the originating court, diversion program administrator or its designee, and the lessee a statement of all device charges clearly specifying warranty details, purchased cost, and/or monthly lease amount, any additional charges anticipated for routine calibration and service checks, what items (if any) are provided without charge, and under what conditions a lessee is responsible for payment for service calls and/or damage to the device. (3-31-22)

**03. Notice of Installation.** Upon installation of each device, the manufacturer or its representative will provide the trial court administrator, diversion program administrator or designee of the originating court with a notice of installation that includes the name, address and telephone number of the lessee, the originating court's file number, and the unique number of the device. (3-31-22)

**04. Nationwide Service Center Locations.** Prior to installation, the manufacturer or manufacturer's representative will provide the following to all lessees: (3-31-22)

**a.** A list of all calibration/service locations in the continental United States. The list will include the business name, address and telephone number of all locations. (3-31-22)

**b.** A twenty-four (24) hour telephone number to call for service support for those who may be traveling outside service areas. (3-31-22)

**05. Statewide Service Center Locations.** Prior to installation, the manufacturer or the manufacturer's representative will provide the following to all lessees: (3-31-22)

**a.** A list of all calibration/service locations in the state of Idaho. The list will include the business name, address and telephone number of all locations. (3-31-22)

**b.** Will notify the Department of the location, including address, phone number and contact person, of each service center in Idaho. (3-31-22)

**06. Removal of Device.** The manufacturer or manufacturer's representative will advise the originating court, diversion program administrator or its designee prior to removing the device under circumstances other than: (3-31-22)

a. Completion of sentence or other terms of a court order. (3-31-22)

b. Immediate device repair needs. (3-31-22)

**09. Substitute Device.** Whenever a device is removed for repair and cannot immediately be reinstalled, a substitute device ~~shall~~ will be utilized. Under no circumstances ~~shall~~ will a lessee's vehicle be permitted to be driven without a required device. (3-31-22)(    )

**402. REMOVAL PROCEDURES.**

When so notified in writing by the originating court, the manufacturer or the manufacturer's representative ~~shall~~ will remove the device and return the vehicle to normal operating condition. A final report, which includes a summary of all fees paid by the lessee over the life of the contract, ~~shall~~ will be forwarded to the originating court, diversion program administrator or its designee and the Department. (3-31-22)(    )

**403. -- 499. (RESERVED)**

**500. PRIMARY RESPONSIBILITIES OF AGENCIES/OFFICES MONITORING THIS ~~RULE~~ CHAPTER.**

Listed below are some of the primary responsibilities of the indicated offices/agencies, as outlined in this ~~rule~~ chapter. (3-31-22)(    )

**01. Testing Lab.** (3-31-22)

a. Test devices for minimum standards. (3-31-22)

b. Submit notarized statement and copy of the Certification Test Report to manufacturer. (3-31-22)

c. Keep log of test results. (3-31-22)

**02. Manufacturer or Manufacturer's Representative.** (3-31-22)

a. Submit device to lab for testing. (3-31-22)

b. Install, maintain and remove device as required by court. (3-31-22)

c. Set interlock level as established by Idaho Code. (3-31-22)

d. Submit quarterly (or more frequent) maintenance reports to originating court or its designee. (3-31-22)

e. Upon request, submit quarterly reports to the Department summarizing periodic device examinations and all complaints received. (3-31-22)

f. Provide court, diversion program administrator or its designee, or lessee and Department with statement of charges and/or any additional fees. (3-31-22)

g. Provide lessee with service and repair information. (3-31-22)

h. Provide the Department with proof of insurance annually. (3-31-22)

i. Report any attempt to disconnect any device to originating court, diversion program administrator or its designee. (3-31-22)

j. Advise court, diversion program administrator or its designee before removing any device unless authorized or in need of immediate repair. (3-31-22)



- 03. ~~Idaho Transportation~~ Department.** (3-31-22)( )
- a.** Maintain a list of known calibration/service locations in the state. (3-31-22)
  - b.** Issue Letter of Certification for each device model to manufacturer. (3-31-22)
  - c.** When necessary, revoke Letter of Certification. (3-31-22)
  - d.** Maintain file of all letters. (3-31-22)
  - e.** Maintain file of statement of charges (by device model). (3-31-22)
  - f.** Maintain proof of insurance. (3-31-22)
- 04. Court.** (3-31-22)
- a.** The judge or prosecuting attorney as the diversion program administrator or their designee will order device installation, maintenance and removal. (3-31-22)
  - b.** The trial court administrator, diversion program administrator or their designee of the originating court will receive maintenance reports on each device installed pursuant to court order. (3-31-22)
  - c.** The trial court administrator, diversion program administrator or their designee of the originating court will receive an itemized statement of charges. (3-31-22)
  - d.** The trial court administrator, diversion program administrator or their designee of the originating court will receive manufacturer's reports of attempts to disconnect any device. (3-31-22)
  - e.** The trial court administrator or diversion program administrator or their designee will receive reports and a declaration from the lessee's ignition interlock vendor, on a form provided or approved by the diversion program administrator or their designee, certifying that none of the following incidents occurred while the system was installed in the lessee's vehicle(s): (3-31-22)
    - i.** Attempt to start vehicle with a B~~r~~AC of zero point zero four (0.04) or more; (3-31-22)( )
    - ii.** Failure of the lessee to take any random test; or (3-31-22)
    - iii.** Failure of the lessee to pass any random retest with a B~~r~~AC of zero point zero two five (0.025) or lower. (3-31-22)( )
    - iv.** Failure of the lessee to appear when required at vendor's place of business for maintenance, repair, calibration, monitoring, inspection or replacement of the system. (3-31-22)
- 05. Lessee.** (3-31-22)
- a.** Have device installed and maintained as ordered by court. (3-31-22)
  - b.** Receive itemized statement of charges and remit fees as scheduled. (3-31-22)
  - c.** Receive and comply with guidelines regarding repairing and maintaining the vehicle in good working order. (3-31-22)
- 501. -- 999. (RESERVED)**