

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 16, 2016
TIME: 1:30 P.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, 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: **Vice Chairman Hagedorn** explained that Chairman Brackett was presenting a bill in another committee and convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.

S 1228 **Vice Chairman Hagedorn** welcomed Senator Patrick to the Committee and asked him to present **S 1228**.

Senator Patrick began by stating that **S 1228** removes the front license plate from all Idaho vehicles except diesel tractor trucks, wreckers and other already exempted vehicles, like old-timers and European manufactured cars. Many know which vehicles are exempted, but it is sometimes difficult for law enforcement agencies. There are already 20 states that don't require front license plates. He listed some of those states. **Senator Patrick** passed around models of various sleek-bodied cars that had no space for a front plate; he asked where would someone put a plate on these cars? Vehicles are not manufactured the way that they used to be. There are many Idahoans who have purchased these new cars who have asked him to bring this legislation forward. **Senator Patrick** says that he supports the Idaho State Police (ISP) on many issues, but he knows they do not support him on this issue. He thanked the Committee for hearing **S 1228** and stood for questions.

Senator Buckner-Webb was concerned about ISP being able to easily identify stolen vehicles as they are whizzing down the highway without a visible front license plate.

Senator Lacey commented that a rear license plate on a pickup truck hauling a trailer would not be visible at all from the back, but his inquiry was regarding how Senator Patrick had arrived at the amount disclosed in the fiscal note. **Senator Patrick** said the General Fund would not be affected, and the estimated savings to Idahoans who license vehicles came directly from the Idaho Transportation Department (ITD). **Senator Lacey** thought the State of Idaho might be liable to a contractual fine if they did not produce a certain number of license plates annually. **Senator Patrick** agreed, but said they would be using less material. He suggested when negotiating contracts in the future, savings would be realized, even though they would not be reflected at this time.

Vice Chairman Hagedorn asked if the savings go to the Highway Distribution Account (HDA) and not to the General Fund. **Senator Patrick** agreed with the statement. **Vice Chairman Hagedorn** asked if Idaho produces license plates for states other than Idaho. **Senator Patrick** assumed that other states could contract with us but did not know if they currently did.

Senator Den Hartog asked when the current contract would be ready for renegotiations. **Senator Patrick** did not know, but thought the contract the State was currently under was fairly new.

TESTIMONY: **Vice Chairman Hagedorn** said there were a number of people who had signed up to testify.

Jonathan Parker, of Holland and Hart and representing Idaho Autobody Craftsman Association, said they supported the bill from the time Senator Patrick first introduced it. **Mr. Parker** said he would answer questions, but there were none.

TESTIMONY: **Fred Birnbaum**, of the Idaho Freedom Foundation, said **S 1228** benefits Idahoans and he supports the bill. It has pass-through savings to citizens who receive infractions for not having a front license plate on their vehicle. In particular, he pointed out people who had car-bras that covered their front licenses and were, therefore, ticketed. He concluded by stating that 20 states, mostly eastern states, don't require front license plates. **Mr. Birnbaum** said he would stand for questions.

Senator Winder asked what 3M's penalty was if their product was not used on the face of each license plate. **Mr. Birnbaum** was uncertain, but **Senator Patrick** said it was de minimis to Idaho as the cost was offset by other states.

TESTIMONY: **Major Steve Richardson**, who has served in ISP's communication centers in Coeur d'Alene and Meridian, spoke in opposition to the bill because of safety issues. For citizens reporting problems on roadways via their cell phones, front license plates are the primary identifiers available to them. As examples, he shared the following problems regularly reported by citizens: DUIs, motorist assistance, traffic issues, road rage, traffic stoppage, crash investigations, potential assaults and kidnapping. **Maj. Richardson** said that in the Oklahoma City bombing case, which occurred early in the morning, the perpetrator of the crime was caught because of a missing license plate. He concluded by stating that the front license plate is an excellent tool for citizens and for law enforcement. **Maj. Richardson** stood for questions.

Senator Nonini asked if there was any middle-ground for ISP; would those automobiles manufactured without places for a front license plate be okay without a plate, but others that have the plate holder require having one? **Maj. Richardson** said that situation would confuse and complicate matters. In addition, the video equipment in law enforcement vehicles records the activities of what is taking place in the back seat of the automobile and can sometimes capture a vehicles' front license plates when they are operating behind a law enforcement vehicle. The preserved video is an ongoing continuous loop.

Vice Chairman Hagedorn asked if that video system has the capability of recording the back of a vehicle operating in front of a law enforcement vehicle. **Maj. Richardson** said the purpose of the equipment is to record activities of prisoners riding in the back seat of the vehicle, so the answer to the question is no.

Senator Winder asked how many other states allow one license plate. **Maj. Richardson** said there were 19 States that allow one plate only. Two of them, Arizona and New Mexico, are in the Western United States. **Senator Winder** asked if there was ever a time in Idaho when only one plate was required. **Maj. Richardson** said there had not been in the timeframe he has been in the State; classic plates only require one.

Senator Vick wanted to know how law enforcement in states that only require one plate are affected from the perspective of being able to do their job. **Maj. Richardson** thought that Mr. McCraw, who has come here from Arizona, one of the states that requires only one plate, can add insight into that question. Personally, **Maj. Richardson** said he had not made inquiries with other one-plate states regarding this issue.

TESTIMONY:

Officer Kyle Wills, of the Idaho Chief of Police Association and the Boise Police Association, spoke in opposition to the bill specifically with regard to the amber alert system or trying to locate any vehicle through the dispatch system or surveillance system. As an example, when there is a theft inside a convenience store, vehicles captured on surveillance video show, as they pull up to the store front, their front license plate. Also, the front license plate is the most reflective portion of the vehicle at night as a vehicle comes towards a patrol car. It is difficult to determine if a vehicle has a bracket or not. **Officer Wills** concluded by requesting that **S 1228** be held in Committee; he stood for questions.

Vice Chairman Hagedorn asked if law enforcement's job would be easier if the law stated license plates needed to be displayed on the sides of a vehicle as well as the front and back. **Officer Wills** didn't know if that would make law enforcement's job easier.

**PASSED THE
GAVEL:**

Vice Chairman Hagedorn returned the gavel to Chairman Brackett when he arrived in Committee.

TESTIMONY:

Captain Victor McCraw, formerly with the Arizona Department of Public Safety and currently the Division Administrator of the Idaho Peace Officer Standards and Training, spoke in opposition to the bill from a fraud perspective. He said that since states have gone from stamped license plates to flat license plates, the ease in noticing characters has diminished significantly. In his opinion, making that change on Idaho's license plates was a mistake.

Capt. McCraw said that trailers and bicycle racks are obstructions to identifying license plates on back bumpers, and when that is the only license plate available, then there is a problem. In Arizona, he transitioned from a two-plate requirement to a one-plate requirement. Without requiring that front plate, some people started making novelty plates at home and placed them in the empty front location, which added to the confusion. **Capt. McCraw** said he would stand for questions, but there were none.

**CLOSING
REMARKS:**

Senator Patrick clarified that there were 20 states that allow display of one license plate on their vehicles, with Wyoming being the most recent. This is a national movement now that vehicles are being manufactured differently. Things are changing, there are already cars with license plates from other states requiring one plate that are driving on our roads, living in our communities and operating in Idaho. Our officers are already dealing with a mixed bag. **Senator Patrick** concluded by thanking the Committee and saying he would appreciate a yes vote on this legislation.

Senator Winder had been asked by Senator Buckner-Webb, before she had to leave Committee, to request that **S 1228** be held in Committee so that she had an opportunity to vote.

Senator Lacey also suggested that the bill be held and wondered what the legislation would do to vehicles that did have front plate holders or to those with two plates.

Vice Chairman Hagedorn said that he has cars with one plate and cars with two plates and he gets stopped when driving either of them.

MOTION: **Vice Chairman Hagedorn** moved to send **S 1228** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. **Chairman Brackett** called for a **roll call** vote. **Senators Hagedorn, Vick, Den Hartog** and **Brackett** voted aye; **Senators Keough, Winder, Nonini** and **Lacey** voted nay. There was one absent. The motion **failed**.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** thanked Senator Patrick and welcomed Mike Pape, Administrator of the Idaho Division of Aeronautics (IDA) at ITD, to introduce the Governor's appointee to Idaho's Aeronautics Advisory Board.

Mr. Pape thanked the Committee and said that the Aeronautics Advisory Board is made up of five individuals that come from communities throughout the State of Idaho. **Mr. Pape** said Daniel Scott was the President and General Manager of Shore Lodge Whitetail LLC in McCall, Idaho. Mr. Scott had served two 5-year terms on the advisory board and had been an excellent member. It was his pleasure to introduce him to the Committee.

Mr. Scott thanked the Committee and said that in addition to Shore Lodge Whitetail, he owned Salmon Air with locations in both McCall and Salmon, Idaho. He had proudly served on the aeronautics board for ten years and was pleased to be asked to serve another term. **Mr. Scott** said he was happy to answer any questions the Committee had regarding the advisory board or his reappointment.

Senator Winder said he was glad Mr. Scott was willing to serve longer and spend more time on the board. **Senator Winder** asked the status of the relationship between the backcountry airstrips and the United States Forest Service (USFS). **Mr. Scott** said that IDA airstrips not located in wilderness areas had a strong relationship with the USFS, while those in wilderness areas were more contentious. He added that the situation in Big Creek, one of Idaho's premier backcountry airstrip destinations, remains contentious and hasn't gotten much better in the 12 years he's been involved.

Senator Winder asked what issues or projects the board was currently undertaking. **Mr. Scott** said the State has gotten more discretionary funding from Federal Aviation Administration (FAA) grants. The State spends about \$300,000 to \$400,000 each year for gravel for runways. The State helps out as much as it can to support the federal match. There were no further questions.

Chairman Brackett thanked Mr. Scott for addressing the Committee and for his willingness to serve another term on the Idaho Aeronautics Advisory Board. **Chairman Brackett** said the Committee would vote on his appointment at the next Committee meeting.

S 1283 **Chairman Brackett** invited Robert Compan, of the Farmers Insurance Group Companies, to the Committee and asked him to present **S 1283**.

Mr. Compan said that his former Farmers Insurance colleague, Paul Jackson, had championed legislation passed in 2012 to address the uninsured motorist population in Idaho and to develop a method of transferring information electronically from insurance companies to law enforcement. They had been approached by ITD to take care of some data outliers in order to enhance Idaho Department of Insurance code for companies not doing business in the State. This will help identify them with regulated bodies that had not complied with the insurance codes. **S 1283** establishes an online insurance verification system relating to motor vehicle insurance coverage. This bill clarifies records and information available for verification by adding a new section, Idaho Code § 41-1338. The bill's language has been vetted, making it a much better piece of legislation. It accomplishes what ITD wanted. **Mr. Compan** stood for questions.

Senator Lacey asked if ITD checks to see if an individual has insurance. **Mr. Compan** said that when a person registers a vehicle with the State of Idaho there is an electronic tripping system that indicates whether the person does or does not have insurance.

Chairman Brackett commented that he gets questions frequently about uninsured drivers and this bill has teeth in its new section.

TESTIMONY:

Woody Richards, Boise attorney representing various insurance companies, and **Phil Barber**, representing the American Insurance Association, said they would gladly testify in favor of the bill if it was required.

Vice Chairman Hagedorn had a question for Alan Frew, ITD's Motor Vehicles Administrator. **Vice Chairman Hagedorn** wanted to know if ITD's Department of Motor Vehicles' database system was now updated and ready for this new program. **Mr. Frew** replied they were and that the program was operational and working in conjunction with the Idaho Law Enforcement Telecommunications System (ILETS). He explained that when a vehicle is pulled over, the system is authorized and shows if the vehicle has insurance when its license plate is run.

Chairman Brackett asked how up to date the system was. **Mr. Frew** answered that most insurance companies are updated monthly, but Farmers Insurance is updated daily.

MOTION:

Vice Chairman Hagedorn moved to send **S 1283** to the floor with a **do pass** recommendation. **Senator Lacey** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Hagedorn** volunteered to carry the bill on the floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:37 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary