

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 187

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING CHAPTER 1, TITLE 36, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 36-126, IDAHO CODE, TO PROVIDE FOR MOTORIZED  
3 USE RESTRICTIONS IN RECREATIONAL ACCESS AGREEMENTS, TO PROVIDE FOR VIO-  
4 LATIONS, TO PROVIDE FOR PENALTIES, AND TO PROVIDE APPLICABILITY.  
5

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

7 SECTION 1. That Chapter 1, Title 36, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 36-126, Idaho Code, and to read as follows:

10 36-126. MOTORIZED USE RESTRICTIONS IN RECREATIONAL ACCESS AGREE-  
11 MENTS. (1) In the event owners or lawful possessors of private land have  
12 restricted motorized vehicle operation on their land, the commission or de-  
13 partment may, in entering into a lease or other cooperative agreement with  
14 such owners or possessors to allow public recreational access to such land,  
15 agree to enforce restrictions on motorized vehicle operation on such land,  
16 provided that:

17 (a) Notice of the existence of such restrictions is posted on the main  
18 traveled road or roads entering the area or areas to which the restric-  
19 tions apply;

20 (b) Such notice includes:

21 (i) "Travel restrictions apply," or wording of like meaning; and

22 (ii) A website address and phone number for contacting the depart-  
23 ment; and

24 (c) A copy of a map or other description of the restrictions, including  
25 the effective date thereof, is made available to the public at the near-  
26 est department regional office and the department's website.

27 (2) In the event the commission or department agrees to enforce motor-  
28 ized vehicle restrictions as set forth in subsection (1) of this section,  
29 no person, unless specifically authorized by the owner or possessor of the  
30 land, may violate such restrictions, or tear down or lay down any fencing or  
31 gates enclosing such a restricted area, or remove, mutilate, damage, or de-  
32 stroy any notices, signs, or markers giving notice of such restrictions.

33 (3) (a) Any person who pleads guilty to or is found guilty of a violation  
34 of subsection (2) of this section for the first time in any five (5) year  
35 period is guilty of an infraction with a fine as set forth in section  
36 36-1402, Idaho Code.

37 (b) Any person who pleads guilty to or is found guilty of a violation  
38 of subsection (2) of this section two (2) or more times within five (5)  
39 years is guilty of a misdemeanor and subject to penalties as set forth in  
40 section 36-1402, Idaho Code.

1           (4) Nothing in this section precludes the enforcement of other provi-  
2 sions of Idaho Code, such as those pertaining to trespass or damage to prop-  
3 erty.

4           (5) Nothing in this section allows the unlawful posting of signs or  
5 other information on or adjacent to highways as defined in section 40-109,  
6 Idaho Code.