

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 04, 2015

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wills, Bateman, Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, King, Rudolph, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: Christine Fisher, ITD, Dave Jones, ITD, Bobby Petersen, Dealer Advisory Board, Seth Uhlenkott, Idaho State Police, Tim Horn, Idaho State Police, Don Williams, ISTC, Mike Chakarun, ISTC, Julie Hart, Enterprise Rental Cars, Dennis Stevenson, Rules Coordinator, Suzanne Budge, SBS Assoc., Sarah Fuhriman, IRCA, Jonathan Parker, IAHD

Chairman Palmer called the meeting to order at 1:32 p.m.

RS 23420: **Rep. Youngblood** presented **RS 23420** regarding motor vehicles and rental fleets. He deferred the presentation to **Julie Hart** from Enterprise Rental Cars. She explained the proposed legislation would modify provisions to registration requirements for motor vehicles owned by a rental company. It would authorize an alternative registration card and registration decals for license plates to be issued for a motor vehicle that is owned by a rental company. Ms. Hart said currently in Utah there is similar legislation.

MOTION: **Rep. Hixon** made a motion to introduce **RS 23420**. **Motion carried by voice vote.**

**DOCKET NO.
11-1301-1401:** **Dennis Stevenson** with the office of Administrative Rules summarized the rule making regarding ISP (Idaho State Police) commercial vehicle safety. These changes would provide law enforcement the ability to put interstate carriers who have been declared a hazard, out of service and prohibit the carriers from operating on Idaho's highways until the issue is resolved.

MOTION: **Rep. Wills** made a motion to approve **Docket No. 11-1301-1401**. **Motion carried by voice vote.**

**DOCKET NO.
11-1301-1402:** **Dennis Stevenson** with the office of Administrative Rules also presented **Docket No. 11-1301-1402** regarding Motor Carrier Rules. This Rule extends the hours of service exemption for farm and agriculture commodity, retail and wholesale distribution points from 100 to 150 air miles. Covered farm vehicles are exempt if the gross vehicle weight rating of the vehicle is over 26,001 pounds. If the weight is less, the vehicle is exempt regardless of the distance from the farm or ranch.

MOTION: **Rep. Wills** made a motion to approve **Docket No. 11-1301-1402**. **Motion carried by voice vote.**

DOCKET NO. 35-0105-1401: **Don Williams**, Tax Policy Specialist, Idaho State Tax Commission, explained this Rule has three non-negotiated rules. The three rules were recommended by the Office of Administrative Rules Coordinator. 1) Rule 001 is required to follow the formatting standard outlined by the Office of Administrative Rules Coordinator. This rule is informational and gives the title and scope of the rules to follow. 2) Rule 004 is amended to adopt the formatting standard outlined by the Office of Administrative Rules Coordinator. Rule 330 is being moved to Rule 004 and amended to conform to different tax rules of a similar type promulgated by the State Tax Commission. 3) Rule 006 is a rule required in order to follow the formatting standard. Rule 004 is being moved to Rule 006 and amended to conform to the different tax rules of a similar type promulgated by the State Tax Commission.

MOTION: **Rep. Gestrin** made a motion to approve **Docket No. 35-0105-1401. Motion carried by voice vote. Reps. Dixon, Harris, Monks, and Shepherd** requested to be recorded as voting **NAY**.

DOCKET NO. 35-0105-1402: **Don Williams**, Tax Policy Specialist, for the Idaho State Tax Commission, said this docket covers two Rules, and is to make it possible to access the \$0.25/gallon gasoline tax on given volume of gaseous fuel based on the energy equivalent of a gallon of gasoline. The rule is being changed to align the current conversion factors to national and industry standards.

MOTION: **Rep. Kauffman** made a motion to approve **Docket No. 35-0105-1402. Motion carried by voice vote.**

DOCKET NO. 39-0203-1402: **Christine Fisher** said this rule would add specificity to further define Idaho Code regarding principal place of business requirements to define the term "reasonable times" for the purpose of customers being able to contact a dealer. The proposed change adds a section term "declared business hours" and requires retail dealers to be open 20 hours a week, and whole sale dealers to be open 4 hours a week. Part of both must be Monday-Friday 8:00 a.m. to 5:00 p.m.

Many questions and concerns of the committee members were addressed by **Christine Fisher** from ITD and **Daryl Marler** from the Division of Motor Vehicles. They said this was an attempt to help the department find out what reasonable hours of operation were.

MOTION: **Rep. Hixon** made a motion to approve **Docket No. 39-0203-1402.**

UNANIMOUS CONSENT REQUEST: **Rep. Hixon** asked for unanimous consent to withdraw his motion. There being an objection, the request was denied.

SUBSTITUTE MOTION: **Rep. Gestrin** made a substitute motion to approve **Docket No. 39-0203-1402** with the exception of section 06. Roll call vote was requested. **Motion failed by a vote of 7 AYE and 9 NAY, 1 absent/excused. Voting in favor of the substitute motion: Reps. Shepherd, Gestrin, Hixon, Dixon, Harris, Holtzclaw, and Monks. Voting in opposition to the motion: Reps. Bateman, Kauffman, Packer, Youngblood, McDonald, King, Rudolph, Wintrow, and Chairman Palmer. Rep. Wills was absent/excused.**

ROLL CALL VOTE: **Chairman Palmer** called for a roll call vote on the original motion to approve **Docket No. 39-0203-1402. Motion carried by a vote of 9 AYE and 7 NAY, 1 absent/excused. Voting in favor of the motion: Reps. Bateman, Kauffman, Packer, Youngblood, McDonald, King, Rudolph, Wintrow, and Chairman Palmer. Voting in opposition to the motion: Reps. Shepherd, Gestrin, Hixon, Dixon, Harris, Holtzclaw, and Monks. Rep. Wills was absent/excused.**

DOCKET NO. 39-0310-1401: **Reymundo Rodriguez**, ITD, spoke to the committee about **Docket No. 39-0310-1401** regarding rules governing when an over legal permit is required. This rule would allow industry to haul a motorized vehicle on a trailer behind the self-propelled vocational vehicle. The rule currently only allows towing of the motorized vehicle on its own axles.

MOTION: **Rep. Gestrin** made a motion to approve **Docket No. 39-0310-1401**. **Motion carried by voice vote.**

DOCKET NO. 39-0316-1401: **Reymundo Rodriguez**, ITD, explained **Docket No. 39-0316-1401** regarding rules governing oversize permits for non reducible vehicles and/or loads. This rule states the maximum size allowed by over legal permit. It does not apply to the transport of oversize manufactured homes or office trailers. This rule making institutes a new permit to allow the transportation of kiln lumber stacks on a half mile section of State Highway 3.

MOTION: **Rep. Kauffman** made a motion to approve **Docket No. 39-0316-1401**. **Motion carried by voice vote.**

DOCKET NO. 39-0350-1401: **Dave Jones** with ITD said **Docket No. 39-0350-1401** is a rule that implements the provisions of **S 1441** and amends the current rest area rule. In 2014 the legislature rejected a proposal which banned the discharge of firearms/fireworks. This proposed rule more clearly defines soliciting and fireworks' as requested by the legislature.

MOTION: **Rep. Youngblood** made a motion to approve **Docket No. 39-0350-1401**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:17 p.m.

Representative Palmer
Chair

Amber Duke
Secretary