

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 23, 2018

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Lodge, and Harris

ABSENT/ EXCUSED: Senator Buckner-Webb

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Brackett** convened the Senate Transportation Committee (Committee) at 1:32 p.m. and announced that Senator Buckner-Webb was excused from the meeting.

VOTE ON GUBERNATORIAL APPOINTMENT: Having heard from Jim Kempton at the previous Committee meeting on his re-appointment to the Idaho Transportation Board, **Chairman Brackett** asked if there were comments on the appointment. With no comments, **Chairman Brackett** asked the Committee for a motion.

MOTION: **Senator Hagedorn** moved that the re-appointment of Jim Kempton to the Idaho Transportation Board to serve for a term beginning January 31, 2018 and expiring January 31, 2024, be confirmed. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** said he would carry the re-appointment on the Senate floor.

PASSED THE GAVEL: Chairman Brackett passed the gavel to Vice Chairman Nonini.

ADMINISTRATIVE RULES: **Vice Chairman Nonini** said the Committee would review the four Administrative Rules dockets from the Idaho Transportation Department (ITD) and welcomed Ramon Hobdey-Sanchez, ITD's Governmental Affairs Program Specialist, to present the dockets.

Mr. Hobdey-Sanchez thanked Vice Chairman Nonini and said he would present all four pending Administrative Rules dockets and stand for questions before moving to the next docket. All four of ITD's Administrative Rules went through the proposed temporary rulemaking process. None of them were negotiated because each change was based on legislation passed during the 2017 Legislative Session. They are proposed to ensure that the rules are in alignment with Idaho Code. They involve three subject matter areas: (1) automobile dealers; (2) school safety patrols; and (3) the movement of implements of husbandry.

DOCKET NO. 39-0202-1701: **RULES GOVERNING VEHICLE AND VESSEL DEALER LICENSE REQUIREMENTS — MOTOR VEHICLES**: **Mr. Hobdey-Sanchez** said the proposed changes to this rule were made to ensure congruency with Idaho Code §49-1602, which was modified in 2017's H 131aaH. With the passage of H 131aaH, the specific penalties for auto dealers who commit a felony in the course of business are now in Idaho statute. To avoid confusion, ITD proposed removing the previously employed penalties referenced in the Administrative code. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.

- MOTION:** **Senator Harris** moved to adopt **Docket No. 39-0202-1701**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 39-0271-1701:** **RULES GOVERNING DRIVER'S LICENSE VIOLATION POINT SYSTEM:** **Mr. Hobdey-Sanchez** said the change to this rule is proposed to ensure congruency with Idaho Code §49-652, which is a new section of Idaho Code based on the passage of 2017's S 1019. The new traffic infraction of failure to obey a school safety patrol is added to the list of moving traffic convictions and/or violations point count table. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.
- MOTION:** **Senator Hagedorn** moved to adopt **Docket No. 39-0271-1701**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 39-0310-1701:** **RULES GOVERNING WHEN AN OVERLEGAL PERMIT IS REQUIRED:** **Mr. Hobdey-Sanchez** said the changes to this rule are proposed to ensure congruency with Idaho Code §49-1010, which was modified based on 2017's S 1043aaH. S 1043aaH made the movement of over-width implements of husbandry permissible, specifically to and from an equipment dealer. The change also allows for the emergency movements of farm implements, regardless of height, length, and weight restrictions. Further, the movement may occur based on verbal approval from ITD without the requirement that the party obtain an overlegal permit. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.
- MOTION:** **Senator Den Hartog** moved to adopt **Docket No. 39-0310-1701**. **Senator Harris** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 39-0316-1701:** **RULES GOVERNING OVERSIZE PERMITS FOR NON-REDUCIBLE VEHICLES AND/OR LOADS:** **Mr. Hobdey-Sanchez** said the changes to this rule are proposed to ensure congruency with Idaho Code §49-1010 based on 2017's S 1043aaH. Aside from permitting the movement of over-width implements of husbandry, S 1043aaH exempted equipment dealers from moving implements of husbandry larger than legal width to and from a farm, and to a dealer for repair, rental, lease, or purchase. This rule reflects the statute's modifications from last session. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.
- MOTION:** **Senator Hagedorn** moved to adopt **Docket No. 39-0316-1701**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.
- PASSED THE GAVEL:** Vice Chairman Nonini passed the gavel back to Chairman Brackett.
- ADJOURNED:** There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:45 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary