

MINUTES  
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE**  
**ELLSWORTH SUBCOMMITTEE**  
Rules Review

**DATE:** Thursday, January 19, 2012

**TIME:** 3:00 P.M.

**PLACE:** E42 Majority Caucus Room

**MEMBERS:** Chairman Ellsworth, Representatives Bateman, Henderson, Killen

**ABSENT/  
EXCUSED:**

**GUESTS:** Dan John, Idaho State Tax Commission, Linda Emry, Ed Pemble, Lynn Rhodes, John Tomlinson, Robert Linkhart, Amy Smith, Carl Main, Regina Phipps, and Mollie McCarty, Idaho Transportation Department (ITD), Chris Arvas, and E. Lee Wilson, Idaho Operation Lifesaver, Brian Thompson, United Transportation Union, Chris Weadick, Idaho State Police, Steve Brumbaugh, Brotherhood of Locomotive Engineer Trainmen, Mike Hysell, citizen, George Millward, citizen.

**Chairman Ellsworth** called the meeting to order at 1:31 P.M.

**DOCKET NO. 35-0105-1101:** **Dan John**, Idaho State Tax Commission presented **Docket No. 35-0105-1101**, Idaho Motor Fuels Tax Administrative Rules. He stated this rule is being amended to provide the Tax Commission with adequate time to determine if a fuel distributor is delinquent and to notify the fuel distributor that their bond exemption will be terminated if the delinquency is not paid. The fuel distributor will need time to obtain a bond if they are not able to pay the delinquency. When ITD revokes a bond waiver, the fuel distributor is out of business. ITD is changing the wording from immediately to 90 days, giving the fuel distributor time to get a new bond.

**MOTION:** **Representative Henderson** made a motion to recommend **Docket No. 35-0105-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0203-1101:** **Amy Smith**, Vehicle Services Manager, ITD, presented **Docket No. 39-0203-1101** Rules Governing Vehicle Dealer's Principal Place of Business. This rule allows dealers to keep records electronically or in off-site locations, following 30 day notification to ITD. Records must be reproducible or available upon request to the department. This requires that electronic records be searchable, be kept secure and in such a manner that they cannot be altered. It amends dated telephone criteria because of modern technology, by removing language for a "hard-mount" wire line business phone. Language that excluded mobile phones, and cell phones was eliminated due to the variety of technology now available for phone service.

When questioned regarding protocol for dealers for securing files, **Amy Smith** explained that in the past it was a locked file cabinet but that the dealers also have to abide by Federal requirements. Amy Smith indicated changing the sign requirements from two inches to four inches is a suggestion.

**MOTION:** **Representative Killen** made a motion to recommend **Docket No. 39-0203-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0247-1101:** **Amy Smith**, ITD, presented **Docket No. 39-0247-1101**, Rules Governing Revocation of Vehicle Registration for failure to comply with Motor Vehicle Emission Inspection Ordinance. The purpose of repealing this rule is due to the passage of **H326** (2011). This legislation changed revocations and reinstatement of vehicle registrations for failure to comply with emission testing. Essentially this bill only requires the compliance of obtaining the emission test after being revoked to have the prior registration reinstated. The department is no longer a part of the process nor is repayment of registration fees a requirement of reinstating.

**MOTION:** **Representative Bateman** made a motion to recommend **Docket No. 39-0247-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0270-1101:** **Ed Pemble**, ITD, Driver Services Manager, presented **Docket No. 39-0270-1101**, Pending Rule Governing Restricted Driving Permits. It removes 'non-residents' from the list of those to whom restricted permits cannot be issued. This is a result of a Supreme Court decision that required issuance of permits to out-of-state residents based on the principal of equal protection under the law. A time period restriction is being removed so that the customer is allowed to have the permit even if it has a very short duration. There is new wording adding "under 17 drivers" to the list of those who shall not receive a restricted permit.

The subcommittee asked if this involves commercial driving permits and **Mr. Pemble** stated it does not.

**MOTION:** **Representative Killen** made a motion to recommend **Docket No. 39-0270-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0272-1101:** **Ed Pemble**, ITD, presented **Docket No. 39-0272-1101**, Rules Governing Administrative License Suspensions. **H61** (2011) deals with the requirement to seize a license and issue a temporary permit upon failure or refusal of an evidentiary test. This rule adds additional time for subpoena service and adds a proof of service requirement. This added time is because the subpoena was often received just after the officer would leave for 3 days and the officer needs more time to see it. We are also correcting a fax number and adding email for receiving documents.

**MOTION:** **Representative Bateman** made a motion to recommend **Docket 39-0272-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0275-1101:** **Lynn Rhodes**, ITD, Driver's License Program Supervisor, presented **Docket No. 39-0275-1101**, Rules Governing Names on Drivers' Licenses and Identification Cards. The changes to this rule were proposed to support the Department of Motor Vehicle's (DMV) modernization criteria of one-driver-one-record by disallowing the issuance of a drivers license in one name and an identification card in another name. This has been a continuing problem with people who want to make a name change due to marriage or divorce but also want to maintain two identities. There is a deletion of the 26 character limit for names, because the DMV system will allow more characters. The rule was revised to provide for additional name formatting flexibility. The revisions also provides procedure for adding a middle name when making a name change.

**Lynn Rhodes** , ITD advised the committee that for people who do not have a birth certificate a foreign passport is used. ITD checks with Homeland Security on their status.

**MOTION** **Representative Henderson** made a motion to recommend **Docket 39-0275-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0276-1101:** **Lynn Rhodes**, ITD, presented **Docket No. 39-0276-1101**. Rules Governing Driver's License Renewal-By-Mail Process. Lynn Rhodes stated this rule allows for future electronic driver license renewal procedures and deletes references to out-dated procedures, such as providing renewal stickers for application to the back of film-based driver license cards. All driver licenses are now digitized. ITD has not used Social Security numbers on drivers licenses since 1996, so that provision was deleted. An electronic online renewal process is expected to be implemented in the future as part of the Department of Motor Vehicle's modernization.

**MOTION:** **Representative Killen** made a motion to recommend **Docket 39-0276-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0301-1101:** **Regina Phipps**, ITD, Vehicle Size and Weight Specialist, presented **Docket No. 39-0301-1101**, Rules Governing Definitions Regarding Overlegal Permits. This rule added the definition of a "designated agent," which can be a relative or employee of the farmer. This rule also moves the definition of Escort Vehicle to Pilot Vehicle. This rule also added definition of overall length limit for vehicle combination from 105 ft. to 115 feet. This rule adds a clarifying definition for Overall Length for enforcement personnel.

**MOTION:** **Representative Bateman** made a motion to recommend **Docket 39-0301-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0316-1101:** **Regina Phipps**, ITD, presented **Docket No. 39-0316-1101** the Rule for Oversize Permit for Non-Reducible Vehicles and/or Loads. This rule eliminated the reference to the 10 minute delay of traffic since this is addressed in Rule 39.03.11 when operating under a traffic control plan. This rule also changed trailer width allowance from 9 feet to 10 feet, so that the vehicle can haul a non-reducible load smaller than the trailer. This rule also added new exemptions for farming vehicles that are no longer required to be permitted when meeting certain requirements.

**MOTION:** **Representative Henderson** made a motion to recommend **Docket 39-0316-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0341-1101:** **Carl Main**, ITD, Traffic Services Engineer, presented **Docket No. 39-0341-1101** Rules Governing Traffic Control Devices. This Pending Rule will adopt the 2009 Manual on Uniform Traffic Control Devices (MUTCD). This manual has been endorsed by the Federal Highway Administration. In Idaho the MUTCD is not automatically adopted; this allows ITD to add conforming additions. This manual has been modified five times, starting in year 2000 up to this year, 2012. This 2009 MUTCD was a major rewrite from the previous version; the complete list is 629 pages long and there were 24 Conforming Additions to the 2009 MUTCD.

**Carl Main** said adoption of these standards will be mandatory for all state municipalities and it applies to all public roads, access to private land and parking lots. In response to a question regarding signage at railroad crossings, Mr. Main said in 1966 the IdaShield program was started for all railroad crossings and money was obtained from another source. With that money ITD supplied and installed the signage for all railroad crossings. That program also required ITD to administer and to maintain IdaShield. ITD has not decided whether that means ITD will also replace signage.

**MOTION:** **Representative Henderson** made a motion to recommend **Docket No. 39-0341-1101** to the full committee for approval. **Motion carried by voice vote.**

**DOCKET NO. 39-0321-1101:** **Regina Phipps** ITD, presented **Docket No. 39-0321-1101**, the Rules Governing Overlegal Permit Fees. The Permit Fee increase will allow collection for ITD's administrative costs as required. ITD 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.

**MOTION:** **Representative Henderson** made a motion to recommend **Docket No. 39-0321-1101** to the full committee for approval. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the subcommittee the meeting was adjourned at 3:55 P.M.

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Representative Ellsworth  
Chair

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Jane Clark  
Secretary