

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 28, 2019

TIME: Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Kauffman, Youngblood, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, Blanksma, Addis, Ricks, Wintrow, Gannon, Davis, Rubel

**ABSENT/
EXCUSED:** Vice Chairman Shepherd, Representative(s) DeMordaunt, Blanksma

GUESTS: Jess Harrison, AIC; Fred Birnbaum, Idaho Freedom Foundation; Nick Veldhouse, IAHD

Chairman Palmer called the meeting to order at 3:15 p.m.

H 77: **Rep. Christensen** presented **H 77**. He said this bill preempts city ordinances prohibiting the use of handheld devices while operating a vehicle within city limits. Idaho code says cities can pass general ordinances such as requirements relating to speed, manner of driving or operating vehicles on any of the highways within the cities. He added, the Idaho motor vehicles code should be uniform throughout the state and no local authority can regulate something state code already covers. Currently, Idaho code prohibits texting while driving.

Jess Harrison, Association of Idaho Cities, spoke **in opposition** to the bill. She said cities have seen an increase in accidents due to the use of handheld devices while driving. The city of Idaho Falls educated the public before implementing the ban.

Fred Birnbaum and **Rep. Zollinger** spoke **in support** of **H 77**. In answer to committee questions, they agreed this bill is a starting point to get rid of the patchwork approach and clutter of signs in cities banning cell phone use while driving. A court case in Blaine County could have implications for bans on cell phone use while driving in other Idaho cities.

In answer to committee questions, **Rep. Christensen** said traffic laws should be consistent statewide. We have laws that address inattentive driving, which sufficiently address irresponsible use of handheld devices.

MOTION: **Rep. Ricks** made a motion to send **H 77** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to hold **H 77** for **time certain**, March 14, 2019.

Rep. Davis spoke to the substitute motion. She said Hailey and Ketchum have found a solution to the problem. Don't repeal what is working.

Rep. Kauffman said he can't support either motion. He supports local control.

AMENDED SUBSTITUTE MOTION: **Rep. Wintrow** made an amended substitute motion to **HOLD 77** in committee.

Speaking to the motion, **Rep. Syme** said maybe the Hailey law suit will resolve the issue.

**VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

Chairman Palmer stated he was in doubt regarding the voice vote and asked for a show of hands. **By a show of hands, the motion failed.**

**VOTE ON
SUBSTITUTE
MOTION:**

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**VOTE ON
ORIGINAL
MOTION:**

Chairman Palmer called for a vote on the motion to send **H 77** to the floor with a **DO PASS** recommendation.

**ROLL CALL
VOTE:**

Roll call vote was requested. **Motion failed by a vote of 7 AYE, 8 NAY, 3 Absent/Excused. Voting in favor of the motion: Reps. Gestrin, Youngblood, Dixon, Harris, Monks, Addis, Ricks. Voting in opposition to the motion: Reps. Palmer, Kauffman, Holtzclaw, Syme, Wintrow, Gannon, Davis, Rubel. Reps. Shepherd, Blanksma and DeMordaunt, were absent/excused.**

MOTION:

Rep. Addis made a motion to approve the minutes of the Feb. 22, 2019, meeting. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 3:55 p.m.

Representative Palmer
Chair

Joyce McKenzie
Secretary