

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 2

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO LOGGING; AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE THAT
2 THE DIRECTOR OF THE IDAHO STATE POLICE AND THE IDAHO TRANSPORTATION
3 BOARD SHALL HAVE AUTHORITY TO PERFORM SAFETY INSPECTIONS AND SAFETY
4 TRAINING PROGRAMS, ISSUE CERTAIN ORDERS, AND ENFORCE CERTAIN RULES IF
5 A LOGGING TRUCK IS OPERATING ON PUBLIC HIGHWAYS; AND AMENDING SECTION
6 67-2901B, IDAHO CODE, TO PROVIDE THAT LOGGING TRUCKS ARE SUBJECT TO
7 CERTAIN ADMINISTRATIVE RULES IF TRANSPORTING ON PUBLIC HIGHWAYS, TO
8 PROVIDE FOR ENFORCEMENT OF SUCH RULES BY THE DIRECTOR OF THE IDAHO STATE
9 POLICE AND THE IDAHO TRANSPORTATION BOARD, AND TO MAKE TECHNICAL COR-
10 RECTIONS.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 67-2601A, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building
16 safety will be headed by an administrator appointed by and serving at the
17 will of the governor. The division administrator, deputy administrators and
18 regional managers shall be nonclassified employees exempt from the provi-
19 sions of chapter 53, title 67, Idaho Code.

20 (2) The administrator shall administer the following provisions and
21 shall perform such additional duties as are imposed on him by law: chapter
22 41, title 39, Idaho Code, relating to the building code board; chapter 40,
23 title 39, Idaho Code, relating to manufactured homes; chapter 43, title 39,
24 Idaho Code, relating to factory built structures; chapter 21, title 44,
25 Idaho Code, relating to manufactured home dealer and installer licensing;
26 chapter 25, title 44, Idaho Code, relating to mobile home rehabilitation;
27 chapter 10, title 54, Idaho Code, relating to electrical contractors and
28 journeymen; chapter 19, title 54, Idaho Code, relating to licensing of
29 public works contractors; chapter 26, title 54, Idaho Code, relating to
30 plumbing and plumbers; chapter 45, title 54, Idaho Code, relating to public
31 works construction management licensing; chapter 50, title 54, Idaho Code,
32 relating to heating, ventilation and air conditioning systems; chapter 80,
33 title 39, Idaho Code, relating to school building safety; chapter 59, title
34 33, Idaho Code, relating to Idaho school safety and security; chapter 86,
35 title 39, Idaho Code, relating to elevator safety; and chapter 22, title 55,
36 Idaho Code, relating to underground facilities damage prevention.

37 (3) The administrator and, while on public highways, the director of
38 the Idaho state police and the Idaho transportation board, shall also have
39 the authority to perform safety inspections and safety training programs for
40 logging operations in Idaho.

41 (a) When an inspection reveals evidence of a condition that poses an im-
42 mediate threat of serious bodily harm or loss of life to any person, the

1 administrator and, while on public highways, the director of the Idaho
2 state police and the Idaho transportation board, may issue an order to
3 immediately stop the work or close the facility or site where the threat
4 exists. The safety order shall not be rescinded until after the threat
5 has been corrected or removed.

6 (b) The safety order may be enforced by the attorney general in a civil
7 action brought in the district court for the county wherein the haz-
8 ardous work site or facility is located.

9 (c) Any person who knowingly fails or refuses to comply with such an or-
10 order is guilty of a misdemeanor.

11 (d) The administrator shall promulgate rules adopting minimum logging
12 safety standards and procedures for conducting inspections and safety
13 training, which may be enforced by the administrator and, while on pub-
14 lic highways, the director of the Idaho state police or the Idaho trans-
15 portation board.

16 (4) In addition to safety inspections of state-owned public buildings
17 conducted under chapter 23, title 67, Idaho Code, the administrator may con-
18 duct safety inspections of buildings owned or maintained by political sub-
19 divisions of the state upon receipt of a written request from the governing
20 body of that political subdivision, subject to the availability of division
21 resources and the requesting entity's agreement to pay the division's cur-
22 rent fees for such an inspection.

23 (a) The findings of the inspection shall be reported to the governing
24 body of the political subdivision.

25 (b) The administrator may promulgate rules adopting minimum safety
26 standards and procedures for conducting such inspections, as well as
27 fees for performing the same.

28 (c) For purposes of this section, "political subdivision" means any
29 governmental unit or special district of the state of Idaho other than
30 public school districts.

31 (5) In administering the laws regulating professions, trades and occu-
32 pations that are devolved for administration upon the division, and in addi-
33 tion to the authority granted to the administrator by the laws and rules of
34 the agencies and entities within the division, the administrator may:

35 (a) Revise the operating structure of the division as needed to provide
36 efficient and appropriate services to the various professions, trades,
37 occupations and programs administered within the division;

38 (b) Conduct examinations to ascertain the qualifications and fitness
39 of applicants to exercise the profession, trade or occupation for which
40 an examination is held; pass upon the qualifications of applicants for
41 reciprocal licenses, certificates and authorities; prescribe rules for
42 a fair and impartial method of examination of candidates to exercise the
43 respective professions, trades or occupations; issue registrations,
44 licenses and certificates; and until fees are established in rule, the
45 administrator shall charge a fee of seventy-five dollars (\$75.00) for
46 each examination administered;

47 (c) Conduct hearings on proceedings to discipline, renew or reinstate
48 licenses, certificates or authorities of persons exercising the re-
49 spective professions, trades or occupations; appoint hearing officers,
50 administer oaths, issue subpoenas, and compel the attendance of wit-

1 nesses; revoke, suspend, refuse to renew, or take other disciplinary
 2 action against such licenses, certifications or authorities; and pre-
 3 scribe rules to assess costs and fees incurred in the investigation and
 4 prosecution or defense of any certificate holder, licensee or regis-
 5 trant of the division, its boards, bureaus and programs, in accordance
 6 with the provisions of section 12-117(5), Idaho Code, when applicable,
 7 the contested case provisions of chapter 52, title 67, Idaho Code, and
 8 the laws and rules of the boards, bureaus and programs the division ad-
 9 ministers;

10 (d) Assess civil penalties as authorized;

11 (e) Promulgate rules establishing: a coordinated system for the
 12 issuance, renewal, cancellation and reinstatement of licenses, cer-
 13 tificates, registrations and permits; assessment of all related fees;
 14 the terms by which fees may be prorated, if any; and procedures for the
 15 replacement of lost or destroyed licenses, certificates or registra-
 16 tions; and

17 (f) Promulgate other rules as may be necessary for the orderly adminis-
 18 tration of the chapters specified in subsection (2) of this section, ex-
 19 cept for those related to underground facilities damage prevention con-
 20 tained in chapter 22, title 55, Idaho Code, and such rules as may other-
 21 wise be required by those chapters as well as rules for the standardiza-
 22 tion of operating procedures.

23 (6) Notwithstanding any law governing any specific board, bureau or
 24 program comprising the division of building safety, each board member shall
 25 hold office until a successor has been duly appointed and qualified.

26 (7) The administrator shall have the authority to employ individuals,
 27 make expenditures, enter into contracts, require reports, make investiga-
 28 tions, travel, and take other actions deemed necessary.

29 SECTION 2. That Section 67-2901B, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 67-2901B. INSPECTION OF MOTOR CARRIERS -- EXEMPTIONS -- CERTIFICATION
 32 OF REPAIR -- COMPLIANCE REVIEW -- PENALTIES. (1) All motor carriers, except
 33 those exempted under the provisions of subsection (2) of this section, are
 34 subject to compliance review and inspection by authorized state police em-
 35 ployees for compliance with federal motor carrier safety and hazardous ma-
 36 terials regulations and for compliance with applicable Idaho laws and rules
 37 promulgated by the director pursuant to the provisions of section 67-2901A,
 38 Idaho Code. A motor carrier shall submit any vehicle to a safety inspection
 39 when requested to do so by an authorized state police employee. Such inspec-
 40 tions shall comply, to the extent possible, with national and industry stan-
 41 dards for truck inspections and truck safety as adopted by the commercial ve-
 42 hicle safety alliance. A written inspection report shall be provided to the
 43 owner, operator or agent of the vehicle following any inspection review pur-
 44 suant to this section.

45 (2) The following intrastate motor carriers shall be exempt from safety
 46 inspections and compliance reviews:

47 (a) Motor vehicles employed solely in transporting school children and
 48 teachers to or from school or to and from approved school activities,
 49 when the motor vehicles are either:

- 1 (i) Wholly owned and operated by such school; or
2 (ii) Leased or contracted by such school and the motor vehicle is
3 not used in the furtherance of any other commercial enterprise; or
4 (b) Taxicabs or other motor vehicles performing a licensed or fran-
5 chised taxicab service, having a seating capacity of not more than seven
6 (7) passengers within twenty-five (25) miles of the boundaries of the
7 licensing or franchising jurisdiction; or
8 (c) Motor vehicles owned or operated by or on behalf of hotels and used
9 exclusively for the transportation of hotel patrons between hotels and
10 local railroads or airports or other common carrier stations; or
11 (d) Motor vehicles controlled and operated by any farmer when used in
12 the transportation of his farm equipment or in the transportation of
13 supplies to his farm; or
14 (e) Motor vehicles used exclusively in the distribution of newspapers;
15 or
16 (f) Transportation of persons or property by motor vehicle at an air-
17 port when incidental to transportation by aircraft or other transporta-
18 tion in substitution for scheduled airline service when the carrier
19 cannot provide the scheduled service because of weather and/or mechan-
20 ical conditions and the transportation is arranged for and paid by the
21 affected airlines; or
22 (g) Transportation of persons and/or property, including mobile and
23 modular houses manufactured with wheels and undercarriage as part of
24 the substructure, but not transportation of other houses, buildings
25 or structures within a municipality or territory contiguous to such
26 municipality if such operation outside such municipality be a part of
27 a service maintained within the limits of the municipality with the
28 privilege of transfer of passengers to vehicles within the municipality
29 without additional fare; or
30 (h) The transportation of agricultural products, including fresh
31 fruits and vegetables, livestock, livestock feed or manure at any time
32 of the year; or
33 (i) Motor-propelled vehicles for the sole purpose of carrying United
34 States mail or property belonging to the United States; or
35 (j) Motor carriers transporting products of the forest at any time of
36 the year; provided however, that logging trucks are subject to the Idaho
37 division of building safety's administrative rules relating to Idaho
38 minimum safety standards and practices for logging trucks during trans-
39 portation on Idaho's public highways, which rules shall be enforced
40 by the director of the Idaho state police and the Idaho transportation
41 board; or
42 (k) Motor carriers transporting products of the mine, including sand,
43 gravel and aggregates thereof, except petroleum products and wet con-
44 crete; or
45 (l) Motor carriers transporting household goods as defined by the fed-
46 eral surface transportation board; or
47 (m) Vehicles properly equipped, designed and customarily used for the
48 transportation of disabled or abandoned vehicles by means of a crane,
49 hoist, tow bar, dolly or roll bed, which vehicle shall be known as a
50 "wrecker (tow truck)."

1 (3) A motor carrier which has received a written inspection report pre-
2 pared pursuant to subsection (1) of this section indicating that his vehicle
3 does not comply with applicable federal laws or regulations or Idaho laws or
4 rules, shall certify in writing to the director or his designee within fif-
5 teen (15) days of his receipt of the inspection report that he has brought
6 his vehicle into compliance with said laws, regulations or rules. The di-
7 rector or his designee may assess an administrative penalty to any person
8 who does not comply with the certification provisions of this section or who
9 makes a false certification. The penalty shall not exceed one hundred dol-
10 lars (\$100) for failure to comply with an inspection report or for making a
11 false certification. If an assessment is contested, the director shall com-
12 ply with the provisions governing contested cases under the administrative
13 procedure act, chapter 52, title 67, Idaho Code.

14 (4) Any motor carrier subject to rules promulgated under the provisions
15 of section 67-2901A, Idaho Code, shall submit to a compliance review upon re-
16 quest of the director or any officer designated by him, by providing for in-
17 spection or copying at any reasonable time, the records, books, papers and
18 documents relating to the safety management systems or program of such motor
19 carrier.

20 (5) Any penalties collected pursuant to subsection (3) of this section
21 shall be deposited to the state highway account.