

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 05, 2015
TIME: 1:30 P.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Vick, Den Hartog, Buckner-Webb and Lacey
ABSENT/ EXCUSED: None
NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's 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 of the Senate Transportation Committee (Committee) to order at 1:36 p.m. and welcomed all in attendance.
S 1120: **Chairman Brackett** invited Senator Tippetts to take the podium to present **S 1120**.

Senator Tippetts thanked the Committee for accommodating his schedule. He said that prior to 2009 private driver's training school businesses were overseen by the Idaho Department of Education (DOE). In 2009 their oversight was moved to the Idaho Bureau of Occupational Licenses where the businesses feel it is a good fit. Licensing fees increased dramatically to \$500 for a business permit.

A student driver's training permit costs \$15, that is distributed as follows: \$5 goes into the State Highway Account; \$5 goes into the County Current Expense Fund; and \$5 has been going into the Driver Training Account. The change this bill makes is for students taking driver's training from a private driver's training program; the \$5 currently going into the Driver Training Account would be redirected to the Bureau of Occupational Licenses where it would be deposited in the State Treasury to the credit of the Occupational Licenses' Driving School Fund. **S 1120** also indicates how the payment will be determined. It is estimate that \$25,000 per year would be redirected. DOE estimates it at only \$12,500 per year.

The money will help the Driving School Fund pay its own way and may reduce the price a private driving school pays for their license. The fund currently shows a deficit of about \$12,000. Last year, DOE thought the money should follow the student; they don't oppose the bill. **Senator Tippetts** stood for questions.

Chairman Brackett asked how the estimated amount could be lower than \$25,000. **Senator Tippetts** said DOE was conservative in their estimate last year, but they now think it could be less.

Senator Lacey asked if DOE or the private schools would determine where the \$5 gets distributed. **Senator Tippetts** did not know details but said the Idaho Transportation Department (ITD) would know how many student permits have been purchased. DOE can determine how many students are taking instruction from the public schools, then it is a matter of subtracting those numbers and multiplying by \$5.

Senator Den Hartog asked if this bill would affect those individuals who contract with the schools. **Senator Tippetts** said that if a student is taking driving lessons through their school, the funds would remain with the school.

TESTIMONY: There were two individuals who testified in favor of this bill; they represented the Idaho Association of Professional Driving Businesses. They were **Mike Ryals** of Eagle, Idaho who owned a private driving school business but was now retired, and **Mike Arnell**, a certified fraud examiner who had worked in student driver training. Both complimented Senator Tippetts for bringing this bill forward as it is the first bill written on behalf of private driver's training businesses. Each stood for questions, but there were none.

Vice Chairman Nonini said that this has been a frustrating issue to deal with and he too thanked Senator Tippetts for working out the details in order to bring **S 1120** forward.

MOTION: **Vice Chairman Nonini** moved to send **S 1120** to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion passed by **voice vote**. **Senator Tippetts** offered to carry the bill on the floor.

H 17: **Chairman Brackett** thanked Senator Tippetts and invited Vice Chairman Nonini to present **H 17**.

Vice Chairman Nonini said that having **H 17** before the Committee has been an interesting process. He said he had been contacted last summer in Coeur d'Alene by someone looking for a Legislator from North Idaho serving on transportation. He started the process and contacted the two committee chairmen to see if they would help. They were interested and ran with the idea. This legislation brings forward the autocycle.

The bill provides the definition of "autocycle" on page 3. **Vice Chairman Nonini** read the definition. Technology changes so rapidly that since this bill passed the House and moved over to the Senate other motorized autocycle companies have been discovered and are interested in this legislation. **Vice Chairman Nonini** said he has been trying to work with all of them. The vehicle is classified under the motorcycle statutes of Idaho Code. However, they are more like three-wheeled automobiles. **Vice Chairman Nonini** read through all the changes including the addition of a new section, Section 5, that specifically addresses autocycles.

He also worked with the automobile dealers in order to make sure all interested parties were on the same page. **Vice Chairman Nonini** asked the Committee to send the bill to the 14th Order for amendment. The motorcycle people are concerned that if autocycles are in the motorcycle statutes, then motorcycles could be hurt.

Vice Chairman Nonini concluded by saying he has only seen pictures of the Elio autocycles. It is an interesting three-wheeled vehicle that gets 84 miles to the gallon. **Vice Chairman Nonini** stood for questions.

Senator Keough asked if the amendments discussed were already available. **Vice Chairman Nonini** said that they were available.

Senator Hagedorn asked if autocycle was a registered trade name. **Vice Chairman Nonini** said it is not registered with any particular manufacturer.

Senator Lacey asked if the two wheels were in the front or the back of the vehicle. **Vice Chairman Nonini** said there were two wheels in the front and one in the back.

Senator Keough noted that when the definition changed, the roll cage wording was removed and wanted to know why. **Vice Chairman Nonini** said the purpose of the amendment is to get two things accomplished: (1) the original bill was written in such a way that it was too specific to the Elio vehicle, so they wanted to make the language more general; and (2) the new language works with all the stakeholders in order to remain in ITD's oversight.

Senator Hagedorn said that a few years ago changes were made with motorized bicycles through the Federal Highway Safety Administration (FHSA). The classification meant motorcycles do not have to have safety inspections, but automobiles do. He wanted to know if autocycles have safety inspections and exactly how the federal government classifies them. **Vice Chairman Nonini** deferred that question to Barry Takeuchi, ITD's Title Policy Specialist. **Mr. Takeuchi** said that the federal government does not specifically classify autocycles. They meet the standards for motorcycles. **Senator Hagedorn** asked if there could be a potential amendment to take the motorcycle definition out and wanted to know how that would affect autocycles. **Mr. Takeuchi** said that ITD already has a differentiation of how they're defined; they are described by body type. AU is for a three-wheeled autocycles, and 3W is for a three-wheeled motorcycle. There were no further questions for Vice Chairman Nonini or for Mr. Takeuchi.

Chairman Brackett indicated there were a number of individuals who had signed-up to testify on **H 17**.

TESTIMONY:

Joel Sheltroun of Elio Motors testified by telephone from Michigan. **Mr. Sheltroun** supports the bill. He said the Elio has three wheels in contact with the ground and is considered a motorcycle in Idaho, which is a problem. Autocycles are too wide and too long to be considered a motorcycle. The Elio is the size of a Ford Taurus automobile. There is a movement asking all states to include autocycles in their statutes.

Helmets are required in some states and are problematic for autocycles that are completely enclosed like an automobile. With three-point safety restraints, a helmet can cause severe damage. Elios also have air bags, so a helmet conflicts with their safety measures.

Mr. Sheltroun said there are many different types of autocycles. As examples he named the Polaris Slingshot, the Elio and the T-Rex, which is a cross between an automobile and a motorcycle. It is a mistake to choose one definition to describe autocycles. He said the change in the definition does not include seat belts. A roll cage is important, but some autocycles don't have them. None would be refused registration in Idaho. **Mr. Sheltroun** thanked the Committee and offered to answer questions.

Senator Hagedorn said the difference between autocycles is that some are open; he wanted to know if the Elio could be open. **Mr. Sheltroun** said the Elio is totally enclosed and has side air bags. The Elio is designed properly as a lateral G for panic curves or turns. It is better than a Toyota Prius in turning. **Senator Hagedorn** asked if the current language would allow the Polaris Slingshot or the T-Rex to be licensed in Idaho. **Mr. Sheltroun** said their disqualifiers are that they are not enclosed, they don't have air bags, and they don't have side-by-side seating. If they eliminated tandem seating they would be fine, but right now they could only be registered as a motorcycle in Idaho.

TESTIMONY: **Lane Tripplet**, Chairman of the Idaho Coalition of Motorcycle Safety (ICMS), said he opposed the bill as currently written. He applauds the innovation, but he does not want them to be classified under the motorcycle statutes. ICMS would prefer that a new chapter be created in Idaho Code specifically designed for autocycles and similar type of vehicles. Other states, like North Dakota, have done that. He would favor amending the bill and offered to help with the process. There were no questions for Mr. Tripplet.

TESTIMONY: **Kevin Hanigan**, Executive Director of the Idaho Automobile Dealers Association, explained that he represents new car and sports vehicle dealers. He said that with the amended version, his association now opposes the bill. They like the concept, like the Elio, and also like new manufacturing opportunities. His association supports new wording in a different format for this new vehicle. Some are driven with a steering wheel and some with pedals. He would be willing to help with the changes. If it's not quite right, then it's wrong, and this needs to be made right. There were no questions for Mr. Hanigan.

TESTIMONY: **Jared Burt**, owner of Rexburg Motorsports, had planned on supporting this bill, but the new definition being proposed is too restrictive, and he does not support that change. His dealership sells autocycles, and he has personally driven one. Autocycles are considered a subclass of motorcycles in Idaho, but they are totally different and they need to be classified as such. There is a critical mass of autocycles, so ITD needs to be able to classify them properly. As for helmets, he wears one, and children under 18 years old should be required to wear one. **Mr. Burt** stood for questions.

Senator Hagedorn asked if buying a Slingshot requires purchasing a motor license and does it get a title. **Mr. Burt** said they are titled as a motorcycle and the buyer does not need an endorsement to drive a motorcycle; they can get a permit. He did not think that was a practical solution.

Senator Lacey asked if the Slingshot was like the Ranger. **Mr. Burt** said the Slingshot is not capable of off road travel.

While still on the telephone, **Mr. Sheltroun** clarified that the Elio is an autocycle. The states of Michigan and Louisiana passed autocycle legislation in 1989. There are two states with unconventional legislation regarding autonomous vehicles, and he supports the North Dakota language.

MOTION: **Senator Hagedorn** moved to send **H 17** to the 14th Order for amendment. **Senator Den Hartog** seconded the motion.

Chairman Brackett asked if there was any discussion on the motion.

Senator Winder said that every year or so the Committee amends current statutes to accommodate new ideas. He asked ITD to look into the entire code section and see if there isn't a better solution than amending motorcycle statutes for autocycles.

Senator Hagedorn said these are unconventional vehicles. There is a section of code for titling off-road vehicles; ITD needs one for on-road vehicles. Idaho needs good, safe vehicles on the roads.

The motion passed by **voice vote**. **Vice Chairman Nonini** said he would carry the bill on the floor.

H 147: **Chairman Brackett** thanked Vice Chairman Nonini and invited Julie Hart of Westerberg & Associates to the podium to present **H 147**.

Ms. Hart said that she was representing Enterprise Rental Car who is voluntarily bringing this bill forward to modify provisions for registration requirements for rental companies. They are asking for a non-expiring registration card for their fleet of vehicles. Expiring registrations are problematic if the vehicle is out-of-state when its registration expires. They would continue to pay registration fees each year and will even pay an additional \$2 per year to pay for the software. **Ms. Hart** stood for questions, but there were none.

MOTION: **Senator Hagedorn** moved to send **H 147** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**. **Senator Buckner-Webb** offered to carry the bill on the floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:52 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary