

Dear Senators BRACKETT, Hagedorn, Buckner-Webb, and
Representatives PALMER, Shepherd, King:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho Transportation Department:

IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration - Proposed Rule
(Docket No. 39-0222-1501);

IDAPA 39.03.13 - Rules Governing Overweight Permits - Proposed Rule (Docket No.
39-0313-1501);

IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and
Office Trailers - Temporary and Proposed Rule (Docket No. 39-0317-1501);

IDAPA 39.03.21 - Rules Governing Overlegal Permit Fees - Proposed Rule (Docket No.
39-0321-1501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/26/2015. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/24/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: October 06, 2015

SUBJECT: Idaho Transportation Department

IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration - Proposed Rule (Docket No. 39-0222-1501)

IDAPA 39.03.13 - Rules Governing Overweight Permits - Proposed Rule (Docket No. 39-0313-1501)

IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers - Temporary and Proposed Rule (Docket No. 39-0317-1501)

IDAPA 39.03.21 - Rules Governing Overlegal Permit Fees - Proposed Rule (Docket No. 39-0321-1501)

1. IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration. According to the department, the rule is being changed to clarify the quarterly reporting of road use fees, to provide flexibility to refund money for trip permits if eligible, to eliminate delinquent billing processes to match new requirements of payment required before credentials are sent, to eliminate fee account billing processes due to the implementation of the cash drawer system and the availability of escrow accounts and to clarify that unpaid amounts owed to the department may be sent to a collection agency.

The department indicates that negotiated rulemaking was not conducted due to the simple nature of the changes. The rulemaking appears to be authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

2. IDAPA 39.03.13 - Rules Governing Overweight Permits

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.03.13 - Rules Governing Overweight Permits. According to the department, the current rule is antiquated and inadequate. The department states that with current staffing levels and the increased number of overweight vehicles/loads traveling within and through the state, it needs more realistic guidelines for the completion of a bridge analysis when one is required, as well as clarification whether department staff or a third party will be required to complete

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

such an analysis. The department notes that it has been using similar guidelines in its normal business practices for some time now, so this will not be completely new to the industry.

The department verifies that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 40-312, 49-201 and 49-1004, Idaho Code.

3. IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers

The Idaho Transportation Department submits notice of temporary and proposed rule at IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers. According to the department, the rule change will authorize anyone transporting a load up to sixteen feet wide to do so using an annual permit rather than having to purchase a single trip permit as currently required. The department states that industry representatives asked it to increase the allowable load widths that can be transported using an annual permit from the fourteen feet six inches currently authorized to sixteen feet.

The department states that the rule was adopted as a temporary rule based on the fact that it confers a benefit. The temporary rule became effective on August 20, 2015. The department notes that negotiated rulemaking was not conducted due to the adoption of the temporary rule. The rulemaking appears to be authorized pursuant to sections 40-312 and 49-201, Idaho Code.

4. IDAPA 39.03.21 - Rules Governing Overlegal Permit Fees

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.03.21 - Rules Governing Overlegal Permit Fees. According to the department, the rule change removes the option of establishing and using a fee account for the monthly charging and payment of permit fees and also makes some other non-substantive edits to the rule. The department states that the new cash drawer system now in place allows a carrier the option of establishing an escrow account for payment of permit fees. The department notes that elimination of the fee account process allows it to streamline business processes and be more efficient and effective.

The department indicates that negotiated rulemaking was not conducted due to the simple nature of the changes. The rulemaking appears to be authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.22 - RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION

DOCKET NO. 39-0222-1501

NOTICE OF RULEMAKING - 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 40-312 and 49-201, 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, no later than October 21, 2015.

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:

This rule is being changed to:

- 1) Clarify the quarterly reporting of road use fees and ensure IDAPA rule 39.02.22 is in accordance with Section 49-439(7), Idaho Code;
- 2) Provide flexibility to refund money for trip permits if eligible;
- 3) Eliminate delinquent billing processes to match new requirements of payment required before credentials are sent;
- 4) Eliminate fee account billing processes because it is no longer available with the implementation of the cash drawer system, plus, escrow accounts are now available; and
- 5) Clarify that unpaid amounts owed to the Department may be sent to a collection agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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: There is no fiscal impact to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rule changes are simple in nature.

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: There are no materials incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

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 28, 2015.

DATED this 26th Day of August, 2015.

Ramon S. Hobdey-Sanchez
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0222-1501
(Only Those Sections With Amendments Are Shown.)

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 permits. These fees are in addition to the registration fees *otherwise* required to be paid to the department. Mileage and road use fees for single trip overweight/oversize permits ~~is determined~~ are calculated and collected at the time of issuance and are not reported quarterly. (3-19-07)()

101. QUARTERLY ROAD USE FEE REPORTING.

01. Quarterly Reporting Forms Issued. The department will issue a quarterly report form to customers for each valid annual overweight/oversize permit issued to them. (3-19-07)

02. Use of Quarterly Reporting Form. The customer is required to report each quarter's information on the form provided on or before the due date specified on the quarterly report form, even when reporting zero miles traveled. (3-19-07)()

a. If the customer does not receive a quarterly report form, it is the customer's responsibility to notify the department allowing adequate time to submit the report before the due date. (3-19-07)

b. Any report transmitted through the US Postal Service shall be 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 not be considered as a post office cancellation mark. (3-19-07)

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. ~~In the event the department is late mailing the quarterly report form the due date shall be adjusted by the department.~~ (11-1-94)()

d. Quarterly reports not submitted will result in the account being suspended. ()

03. Information Required on the Quarterly Report Form. Customers must report the following: (3-19-07)

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. (3-19-07)()

b. Total amount due. (11-20-91)

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 miles are being reported. (3-19-07)()

d. Address change, if different from quarterly report form. (11-20-91)

e. Customer telephone number (3-19-07)

(BREAK IN CONTINUITY OF SECTIONS)

300. REFUNDS.

- 01. Fees Eligible for Refund.** (3-19-07)
- a.** Commercial vehicle registration is eligible for refund when the criteria in Section 49-434, Idaho Code, are met. (3-19-07)
- b.** If account has been overpaid, and no other fees are owed to the department. (3-19-07)
- c.** Unexpired portion of Idaho based fees are refundable for: (3-19-07)
- i.** A vehicle that has been sold or repossessed; (3-29-10)
- ii.** A vehicle that has been damaged beyond repair; or (3-19-07)
- iii.** A vehicle on which the lease has been terminated. (3-19-07)
- iv.** Other refund requests will be reviewed and approved or denied on a case by case basis. ()
- 02. Fees Not Eligible for Refunds:** ~~(3-19-07)~~
- ~~**a.** Other jurisdiction's fees are not refundable by Idaho. (3-19-07)()~~
- ~~**b.** Temporary trip permits are issued for specific vehicles only and fees are not refundable, nor transferable to other vehicles. (3-19-07)~~
- 03. Request for Refunds:** (3-19-07)
- a.** Registrant can make a request for refund of fees from the department. The refund request must include: (3-19-07)
- i.** Proof of sale or repossession of the vehicle; (3-29-10)
- ii.** Proof from the insurance company or law enforcement agency that the vehicle has been damaged beyond repair; or (3-19-07)
- iii.** Proof of lease termination from the leasing company. (3-19-07)
- b.** Request shall be subject to audit as provided in Idaho Code. (3-19-07)
- c.** All refund requests shall be reviewed ~~by a Commercial Vehicle Services supervisor~~ to ensure that all requests are valid and eligible. The Revenue Operations supervisor shall also approve/disapprove refunds. If the refund amount is greater than or equal to one thousand (\$1,000) dollars, a Financial Services manager shall also review and approve/disapprove the request before refund is processed. ~~(3-19-07)()~~
- d.** Approval/disapproval shall be indicated by either signature, or electronic approval by means of the department's financial management system. (3-19-07)

~~301. -- 399. (RESERVED)~~

~~400. DELINQUENT BILLS FOR NONPAYMENT OF OVERLEGAL PERMITS.~~

- ~~**01. Payment Options.** A customer may request overlegal permits to be issued without prepayment. The customer may pay when he picks up the permit at the nearest Port of Entry or at the department. (3-19-07)~~
- ~~**02. Non-Payment of Overlegal Permits.** If the customer fails to pick up the permit, the permit fee is~~

~~still due and not dependent upon receipt of the permit, unless customer has requested to cancel the permit prior to the valid date of the permit. (3-19-07)~~

~~a. The department will send a billing notice to the customer requesting payment. The amount is due within fifteen (15) days of the date of the notice. (3-19-07)~~

~~b. The customer's account will be suspended thirty (30) days after the original billing for non-payment of fees. If the account is suspended, it will be subject to a reinstatement fee of forty dollars (\$40). (3-19-07)~~

~~c. A demand notice will be sent out thirty (30) days after account has been suspended with all the fees due, including original permit amount, and reinstatement fee. (3-19-07)~~

~~d. The customer account will remain suspended if fees are uncollected. After sixty (60) days from the date of suspension, the account will be assigned to a collection agency. (3-19-07)~~

~~401.—499. (RESERVED)~~

500. NON PAYMENT OF FEE ACCOUNT BILLINGS FOR OVERLEGAL PERMITS.

~~01. **Fee Accounts.** A customer may opt to have a fee account with the department for convenience of ordering overlegal permits. A fee account may be established by the department for the customer provided that the customer: (3-19-07)~~

~~a. Is not suspended or in revoked status. (3-19-07)~~

~~b. Pays a cash bond or provides a surety bond. The bond shall be equal to the value of permits required for any consecutive three month period, except that no bond shall be less than one thousand (\$1,000) dollars. (3-19-07)~~

~~02. **Charging.** A customer may "charge" over legal permits to their fee account. (3-19-07)~~

~~03. **Billing Notice.** The department will send a billing notice to the customer on or about the first of each month. The amount is due within fifteen (15) days of the date of the notice. (3-19-07)~~

~~04. **Suspension.** The department will suspend customer account(s) thirty (30) days after the original billing notice date if the account is not paid in full. (3-19-07)~~

~~05. **Second Notice.** The department will send a demand letter for payment to the customer approximately thirty (30) days after the account has been suspended. (3-19-07)~~

~~06. **Collections.** When the department determines the amount is uncollectible, the account will be assigned to a collection agency. (3-19-07)~~

~~501.—599. (RESERVED)~~

600. INSUFFICIENT FUNDS.

Insufficient Funds will be indicated by the abbreviation ISF. (3-19-07)

01. Payment With Insufficient Fund Check. If a customer pays a fee ~~prescribed by law, by check~~ and the check is returned to the department as ISF, the transaction will be cancelled ~~because the fee has not been paid.~~ The department reserves the right to not accept checks from a customer who has written two (2) or more ISF checks within four (4) years to the department. That customer will have to pay with cash, or verifiable check, or credit card. (3-19-07)()

02. ~~Pay the Original Transaction Fees~~ Suspension of Account. The department will ~~attempt to contact the customer, and allow him to pay the original transaction fees~~ suspend the customer's account until the customer has paid the amount of the ISF check, along with the twenty dollar (\$20) ISF fee. (3-19-07)()

~~03. Collection. The department will assign all ISF checks including a twenty dollar (\$20) fee to a credit agency for collection. (3-19-07)~~

~~043. No Further Transactions.~~ The department will not complete further transactions with the customer until the customer has paid the amount of the ISF check along with the twenty dollar (\$20) ISF fee. (3-19-07)

~~05. Department Reserves the Right to Not Accept Checks. The department reserves the right to not accept checks from a customer who has written two (2) or more ISF checks within four (4) years to the department. That customer will have to pay with cash, or verifiable check, or credit card. (3-19-07)~~

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 600.051 of this rule. ~~(3-19-07)()~~

602. CREDIT CARD PAYMENTS.

The department will accept only Visa or Mastercard ~~payments that do not exceed ten thousand (\$10,000) dollars~~ for any fees due to or purchases from the department. ~~(3-19-07)()~~

(BREAK IN CONTINUITY OF SECTIONS)

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.~~ ~~(3-19-07)()~~

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 ~~to be reinstated.~~ ~~(3-19-07)()~~

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. ()~~

~~7034. -- 799. (RESERVED)~~

800. ENFORCEMENT.

01. Delayed Movement. If the registration of a vehicle is suspended the Ports of Entry shall delay movement of the vehicle until such time as the registrant complies with the condition(s) that caused the suspension. (3-19-07)

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 ~~suspended~~ outstanding balances owed to the department or revoked registrations are not eligible to purchase trip permits. ~~(3-19-07)()~~

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.13 - RULES GOVERNING OVERWEIGHT PERMITS

DOCKET NO. 39-0313-1501

NOTICE OF RULEMAKING - 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 40-312, 49-201, and 49-1004, 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 21, 2015.

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:

Idaho Transportation Department (ITD) staff has determined that the current rule governing bridge analysis is antiquated and inadequate. With the current staffing levels and the increased number of overweight vehicles/loads traveling within and through the State, the Department needs more realistic guidelines for the completion of a bridge analysis when one is required, as well as clarification whether ITD staff or a third party will be required to complete the bridge analysis. Bridge analysis is required to protect the State's infrastructure and the safety of the traveling public. ITD has been using similar guidelines in its normal business practices for some time now, so this will not be completely new to the industry.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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: NA

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 July 1, 2015, Idaho Administrative Bulletin, [Volume 15-7, Page 99](#).

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: There are no materials incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

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 28, 2015.

DATED this 26th Day of August, 2015.

Ramon S. Hobdey-Sanchez
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0313-1501
(Only Those Sections With Amendments Are Shown.)

100. GENERAL REQUIREMENTS.

01. **Registration.** Any vehicle hauling or towing non-reducible loads subject to registration, is not required to register for the maximum legal weight it can haul to be eligible for an overweight permit. Farm tractors, ~~road rollers, and road machines~~ off road equipment, etc., are exempt from registration but are not exempt from legal weight limitations. (4-5-00)()

02. **Overweight Permit Requirements.** Overweight permits will be issued for non-reducible vehicles and/or loads that exceed legal axle weights and/or eighty thousand (80,000) pounds, with weight reduced to a practical minimum, except that a permit may be issued for a machine with an accessory and loaded separately on the transporting vehicle. Vehicles hauling overweight loads will be required to have five (5) or more axles to qualify for an overweight permit. Self-propelled vocational vehicles or vehicles towing overweight loads may have less than five (5) axles to qualify for an overweight permit. (4-5-00)

03. **Variable Load Suspension Axle Requirements.** Any vehicle which is equipped with variable load suspension axles (lift axles) transporting overweight loads shall have all lift axles fully deployed when adjacent axles exceed legal axle weights. (8-25-94)()

101. -- 199. (RESERVED)

200. MAXIMUM OVERWEIGHT LEVELS FOR ANNUAL OVERWEIGHT/OVERSIZE PERMITS.

01. **Allowable Gross Vehicle Weight.** The gross vehicle weight allowable by overweight permit is subject to the seasonal stability of the roadway and the capacity of the structures on the route of travel. For the purpose of issuing overlegal permits, seven (7) levels of overweight are established, based on the weight formula of $W = 500((LN/N-1) + 12N + 36)$ and routes for carrying the various levels of overweight are designated by color coding. The Weight Formula ("W") is the maximum weight in pounds (to the nearest five hundred (500) pounds) carried on any group of two (2) or more consecutive axles. "L" is the distance in feet between the extremes of any group of two (2) or more consecutive axles. "N" is the number of axles under consideration. The load factor based on the most critical bridge on the highway route will also be used in determining allowable weights. (3-30-01)()

a. **Red Routes --** The red routes contain posted bridges and require approval or analysis from the Department. A vehicle configuration may be issued an annual overweight/oversize permit for travel on red routes only, upon completion of an analysis verifying the requested weights are acceptable. The annual permit will be issued for a specific vehicle configuration, operating on a specific route, at specific weights. All information will be listed on the annual permit and will be subject to revocation at such time the vehicle configuration changes (such as axle spacings), the approved weights change, or a bridge rating changes. Annual permits issued for red routes will be in addition to the annual permit required for other routes. (8-4-95)

b. **Yellow Routes --** The yellow overweight level is based on a single axle loading of twenty-two thousand five hundred (22,500) pounds, a tandem axle loading of thirty-eight thousand (38,000) pounds, and a tridem axle loading of forty-eight thousand (48,000) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula $W = 560 ((LN/N-1) + 12N + 36)$. (8-25-94)

c. **Orange Routes --** Orange overweight level is based on a single axle loading of twenty-four thousand (24,000) pounds, a tandem axle loading of forty-one thousand (41,000) pounds, and a tridem axle loading of fifty-one thousand five hundred (51,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula $W = 600 ((LN/N-1) + 12N + 36)$. (3-30-01)

d. **Green Routes --** The green overweight level is based on a single axle loading of twenty-five

thousand five hundred (25,500) pounds, a tandem axle loading of forty-three thousand five hundred (43,500) pounds, and a tridem axle loading of fifty-four thousand five hundred (54,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula $W = 640 ((LN/N-1) + 12N + 36)$. (8-25-94)

e. Blue Routes -- Blue overweight level is based on a single axle loading of twenty-seven thousand (27,000) pounds, a tandem axle loading of forty-six thousand (46,000) pounds, and a tridem axle loading of fifty-seven thousand five hundred (57,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula $W = 675 ((LN/N-1) + 12N + 36)$. (3-30-01)

f. Purple Routes -- The purple overweight level is based on a single axle loading of thirty thousand (30,000) pounds, a tandem axle loading of fifty-one thousand five hundred (51,500) pounds, and a tridem axle loading of sixty-four thousand five hundred (64,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula $W = 755 ((LN/N-1) + 12N + 36)$. (3-30-01)

g. Black Routes -- The black overweight level is based on a single axle loading of thirty-three thousand (33,000) pounds, a tandem axle loading of fifty-six thousand (56,000) pounds, and a tridem axle loading of seventy thousand five hundred (70,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula $W = 825 ((LN/N-1) + 12N + 36)$. (8-25-94)

02. Vehicles or Loads Exceeding Annual Permitted Weights. Vehicles or loads exceeding the axle weights, groups of axle weights, or total gross weights allowed on any of the overweight levels described in Subsection 200.01 must operate by single trip permits only if approved. (4-5-00)()

03. Maximum Tire Weights. The maximum overweight levels shall not exceed eight hundred (800) pounds per inch width of tire ~~nor the maximum weights authorized by Subsection 200.01.~~ (4-5-00)()

04. Map Resources. Route capacity maps are available at the Idaho Transportation Department Headquarters Overlegal Permit office, Ports of entry, and ~~all District Offices~~ online at <http://itd.idaho.gov/dmv/poe/poe.htm>. A route capacity map will accompany each annual overweight/oversize permit. (4-5-00)()

~~05. Weight Formula. "W" is the maximum weight in pounds (to the nearest five hundred (500) pounds) carried on any group of two (2) or more consecutive axles. "L" is the distance in feet between the extremes of any group of two (2) or more consecutive axles, "N" is the number of axles under consideration and "F" is the load factor most appropriate based on the most critical bridge on the highway route.~~ (8-25-94)

~~201. -- 299. (RESERVED)~~

~~300. ADDITIONAL WEIGHT ABOVE ALLOWED MAXIMUMS. Increased loading of weight above the maximum weights in this rule may be allowed for wide axles, extra tires or both. Increased loading requires Department approval based on an engineering analysis.~~ (8-25-94)

~~301. — 399. (RESERVED)~~

~~400. OVERLEGAL PERMIT FOR LOADS IN EXCESS OF MAXIMUM WEIGHT LIMITS OVERWEIGHT PERMITS REQUIRING BRIDGE ANALYSIS.~~

Requests to transport vehicles and/or loads at weights in excess of the ~~maximum~~ weights normally allowed on a routine basis will require, at a minimum, an additional review and approval from the overlegal permit office and may require an engineering analysis when structures are involved on the route(s) to be traveled. The Department may waive the requirement for engineering analysis provided sufficient prior analyses for similar loadings have been performed by the Department for the involved structures. ~~The Department may take up to twenty-four (24) working hours to approve or deny the request when a simple analysis is required.~~ The following information may be requested, to be provided to the overlegal permit office when an ~~in-depth~~ engineering analysis is required: (4-5-00)()

01. Drawing of Vehicle. A schematic drawing or other specific information with regard to placement of axles, distance between axles and/or wheels, and distribution of gross weight on axles and/or wheels. (10-2-89)

~~02. **Required Information.** The applicant shall provide the Department the information required for conducting the analysis as soon as possible. A minimum of two (2) weeks shall be expected prior to approval or denial of the proposed move. (1-3-92)~~

~~03. **Engineering Analysis Fee.** The applicant shall deposit one hundred dollars (\$100) with the Department as a deposit on the cost required to undertake the engineering analysis of the vehicle combination. (8-25-94)~~

~~04. **Additional Fee for Movement Requiring an Inspector.** At the time a permit is issued which requires an inspector, the issuing office shall require a deposit of one hundred dollars (\$100) in addition to permit fee. This deposit shall be applied to the cost incurred by the Department in furnishing the inspector with vehicle and equipment necessary in the inspection surveillance. (8-25-94)~~

401. -- 499. (RESERVED)

500. BRIDGE ANALYSIS CRITERIA AND TIME FRAMES.

The Department may take up to five (5) business days for an analysis on a vehicle or vehicle combination not in excess of two hundred fifty thousand (250,000) pounds and up to ten (10) business days for an analysis on a vehicle or vehicle combination over two hundred fifty thousand (250,000) pounds. Up to ten (10) business days will also be used for the review process of an analysis done by a third party. The following criteria will be used to determine bridge analysis work and whether it is to be completed by the Department or a qualified and pre-approved third party. If a third party is required, the applicant is responsible for finding, initiating and paying for the cost of that analysis.

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01. **Vehicle Combinations in Excess of Eight Hundred Thousand (800,000) Pounds.** Vehicle combinations in excess of eight hundred thousand (800,000) pounds will be required to have a third party complete the bridge analysis. The analysis will then be reviewed by the Department for final approval or denial.

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02. **Preliminary Information or Bid Work.** When a permit request is placed and paid for, the Department will complete the analysis, otherwise a third party will be required to complete the bridge analysis. An analysis completed by a third party may be used when a permit request is made and it will be reviewed by the Department for final approval or denial.

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03. **Overweight Permit Requests with Multiple Configurations.** Requests made to analyze multiple vehicle configurations for a specific route to determine which vehicle combination will be approved requires the analysis to be completed by a third party. The analysis will then be reviewed by the Department for final approval or denial.

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04. **Overweight Permit Requests with Multiple Routes.** Requests made to analyze multiple routes for a specific vehicle combination in order to determine which route will be approved requires the analysis to be completed by a third party. The analysis will then be reviewed by the Department for final approval or denial.

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05. **Extenuating Circumstances.** The department may under extenuating circumstances require that a bridge analysis be completed by a third party.

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4501. -- 999. (RESERVED)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.17 - RULES GOVERNING PERMITS FOR MANUFACTURED HOMES,
MODULAR BUILDINGS, AND OFFICE TRAILERS

DOCKET NO. 39-0317-1501

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 20, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 40-312 and 49-201, 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 21, 2015.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule change authorizes anyone transporting a load up to sixteen (16) feet wide to do so using an annual permit rather than having to purchase a single trip permit as currently required. Industry representatives asked the Department to increase the allowable load widths that can be transported using an annual permit from the fourteen feet six inches (14' 6") that is currently authorized to sixteen (16) feet.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: the change confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees being imposed or increased by this rulemaking.

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: There is no fiscal impact to the state general fund.

NEGOTIATED RULE-MAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule change is temporary.

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 26th Day of August, 2015.

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 39-0317-1501
(Only Those Sections With Amendments Are Shown.)**

100. REGISTRATION AND LICENSING REQUIREMENTS.

All manufactured homes ~~and office trailers~~ moved on their own axles on any public highway are required to be licensed, permanently or temporarily, with the exception of, new manufactured homes, being transported either prior to first sale at retail or to the initial setup location of the original purchaser. The manufactured home ~~and office trailer~~ registration (if required) and general property tax receipt shall be made available for inspection upon demand of any enforcement officer. ~~(3-30-01)~~(8-20-15)T

101. INSURANCE REQUIREMENTS.

The permittee or the driver of the vehicle hauling or towing overwidth manufactured homes, modular buildings, and office trailers shall be required to carry evidence of general liability insurance in the permitted vehicle written by a company licensed in Idaho showing coverage in the minimum amounts of three hundred thousand dollars (\$300,000) when hauling permittee's own manufactured home. When hauling for hire permittee must carry a minimum amount of seven hundred and fifty thousand dollars (\$750,000) insurance coverage, and have proper authority. ~~(4-5-00)~~(8-20-15)T

102. -- 199. (RESERVED)

200. MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILERS BEING TOWED ON THEIR OWN AXELS.

01. Connection Device. Shall meet the requirements of Federal Motor Carrier Safety Regulations, 49 CFR part 393. (4-2-08)

02. Length. Not in excess of eighty (80) feet including tongue. (10-2-89)

03. Width. Shall be limited to a maximum of sixteen (16) feet at the base and shall not exceed eighteen (18) feet overall width including the eaves, except on a case-by-case basis as approved by the department. All movements with a base width in excess of sixteen (16) feet and an overall width in excess of eighteen (18) feet must submit a written request for movement of these units prior to being manufactured and a traffic control plan may also be required with the submission. Prior approval for the movement must be granted before an overlegal permit is issued.

** Determination of manufactured home, modular building, or office trailer width shall be exclusive of such appurtenances as clearance lights, door handles, window fasteners, door and window trim, moldings and load securement devices up to but not in excess of three (3) inches on each side of load. ~~(3-29-10)~~(8-20-15)T

04. Eaves. No restrictions on eaves as long as the eighteen (18) feet maximum overall width limitation is not exceeded, or for those movements approved by the department on a case-by-case basis. (3-29-10)

05. Weight. The maximum allowable load for any vehicle tire operated on any public highway shall be in accordance with Code of Federal Regulations, Title 24, Chapter 20, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Subpart J, (CFR Title 24). (3-23-98)

06. Running Gear Assembly -- General. The entire system (frame, drawbar, and coupling mechanism, running gear assembly including brake systems, axles and lights) shall be in accordance with CFR Title 24, for the year the manufactured home was built. In addition thereto, all tires used in transportation of manufactured homes under this category shall be in accordance with Federal Motor Carrier Safety Regulations, part 393. (3-23-98)

07. Construction. Construction shall be in accordance with CFR Title 24, for the year the manufactured home was built. (3-23-98)

08. Axles. All axles shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have a minimum of four (4) axles. (3-23-98)

09. Brakes. Brakes shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have brakes on a minimum of three (3) axles. (3-23-98)

10. Lights. The unit shall have stop lights, turn signals and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (3-23-98)

11. Safety Chains. Two (2) safety chains shall be used, one (1) each on right and left sides of, but separate from, the coupling mechanism connecting the tow vehicle and the manufactured home while in transit. Chain shall be three-eighths (3/8) inch diameter steel. Chains shall be strongly fastened at each end to connect the tow vehicle and manufactured home and assure that in the event of a coupling failure the manufactured home will track behind the tow vehicle. (3-23-98)

201. VEHICLES FOR TOWING/HAULING MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILERS.

01. Towing Vehicle. Tow vehicles for manufactured homes, modular buildings, and office trailers shall comply with the following minimum requirements:

| Manufactured Homes and Office Trailers Width | Tire Width | Drive Axle Tire Rating | Min. Unladen Weight | Rear Axle Rating |
|--|------------|------------------------|---------------------|------------------|
| Over 8' to 10' | 7.00" | 6 Ply | 6,000# | None |
| Over 10'to 12' | 8.00" | 8 Ply | 8,000# | 15,000# |
| Over 12' | 8.25" | 10 Ply | 12,000# | 15,000# |

~~(3-23-98)~~(8-20-15)T

02. Brakes. Shall be in accordance with Federal Motor Carrier Safety Regulations part 393. (8-25-94)

03. Rear Axle. Towing vehicle shall have a minimum of a single axle with dual mounted tires. (8-25-94)

04. Connection Device. Shall meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (4-2-08)

05. Horsepower Requirement. When towing/hauling a manufactured home, modular building, or office trailer a minimum speed of twenty-five (25) mph must be maintained. ~~(3-23-98)~~(8-20-15)T

06. Two-Way Radio. (3-23-98)

a. On all movements requiring a pilot/escort vehicle, both the towing unit and the pilot/escort vehicle(s) shall be equipped with two-way radio equipment, licensed under Federal Communications Commission regulations adequate to provide reliable voice communication between the drivers thereof at all times during the movement of the escorted load. Transmitting and receiving capabilities of the radio equipment used shall be adequate to provide the required communication over a minimum distance of one-half (1/2) mile separation under conditions normally encountered along the proposed route. (4-5-00)

b. Radio communication shall be open and monitored between pilot/escort vehicle(s) and oversize load at all times during movement. (4-5-00)

07. Operator Requirements. Operators of vehicles towing manufactured homes, modular buildings and office trailers over ten (10) feet wide at the base shall have a class A or B Commercial Driver's License (CDL) as appropriate. (3-23-98)

08. Speed Limit Requirements. Vehicles towing manufactured homes, ~~modular buildings and or offices;~~ trailers on their own axles shall be limited to a maximum of sixty (60) miles per hour. ~~(3-23-98)~~ (8-20-15)T

202. -- 299. (RESERVED)

300. MANUFACTURED HOME, MODULAR BUILDING, OR OFFICES TRAILER BEING HAULED.

01. Length. Not in excess of eighty (80) feet. (10-2-89)

02. Width. Not in excess of sixteen (16) feet at the base and eighteen (18) feet overall, except on a case-by-case basis as approved by the department. All movements with a base width in excess of sixteen (16) feet and an overall width in excess of eighteen (18) feet must submit a written request for movement of these units prior to being manufactured and a traffic control plan may also be required with the submission. Prior approval for the movement must be granted before an overlegal permit is issued. (3-29-10)

03. Eaves. No restrictions on eaves as long as the eighteen (18) foot maximum overall width limitation is not exceeded, or for those movements approved by the department on a case-by-case basis. (3-29-10)

301. HAULING EQUIPMENT FOR A MANUFACTURED HOME, MODULAR BUILDING OR OFFICE TRAILER.

01. Hauling Equipment. Vehicles used to haul manufactured homes, modular buildings and office trailers shall be combinations designed to meet the requirements of Federal Motor Carrier Safety Regulations for vehicles engaged in interstate commerce. Such vehicles shall be of structural capacity to safely accommodate the loading at all times. (8-25-94)

02. Lights. The unit shall have stop lights, turn signals and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (8-25-94)

03. Securing Loads. A minimum of four (4) steel, three fourths (3/4) inch diameter bolts will be used to directly connect the main support members of the modular building, manufactured home or office trailer to the support frame of moving equipment. Two (2) bolts each shall be located not less than twelve (12) feet from the forward and rear ends of the modular building, manufactured home or office trailer. Each of the four (4) bolts shall be at least four (4) feet apart. Equivalent methods of fastening, such as chains or binders, may be used as alternatives. (8-25-94)

302. -- 399. (RESERVED)

400. GENERAL PROVISIONS.

01. Paneling of Open Sides of Multi-Section Modular Buildings, Manufactured Homes or Office Trailers. Shall be rigid material, or six (6) mil plastic sheathing (or stronger) backed by a grillwork to prevent billowing and fully enclose open sides of section in transit. (3-23-98)

02. Interior Loading. If the manufactured home, modular building, or office trailer is to transport furnishings or other loose objects, they shall be secured in position for safe travel. ~~(8-25-94)~~ (8-20-15)T

03. Construction. Modular buildings shall be constructed in accordance with the Uniform Building Code as applies to design and construction requirements that will affect overall structural strength and roadability.

Manufactured homes and offices ~~trailers~~ shall be constructed in accordance with Federal HUD Manufactured Home Construction and Safety Standards. ~~(8-25-94)~~(8-20-15)T

~~04. **Oversize Manufactured Homes or Office Trailers.** Oversize manufactured Homes or Office Trailers must be transported under authority of the rule. IDAPA 39.03.16, "Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads," does not apply to the transport of Manufactured Homes or Office Trailers. (4-5-00)~~

054. Manufactured Homes, Modular Buildings, and Office Trailers Components. This rule applies only to Manufactured Homes, Modular Buildings, and Office Trailers and does not apply to individual components utilized in the manufacturing ~~of Manufactured Homes~~. Permits may be issued to authorize transport of components for Manufactured Homes, Modular Buildings, or Office Trailers under IDAPA 39.03.16, "Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads." ~~(4-5-00)~~(8-20-15)T

065. Signs. All manufactured homes, modular buildings and office trailers whether hauled or towed shall be required to display an oversize load sign, even if no pilot/escort vehicle is required. The sign shall meet the following minimum dimensions: ~~eighteen (18) inches high by seven (7) feet wide, letter height ten (10) inches, letter type standard series C, stroke width one and five eighths (1 5/8) inch,~~ twelve (12) inches high, five (5) feet wide, and eight (8) inch high letters with a one (1) inch stroke width, and black letters on yellow background. ~~(4-5-00)~~(8-20-15)T

076. Warning Flags. All manufactured homes, modular buildings and office trailers whether hauled or towed shall be required to display flags on all four (4) corners. The flags may be red or fluorescent orange. (3-23-98)

087. Permits. Annual permits will allow travel on the following routes at the following dimensions:

| Route | Base Width | Overall Width | Height | Overall Length |
|---|----------------|----------------|-------------------|-----------------|
| Red | | 12' 6" | 15' 6" | 110' |
| Black | 14' | 18' | 15' 6" | 110' |
| Double Black <u>Other</u> | 16' | 18' | 15' 6" | 110' |
| <p>**The double black routes are the interstate and 4 lane highways. **The routes referred to above are on the Pilot/Escort Vehicle and Travel Time Requirements Map. **When exceeding the above maximum dimensions allowed for a route, movement will be allowed only by single trip permit. **Manufactured homes, modular buildings and offices exceeding sixteen (16) feet overall width being towed on their own axles on two lane highways, will be required to submit for approval a traffic control plan, that lists at a minimum the following information: date of move, routes of travel, turnouts for traffic relief, and dimensions of load.</p> | | | | |

~~(4-5-00)~~(8-20-15)T

098. Hazardous Travel Conditions Restrictions. Extreme caution in the operation of vehicle combinations shall be exercised when hazardous conditions exist. The movement by overlegal permit of manufactured homes, modular buildings and office trailers shall be prohibited and otherwise valid permits shall automatically become invalid enroute when travel conditions become hazardous due to ice, snow or frost; when visibility is restricted to less than five hundred (500) feet by fog, dust, smoke or smog or other atmospheric condition; or when wind velocity exceeds thirty (30) miles per hour. (5-8-09)

109. Time of Travel Requirements. Manufactured homes, modular buildings, and office trailers exceeding ten (10) feet in width, will have daylight travel only. When less than ten (10) feet wide, twenty-four (24) hour travel will be allowed, and must meet the following requirements: (4-5-00)

- a. The lights must be visible from five hundred (500) feet; (4-5-00)
- b. The lights shall be steady burning; (4-5-00)
- c. The color of the lights shall be as follows: (4-5-00)
 - i. Lights visible from the front of the load and the extremities in the middle or near the front of the load shall be amber. (4-5-00)
 - ii. Lights visible from the back of the load and the extremities near the back of the load shall be red. (4-5-00)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.21 - RULES GOVERNING OVERLEGAL PERMIT FEES

DOCKET NO. 39-0321-1501

NOTICE OF RULEMAKING - 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 40-312 and 49-201, Idaho Code, and Section 49-1004, 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, no later than October 21, 2015.

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:

This rule change simply removes the option of establishing and using a "fee account" for the monthly charging and payment of permit fees along with other non-substantive edits to the rule. The new cash drawer system now in place at the Idaho Transportation Department (ITD) allows a carrier the option of establishing an escrow account for payment of permit fees. Elimination of the fee account process will allow ITD to streamline business processes and be more efficient and effective. This change is needed so that ITD's administrative rules are consistent with the processes used under the new cash drawer system.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

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: There is no fiscal impact to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rule changes are simple in nature.

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: There are no materials incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

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 28, 2015.

DATED this 26th Day of August, 2015.

Ramon S. Hobdey-Sanchez
Governmental Affairs Program Specialist
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0321-1501
(Only Those Sections With Amendments Are Shown.)

200. PAYMENT OF OVERLEGAL PERMIT FEES.

01. Payment of Fees. The Idaho Constitution prohibits the state from extending credit to any individual, corporation, municipality or association. Permit fees are collectible at the time of issuance *except that the permittee may guarantee payment of permit fees in advance by posting a bond in a minimum amount as specified in Section 300, Permit Fee Account Procedures of this rule.* (8-25-94)(____)

02. Refund. Permit fees are not refundable once they have been processed into the Department's accounting system, unless the permittee contacts the Overlegal Permit Office no more than two (2) working days (during office hours) following the start date of the overlegal permit or the Department issued the overlegal permit in error. (3-19-07)

03. Permit Costs. Overlegal (~~oversize and/or overweight~~) permit fees listed below are intended to cover cost of administration and are subject to periodic change depending on costs incurred in processing, issuance and enforcement of overlegal permit rules. (3-19-07)(____)

04. Current Schedule of Fees. Periodic changes to the fee schedule will be subject to legislative review and approval procedures in accordance with Chapter 52, Title 67, Idaho Code, Administrative Procedure Act. (3-19-07)

a. Oversize only, single trip, twenty-eight dollars (\$28). (3-19-07)

b. Oversize only, two (2) trips, thirty-three dollars (\$33). (3-19-07)

c. Oversize single trip exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, seventy-one dollars (\$71). (3-21-12)

d. Oversize only, two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, eighty-nine dollars (\$89). (3-21-12)

e. Oversize only, annual, twelve (12) consecutive months: ~~Extra length combinations exceeding the limits imposed in Section 49-1010, Idaho Code, on designated routes; Overlength only;~~ Manufactured homes, modular building and office trailers; ~~Recreation vehicles up to twelve (12) feet wide, legal length/height;~~ Farm tractors exceeding nine (9) feet width on Interstate and implements of husbandry; Cylindrical hay bales, two (2) wide; Emergency removal of disabled vehicles; Multiple width loads of crane booms; Multiple width loads of conveyer units; **multiple width loads of kiln stacked lumber;** Reducible loads, up to and including fourteen (14) feet nine (9) inches high; and exceeding sixty-five (65) feet overall combination length on magenta coded routes; forty-three dollars (\$43). (3-19-07)(____)

f. Excess weight **or Extra Length (reducible)** annual, twelve (12) consecutive months, authority to exceed eighty thousand (80,000) lbs. on reducible loads up to one hundred five thousand five hundred (105,500) pounds, **or exceeding the length limits imposed in Section 49-1010, Idaho Code,** forty-three dollars (\$43). (3-19-07)(____)

g. Extra Length/Excess Weight (reducible) combination, annual, twelve (12) consecutive months, fifty-three dollars (\$53). (3-19-07)

h. Overweight/Oversize or Overweight only (non-reducible) single trip, seventy-one dollars (\$71). (3-21-12)

- i. Overweight/Oversize or Overweight only (non-reducible), two (2) trips, eighty-one dollars (\$81). (3-21-12)
 - j. Overweight/Oversize (non-reducible) single trip, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, one hundred three dollars (\$103). (3-21-12)
 - k. Overweight/Oversize (non-reducible) two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, one hundred sixteen dollars (\$116). (3-21-12)
 - l. Overweight/Oversize (non-reducible) annual permit fee for twelve (12) consecutive months, one hundred twenty-eight dollars (\$128). (3-21-12)
 - ~~m. Overlegal permit manual (plus current sales tax for Idaho residents), five dollars (\$5). (3-19-07)~~
 - ~~n. Fee for reissuance or transfers, fifteen dollars (\$15). (3-19-07)~~
- 05. Additional Fees.** The department may require reimbursement of actual costs incurred for extraordinary services provided, incidental and necessary to the planning and/or movement of overlegal loads moving under the requirements of a traffic control plan. (3-21-12)

201. -- 299. (RESERVED)

~~300. PERMIT FEE ACCOUNT PROCEDURES.~~

~~**01. Permit Fee Account.** To establish a basis for the issuance of overlegal permits on other than a cash basis, the permittee may guarantee permit fees by posting a surety bond. The bond shall have a minimum value of one thousand dollars (\$1,000) or be equal to the value of permits required by the permittee during any three (3) consecutive months, whichever is greater. (3-19-07)~~

~~**02. Bond Requirements.** Surety bonds for this purpose shall be furnished by a bonding or insurance company licensed to do business in Idaho. Applications to establish permit fee accounts shall be obtained from and filed with the Department along with the required bond. (3-19-07)~~

~~**301. -- 999. (RESERVED)**~~