

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 12, 2013

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and Buckner-Webb

**ABSENT/ EXCUSED:**

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the Senate Transportation Committee (Committee) 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** called the meeting to order at 1:30 p.m. and asked the secretary to take a silent roll. With a quorum present, the **Chairman** turned to the first item on the agenda.

**FAREWELL TO SENATE PAGE:** **Chairman Brackett** said that this week marked the midway point in the legislative session, and it was time to say goodbye to Committee Page, Jessica Kennedy of Lewisville. He went on to state that Ms. Kennedy had been a very good Page for the Committee. He then presented her with letters from the Committee and a Senate watch memorializing her experience. He asked her to make a few remarks.

**Ms. Kennedy** thanked the Committee saying she had learned a lot from the experience and would miss being part of the legislative process. She is looking forward to graduating from high school and going on to college at BYU-Idaho in Rexburg.

**S 1050** **Chairman Brackett** welcomed Rex Green, Legislative Advisor to the Idaho State Independent Automobile Dealers Association, to the Committee and asked him to present **S 1050**.

**Mr. Green** presented background information relating to wholesale dealer's licensing requirements and the rationale for the amendment. **S 1050** amends Idaho Code § 49-1637 by revising provisions relating to education requirements of applicants for a wholesale dealer's license by requiring anyone who applies for such license must complete a four-hour education program developed and offered by the Idaho Independent Automobile Dealers Association and approved by the Idaho Transportation Department (ITD).

**Mr. Green** explained that when the Automotive Dealer Continuing Education requirements were enacted in 2004, the sponsors felt there would be limited application to wholesale-only dealers and focused on retail dealers and consumer related issues. Since that time, continuing education topics have expanded to subjects of which all dealers should be aware. Consequently, a task force commissioned by the Governor's Motor Vehicle Dealer Advisory Board examined wholesale-only licensing requirements and recommended that wholesale dealers attend both pre-licensing and continuing education classes to remain current on changing laws. **Mr. Green** said it makes sense to have new dealer applicants, both wholesale and retail, take the full pre-licensing class and the test so as to be fully prepared. **Mr. Green** stood for questions.

**Chairman Brackett** thanked Mr. Green for his presentation and, since there were no questions or additional testimony, he called for a motion.

**MOTION:** **Senator Hagedorn** moved to send **S 1050** to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Winder** will carry the bill on the Senate floor.

**H 39** **Chairman Brackett** welcomed Tamara Humiston of the Idaho Department of Parks and Recreation to the Committee and asked her to present **H 39**. **Ms. Humiston** reviewed the legislation, which amends Idaho Code § 49-445. It provides statutory authority for initial license fees of recreation vehicles to be prorated on a monthly basis for new owners, with subsequent renewals of annual licenses requiring annual fees regardless of the registration date. **Ms. Humiston** said there would be no fiscal impact to the Idaho Department of Parks and Recreation's registration funds because the prorated process has been in practice for years. **Ms. Huiston** stood for questions.

**Senator Keough** asked if this bill creates a statute that meets current practice. **Ms. Humiston** responded that the Senator was correct. With no further questions, **Chairman Brackett** called for a motion.

**MOTION:** **Senator Buckner-Webb** moved to send **H 39** to the Senate floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Buckner-Webb** will carry the bill on the Senate floor.

**H 41** **Chairman Brackett** welcomed Angela Jones, Administrator of the Idaho Commission for the Blind and Visually Impaired (Commission), to the Committee and asked her to present **H 41**. **Ms. Jones** reviewed the legislation, which amends Idaho Code § 49-326 to clarify when visually impaired individuals are considered competent to drive a motor vehicle by the use of assistive devices. **Ms. Jones** said this legislation provides allowances for individuals who may technically qualify for tax, welfare or other benefits or exemptions for the blind. Such individuals must meet a minimum visual acuity of 20/40 standards in at least one eye as certified by a licensed ophthalmologist or optometrist. All other driving qualifications and requirements must also be met. **Ms. Jones** stood for questions.

**Senator Rice** asked for greater detail relative to the bioptic device; what it does and how it works. **Ms. Jones** passed an optic device among the Committee members so they could examine them. She deferred the Senator Rice's question to Dr. Dwight Hansen, Rigby optometrist who works with the Commission and fits patients with bioptic devices, for technical clarification. **Dr. Hansen** referred the Committee to Ms. Jones' presentation slides (part of the permanent files of today's meeting), and described the graphic elements of how the device enlarges images for the visually impaired driver. **Senator Rice** asked if there were studies that address driving safety issues for individuals using bioptic devices. **Dr. Hansen** referred him to a website that defines magnification standards and regulations and contains data for some states. There is no data for Idaho. **Senator Rice** questioned the acuity on the part of the attached telescope, or carrier. He was concerned that there is no standard in the bill addressing the size of the telescope versus the lens.

A lengthy question-and-answer period ensued. **Senator Bock, Vice Chairman Johnson, Senator Rice, Senator Hagedorn and Senator Buckner-Webb** posed questions relative to possible conflict in allowing legally blind individuals to drive while receiving benefits, safety and accident issues, magnification standards, acuity of telescopic capabilities, night driving limitations, testing, and training. **Dr. Hansen** said that he practices in Idaho, Utah and Wyoming; only Wyoming has standards on the dimensions of the telescopic add-on, or carrier. Idaho currently does not have magnification standards. With regard to night driving limitations, **Dr. Hansen** said it would depend on a doctor's recommendations. He said the testing criteria is the same as it is for normal-sighted drivers. **Dr. Hansen** closed by stating there were between 200 and 250 Idaho drivers using bioptic devices.

**TESTIMONY:**

**Fred Riggers** of Boise testified in support of bioptic devices. He said that fifteen years ago the bioptic device improved his vision well enough to be able to drive. It allowed him to drive to work and to enjoy hunting. His peripheral vision continued to deteriorate which changed his ability to drive. There were no questions for Mr. Riggers.

**Ms. Jones** closed her presentation by stating her belief that there was neither a safety issue nor a legal conflict in allowing legally blind individuals the opportunity to drive with the aid of assistive devices. She thanked the Committee and asked for approval of **H 41**. With no further testimony or questions, **Chairman Brackett** called for a motion.

**MOTION:**

**Vice Chairman Johnson** moved to send **H 41** to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**. **Vice Chairman Johnson** will carry the bill on the Senate floor.

**H 85**

**Chairman Brackett** welcomed Jerry Deckard of the CapitolWest Public Policy Group to the Committee and asked him to present **H 85**. **Mr. Deckard**, representing the Ada County Highway District (ACHD), said **H 85** amends chapter 14, title 40, Idaho Code, by adding a new section 40-1404B. The legislation establishes provisions that make it possible to fill a vacancy on a highway district board for single county-wide highway districts. It specifies that the appointment will be in writing, properly filed, with provisions that the appointed individual is granted certain rights and powers and is subject to certain liabilities, duties and obligations. **Mr. Deckard** said this bill was brought forward because, until last year, there had never been a vacancy on the ACHD Commission. When one occurred, they realized there were no provisions in statute to deal with a vacancy. **Mr. Deckard** stood for questions.

**Senator Rice** asked why the Governor could not make the appointment. **Mr. Deckard** said it is a five-member board with unique circumstances, and the Attorney General recommended changing the statute.

**Senator Hagedorn** asked if the language contained in the new section is analogous with language used in similar circumstances. **Mr. Deckard** replied that the same or similar language has been used in several other board-of-commissioners appointments. There were no further questions for Mr. Deckard.

**MOTION:**

**Senator Hagedorn** moved to send **H 85** to the floor with a **do pass** recommendation. **Senator Nonini** seconded the motion. The motion carried by majority **voice vote**. **Senator Rice** asked to be recorded as voting against the motion. **Senator Hagedorn** will carry the bill on the Senate floor.

**ADJOURNED:** Before adjourning the meeting, **Chairman Brackett** reminded the Committee that he was making a presentation on transportation issues before the Joint Finance-Appropriations Committee on Friday, February 15. He asked the members to send him their comments and suggestions to include in his remarks. With no further business before the Committee, the **Chairman** adjourned the meeting at 2:30 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary