

Dear Senators McGEE, Hammond, & Langhorst, and
Representatives WOOD(35), Hart, & Mary Lou Shepherd:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho State Police: IDAPA 11.07.01 - Rules Governing Motor Vehicles - General Rules (Docket #11-0701-0801).

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 9-9-08. 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 10-7-08.

_____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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Senate Transportation Subcommittee on Administrative Rules and
House Transportation and Defense Subcommittee on Administrative Rules

FROM: Legislative Services Office staff, Maureen L. Ingram

DATE: August 19, 2008

SUBJECT: Motor Carrier Rule of the Idaho State Police

IDAPA 11, Title 07, Chapter 01 - Rules Governing Motor Vehicles - General Rules
(Docket #11-0701-0801)

Under Docket Number 11-0701-0801, the director of the Idaho State Police has submitted this action as a proposed rule. Authority for promulgation of the rule is found in Section 67-2901 and Section 49-901, Idaho Code.

The purpose of this proposed amendment is to remove “unnecessary and conflicting language” with reference to formal declaratory orders found in Section 002. of the rule dealing with “Written Interpretations.” The proposed change to this rule is within the director’s statutory authority.

cc: Idaho State Police
Colonel G. Jerry Russell, Director &
Lt. Bill Reese

IDAPA 11 - IDAHO STATE POLICE

11.07.01 - RULES GOVERNING MOTOR VEHICLES - GENERAL RULES

DOCKET NO. 11-0701-0801

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 67-2901 and 49-901, 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 September 17, 2008. 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 rulemaking removes unnecessary and conflicting language regarding formal declaratory orders.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: No fee or charge is imposed or increase.

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: No negative fiscal impact will result from this change.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rulemaking removes previously existing erroneous language; it does not create a new guideline or regulation.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lt. Bill Reese, (208) 884-7220 or william.reese@isp.idaho.gov. 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 September 24, 2008.

DATED this 4th day of August, 2008.

Colonel G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Drive Meridian, ID 83643
(208) 884-7003 / (208) 884-7090

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0701-0801

002. WRITTEN INTERPRETATIONS (RULE 2).

The Director of the Idaho State Police is authorized to make and give informal interpretations of the terms and definitions found in the Idaho Code, this Department's rules applicable to motor vehicles and other filings relating to motor vehicles maintained by the Department pursuant to law. The Director may be contacted in writing at the Idaho State Police, PO Box 700, Meridian, Idaho 83680-0700, or may be reached by telephone at (208) 884-7200. ~~For future rulemakings written interpretations in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. The Department reserves to itself the authority to issue formal declaratory orders construing these items.~~

(4-2-08)(____)