

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, March 01, 2018

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Lodge, Harris, and Buckner-Webb

**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 1:37 p.m.

**Chairman Brackett** informed the Committee that Representative Wood had a scheduling conflict and there would be a delay in hearing the first agenda item, **H 512**. **Chairman Brackett** moved to the next item on the agenda, **H 543**; he welcomed Representative Erpelding and invited him to present the bill.

**H 543** **Representative Erpelding** said this legislation, which proposes to update the state seatbelt requirements for mail carriers, comes from the Regional Safety Officers of the United States (U.S.) Postal Service. When Idaho implemented the safety belt restraint law it excluded mail carriers. In the process of employing new postal service employees the procedure is to have their new employees sign the employee handbook. An exclusive provision for mail carriers conflicted with Idaho Code § 49-673.

**Representative Erpelding** read from the Federal Employee Compensation Act on the subject of seatbelt requirements. Rules for operating a privately-owned, left-hand drive vehicle require that 95 percent of the time the carrier must be wearing a seatbelt. This bill endeavors to bring state law in alignment with the United States Postal Service's Handbook.

**DISCUSSION:** **Senator Winder** asked for clarification as to whether it is advisory or mandatory for a postal carrier to be belted behind the wheel. **Representative Erpelding** read, "When a privately owned left-hand drive vehicle is used on the mail route it is advisable that the rural carrier use seatbelts and be positioned behind the steering wheel when delivering and when collection activities do not unduly encumber or delay or fatigue the rural carrier."

**MOTION:** **Senator Hagedorn** moved to send **H 543** 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 Senate floor.

**H 497** **Chairman Brackett** said Representative Monks was unavailable to present. Ty Palmer, representing his employer, Capitol Auto Loan, would present **H 497**.

**Mr. Palmer** stated this legislation would clarify who is required to be notified when a vehicle is towed. When a vehicle is pulled over or is in a crash and the law enforcement officer orders the vehicle be towed, the officer that orders the tow has to produce a report to the registered owner. This legislation asks that the lienholder be notified as well. The lienholder would know that their asset has been impounded. This bill would allow the lienholder to retrieve the asset before the value is diminished by the towing and storage fees. The lienholder would then work with the registered owner to return the vehicle to them.

**DISCUSSION:** **Senator Hagedorn** asked how a towing company would be able to contact the lienholder. **Mr. Palmer** explained the arresting agency has access to the lienholder's information.

**MOTION:** **Vice Chairman Nonini** moved to send **H 497** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

**DISCUSSION:** **Chairman Brackett** said before he called for a vote, the Committee would hear testimony. He welcomed Major Sheldon Kelley, Deputy Director of the Idaho State Police (ISP), and invited him to testify.

**TESTIMONY:** **Major Kelley** spoke in opposition to **H 497**. He stated he believed this is a more complicated issue than depicted. ISP towed 6,700 vehicles in 2017. ISP tows vehicles for varied reasons. Reasons may include the vehicle is involved in a crash, an arrest, or it is abandoned. The ISP officer fills out a report on every vehicle towed. If the vehicle is involved in a crash, the ISP officer hands the report to the driver and the incident is considered complete. The ISP office staff reviews the vehicle reports daily and contacts owners who have not been notified by using the vehicle identification number to determine if there is a lienholder and registered owner. Notification is then mailed via certified mail to the registered owner.

A high amount of the towed vehicles are retrieved by the registered vehicle owner the next day. ISP office staff procedures are to review daily vehicle reports and contact the towing company to inquire if the vehicle is still in their possession. If the vehicle has been retrieved, no further notification is needed. Under this revised statute, ISP would still have to make the notification to the lienholder even though the vehicle was retrieved by the owner.

**DISCUSSION:** **Senator Winder** asked, of the 6,700 vehicles ISP tows each year, what percentage are stolen vehicles. **Major Kelley** did not know the number. **Senator Winder** asked how many of the vehicles are legally abandoned. **Major Kelley** replied he did not have an exact percentage. If a vehicle is abandoned, ISP directs a tow company to retrieve the vehicle. If it is designated as having a value of less than \$750, the tow company can dispose of the vehicle quickly. If the value is over \$750, the tow company is required to wait 60 days before they can dispose of the vehicle.

**Senator Hagedorn** wondered if all ISP's towed vehicles would need to be checked to see if there was a lienholder if **H 497** were law. He asked if ISP staff check tow vehicle information during the normal work week. **Major Kelley** explained when ISP tows a vehicle the officer requests from dispatch the information of the registered owner and if there is a lienholder. This information is included on the paperwork. **Senator Hagedorn** asked how many hours it would take ISP staff to process notifications under this bill, and at what cost. **Major Kelley** advised ISP estimates the notification process would take 10 minutes per vehicle; along with postage, it would cost approximately \$5 per vehicle.

**Chairman Brackett** noted the bill indicates under the fiscal note there would be no impact to the General Fund, but minimal increase to law enforcement. **Major Kelley** reaffirmed that the \$5 per vehicle amount is based on first class postage and staff processing time.

**Vice Chairman Nonini** asked if Major Kelley testified on this legislation when it was presented in the House. **Major Kelley** answered ISP was unaware that the legislation existed. A towing company notified ISP of the pending legislation.

**Chairman Brackett** asked if the testimony Major Kelley provided was for informational purposes or if ISP opposed **H 497**. **Major Kelley** responded ISP opposed the bill.

**Senator Winder** wondered why current law requires first class mail and ISP has chosen to send notification via certified mail. **Major Kelley** answered the reason ISP sends notification by certified mail is so ISP has proof that notification was sent and delivery was received at the current address.

**UNANIMOUS  
CONSENT TO  
WITHDRAW  
MOTION:**

**Vice Chairman Nonini** asked for **unanimous consent** to withdraw the motion. **Chairman Brackett** stated because there was no objection, the withdrawal was so ordered.

**MOTION:**

**Senator Hagedorn** moved that **H 497** be held in Committee for time certain at the call of the Chair. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

**H 506**

**Chairman Brackett** invited Senator Harris to present **H 506**. The bill proposes that ITD title and register surplus military vehicles.

**Senator Harris** said last year the ITD became aware there were no provisions in place regarding title and registration of surplus military vehicles. These vehicles are used in various capacities such as agriculture, fire suppression, dump trucks, preservation and restoration work, parades, and veterans shows. **Senator Harris** requested this legislation be sent to the 14th order to change some language in the second half of the bill.

**Senator Harris** went through the sections of the bill, especially that the vehicles may be registered or operated on public highways around the State. The amendment would change the wording to read that because such vehicles were manufactured in accordance with the United States Department of Defense Military Safety Standards, a Federal Form 97 shall be provided at the time of registration. If Federal Form 97 was not available, the applicant may apply for a conditional title.

**TESTIMONY:**

**Chairman Brackett** welcomed Robert Walsh, Alex Gordon, and Barry McCahill and invited them to testify.

**Mr. Walsh** spoke in support **H 506**. He expressed support for this bill to continue the practice of titling and registering surplus military vehicles. **Mr. Walsh** uses such vehicles for his business. Many other private entities, cities, and counties throughout Idaho and across the nation rely on these vehicles. These vehicles represent a great value to the users and they are an opportunity for the federal government to recover taxpayer dollars. When ITD announced it would no longer title new trucks, **Mr. Walsh** asserted it was done with a lack of transparency; there was no public hearing or outreach to stakeholder groups. The reason ITD provided for no longer titling and registering the vehicles was they did not have the civilian Federal Motor Vehicle Safety Standards (FMVSS) paperwork required by Idaho statutes. ITD would allow military vehicles from another state to be brought into Idaho.

**Mr. Gordon** spoke in support of **H 506**. He has sold military vehicles for 36 years. These surplus vehicles have safety features. All surplus vehicles manufactured after 1967 can exceed minimum speed limits.

**Mr. McCahill** spoke in support of **H 506**. He is a member of the Idaho Military Vehicle Preservation Association and their entire focus is to be able to showcase these vehicles for historical purposes. Their association participates in all the historic parades in Boise and the veterans become very emotional watching the vehicles they served with during their tours of duty. The public response is overwhelming when they view these historical vehicles. He has been involved in highway safety at the national level throughout his career. He retired from the National Highway Traffic Safety Administration (NHTSA), the agency that issues the FMVSS, and he stated they are unaware of the safety issues associated with military vehicles.

**DISCUSSION:**

**Senator Winder** asked Brendan Floyd of ITD how other states have handled the titling and registration of these military vehicles. **Mr. Floyd** said other states are in different phases of this conversation to assess a safety opinion on these vehicles. Idaho Code states vehicles that do not meet FMVSS cannot be registered. There are some permissions in other states for these types of vehicles.

**Senator Winder** asked Mr. Floyd to clarify the difference between **H 506** and **S 1264**, which allows military vehicles to be used for fire suppression. **Mr. Floyd** stated that **S 1264** speaks to the specific use for fire suppression and incidental highway operation; **H 506** permits any individual to title, register, and drive any military vehicle on all roads.

**Chairman Brackett** asked if **H 506** covers the intent of **S 1264**. **Mr. Floyd** answered **H 506** affords widespread usage, whereas **S 1264** applies only to fire suppression usage.

**Senator Hagedorn** asked if there was an issue with ITD implementing **H 506** language about the vehicle requiring a Federal Form 97. **Mr. Floyd** replied **H 506** can be implemented by ITD the way it is written.

In his closing remarks, **Senator Harris** made the point of clarification on **S 1264** by stating it only dealt with allowing fire districts to use these military vehicles.

**Senator Lee** stated the military vehicles have been needed for fire suppression, but they are also useful on farms. She stated **H 506** is needed, enabling legislation that is beneficial to Idaho.

**MOTION:**

**Senator Winder** moved that **H 506** be referred to the to **14th Order** for amendment. **Senator Hagedorn** seconded the motion. The motion passed by **voice vote**. **Senator Harris** stated he would carry the bill on the Senate floor.

**PASSED THE  
GAVEL:**

Chairman Brackett passed the gavel to Vice Chairman Nonini.

**H 512**

**Chairman Brackett** stated this legislation, which proposes to increase the application fees for Class D and motorcycle endorsement skills tests would accomplish four things: (1) it would increase the fees for Class D and motorcycle skills testers; (2) the portion of the monies from the Class D skills tests would be deposited into the State Highway Account; (3) all increases in the revenue would be retained by the skills tester; and (4) Class A, B, C skills tests would not be more than \$200 and Class D skills test are not more than \$35. Other changes would include an increase of the fee to \$25 for the motorcycle skills test, and an increase for the Class D skills test to \$28.50.

**MOTION:** **Senator Hagedorn** moved to hold **H 512** in Committee. **Senator Buckner-Webb** seconded the motion.

**DISCUSSION:** **Senator Hagedorn** reminded the Committee he had gone through the entire list of licenses and charges in 2009. He noted fee increases raised \$13 million for the Department of Motor Vehicles (DMV) in order to replace and update their DMV computer system. The Committee is still waiting for that computer system to be updated and replaced. The Committee is now asked to increase fees on CDL licenses.

He stated there is not a trucking company in Idaho that is not looking for potential drivers and he believes increasing the fees for a CDL license is the last thing the Legislature wants to do to create more barriers to increase CDL licensed drivers for the State. The \$13 million to ITD was for the computer upgrade to manage Idaho's licensing and registration. **Senator Hagedorn** indicated until he sees data of how the \$13 million was spent he cannot justifiably support an increase in fees.

**SUBSTITUTE MOTION:** **Senator Keough** moved to send **H 512** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

**DISCUSSION:** **Senator Keough** explained her motion. The fees in **H 512** are raised to pay the salary of the personnel that administer the tests. She stated she is reluctant to hold them hostage for the errors of the systems' upgrade.

**Senator Hagedorn** advised, having taken the motorcycle training, he paid separate fees for the training and to ITD. ITD's \$10 fee is collected when the motorcycle skills test is taken. The personnel that administer the skills test could raise those funds on the training side instead of the skills test side.

**Senator Keough** stated constituents who administer the skill tests have contacted her and she believes not passing this bill will be a detriment to their ability to continue to perform the testing.

**ROLL CALL VOTE:** **Vice Chairman Nonini** called for a roll call vote. **Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Lodge, Harris, and Buckner-Webb** were recorded as voting **Aye**. **Senator Hagedorn** was recorded as voting **Nay**. The motion passed. **Chairman Brackett** said he would carry the bill on the Senate floor.

**PASSED THE GAVEL:** Vice Chairman Nonini passed the gavel back to Chairman Brackett.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:44 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

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Carol Deis  
Assistant Secretary