

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 16, 2021

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Den Hartog, Vice Chairman Woodward, Senators Winder, Lodge, Rice, Vick, Crabtree, Nelson, and Wintrow

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: **Chair Den Hartog** called the meeting of the Senate Transportation Committee (Committee) to order at 1:35 p.m.

H 158 **Relating to Motor Vehicles.**
Representative Aaron von Ehlinger (District 6) presented the bill to the Committee, explaining the suggested changes. The changes would not be an all out repeal of Idaho's requirement for every vehicle to have front and rear license plates, they would only create an exception in Idaho Code for vehicles not manufactured with front license plate holders. He concluded by asking for a do pass recommendation.

DISCUSSION: **Senator Nelson** inquired if dealerships can add license plate holders to vehicles manufactured without them if the vehicle is sold in states where front and back plates are required. **Representative von Ehlinger** said they may, but to bring a vehicle into compliance often results in property damage to the vehicle. This bill will not affect the vast majority of vehicles in Idaho.

TESTIMONY: **Lt. Col. Sheldon Kelley** of the Idaho State Police (ISP) testified against the bill. He stated that this bill will make front license plate requirements virtually impossible to enforce in Idaho. It is difficult to tell if a vehicle was manufactured for a front license plate or if a plate is missing when a vehicle passes at high speed. Also, if a vehicle is pulled over for no front plate and it was manufactured with no front plate, any criminal activity observed by the officer would be dismissed.

DISCUSSION: **Senator Wintrow** asked about safety issues. **Lt. Col. Kelley** said patrol officers watch the front plate for ATLS (Attempts to Locate), like Amber Alerts. Having a front plate with a registration attached to it is an important safety factor.

Senator Lodge wondered if there was a way to attach a front plate without damaging the vehicle. **Lt. Col. Kelley** said manufacturers are suppose to identify this issue with vehicles being sent to States requiring front license plates. For some models, there are kits a new vehicle owner can purchase at the dealership to attach a plate. **Senator Lodge** asked what is causing the many vehicles on the interstate with no license plate and no copy in the back window. **Lt. Col. Kelley** speculated there are large wait lists at DMVs (Department of Motor Vehicles) due to the pandemic and Idaho's population growth.

Senator Vick asked if it is possible to see a front license plate coming the opposite direction while on the interstate. **Lt. Col. Kelley** said it depends on the location, interstate highways in urban areas are not as easy to detect front license plates as they are in rural areas on the interstate because of the volume of traffic. **Senator Vick** asked if he has spoken with officers from States not requiring front plates. **Lt. Col. Kelley** said he had and that most officers in those States wished their State required both plates, mainly because there was a greater opportunity to identify vehicles, especially for an ATL.

TESTIMONY: **Senator Patrick** (District 25) discussed the problems caused by adding brackets to front bumpers. He believes stopping cars for not having a front plate is not practical.

Cynthia Gibson, Executive Director of Idaho Bike/Walk Alliance, spoke in favor of the bill.

Chris Goetz, Clearwater County Sheriff, testified against **H 158**. He said that currently a customer can order a front license plate holder when a new vehicle is ordered. He agreed with Lt. Col. Kelley. He asked the Committee to hold the bill.

Bryan Lovell, President of the Idaho Fraternal Order of Police and a sergeant with the Bonneville County Sheriff's Office, stated the way the bill was written takes away the requirement to have a front plate and would decrease the effectiveness and efficiency in the duties of law enforcement.

CLOSING STATEMENT: **Representative von Ehlinger** stated that he had called all 20 States that do not require front license plates. States like Florida, Pennsylvania, Ohio, and Arizona all have larger populations than Idaho. They did not voice the same urgency or concern that has been mentioned in testimony today. If it was a vital public safety issue he believes their governors and legislatures would require a front license plate. He concluded by asking the Committee send **H 158** to the floor with a do pass recommendation.

DISCUSSION: **Senator Lodge** said that since Idaho requires a front license plate, she asked if Representative von Ehlinger had done any research about vehicles sold in Idaho without a place for a front license plate. **Representative von Ehlinger** estimated that 95 percent of vehicles sold in Idaho have a front license plate bracket. **Senator Lodge** asked if he had considered exempting models that don't have brackets rather than taking away license plates from all vehicles. **Representative von Ehlinger** said he felt an exemption would be difficult to keep up given new models come out each year and some are discontinued.

Senator Wintrow questioned when Idaho enacted a two-plate requirement for vehicles and if it was for safety issues; further she asked the extent that law enforcement, emergency agencies, first responders, and/or firefighters were consulted. **Representative von Ehlinger** said he had consulted with law enforcement, local police, and sheriffs from mostly North Central Idaho.

MOTION: **Vice Chairman Woodward** moved to hold **H 158** in Committee. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

H 160**Relating to Motor Vehicles.**

Roy Eiguren, representing Amalgamated Sugar Company, presented **H 160**. The company has sugar beet processing plants in Nampa, Twin Falls, and Paul, Idaho. The 129,000 carry weight, highly efficient trucks are key to transporting sugar beets. By actions of the Idaho Legislature and in Congress over a period of several decades, these trucks now operate on many miles of state highways and on the interstate freeway system in Idaho. Representatives of the Idaho Association of Cities, the Association of Idaho Counties, the Idaho Association of Highway Districts, Vital Trucking Association, and Amalgamated Sugar Company crafted the language in **H 160**, which has been in statute for the past two years. The organizations mentioned wanted a two year sunset clause in the original legislation to see if the fees and processes associated with the trucking industry would work for all parties. He reported to the Committee that the trucking industry is thriving and all parties are amenable to continuing operating 129,000 carry weight trucks in Idaho. This bill eliminates the sunset clause in the original language. **Mr. Eiguren** asked that **H 160** be sent to the floor with a do pass recommendation.

MOTION:

Senator Crabtree moved to send **H 160** to the floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion carried by **voice vote**.

H 161AA**Relating to Motor Vehicles.**

Murphy Olmstead, representing the Idaho Sheriff's Association, presented **H 161aa**. Idaho is the only State in the Union where Sheriffs are mandated to be the vendor for driver's licenses and identification cards on behalf of the State's transportation department. A portion of the fees collected for this service are distributed to Idaho's counties to offset costs of operating driver's license offices. The intent was to cover the full cost of providing the service, but those fees have not been adjusted in more than 30 years while the cost of providing the service has continued to climb. Consequently, many counties are spending property tax dollars to subsidize a responsibility of the the Idaho Transportation Department (ITD). He went through a three-page chart showing the various classes of licenses and their associated fees, costs, and losses. **H 161aa** increases the current fee structure to offset the cost to the counties of providing this State service of issuing driver's licenses.

DISCUSSION:

Senator Wintrow asked Mr. Olmstead to explain the changes to the fee structure and if the distribution percent changes. **Mr. Olmstead** stated that the \$5 increase is intended to go directly to the county since there has not been an increase since 1985. This will allow the counties to break even, or come close to breaking even, in providing this service. Losses have increased each year as the State's population continued to grow, in fiscal year 2020 there was a \$3.7 million loss paid by Idaho's counties.

Senator Rice asked if the loss is coming out of property tax. **Mr. Olmstead** said that the fee shortfall for this service must be paid by the counties and property taxes are where the counties get their revenue.

Senator Vick asked if other options for providing the service had been explored. **Mr. Olmstead** said they had sat down with ITD to find alternatives, as not all county sheriffs like providing this service, but county sheriff offices processing driver's licenses has been in Idaho Code since 1950. Most states provide this service through their transportation department and it has been discussed that ITD take on this service for all of Idaho, or just in the larger counties. This bill stops the bleeding of revenue. **Senator Vick** asked what was the main opposition from ITD to taking over this service. **Mr. Olmstead** said he could not speak for ITD, but he speculated it could be from a broad operations perspective, like the cost of setting up offices around rural Idaho.

Vice Chair Woodward asked why some license fees increased and others did not. **Mr. Olmstead** said it was somewhat arbitrary with the goal of counties breaking even on the cost of offering the service.

TESTIMONY: **Sara Westbrook**, representing the Idaho Association of Counties, spoke in support of **H 161aa**.

DISCUSSION: **Senator Rice** asked Ms. Westbrook to confirm that this revenue shortfall was being paid out of property taxes. **Ms. Westbrook** said the cost needed to be budgeted, so from that perspective it is being paid through property tax revenue. **Senator Rice** asked why driver's licenses were not being paid in the same manner as vehicle registration. **Ms. Westbrook** said the Sheriff's have been working to resolve this problem for a few Legislative Sessions, and this is the farthest this bill has gotten. She believed it should be reviewed in a future Session. **Senator Rice** said he would support this bill, but the issue needs to be fixed in a more permanent manner because property taxes are not intended to pay for a fee-for-service product.

TESTIMONY: **Sheriff Kieran Donahue**, Canyon County Sheriff and representing the Idaho Sheriff's Association, spoke in support of **H 161aa**.

DISCUSSION: **Senator Rice** thanked Sheriff Donahue for his testimony and said he would work with him to get this off the property tax rolls.

TESTIMONY: **Bryan Lovell**, representing the Idaho Fraternal Order of Police, spoke in support of this bill.

DISCUSSION: **Senator Nelson** asked Mr. Olmstead to clarify the the class of licenses that were being increased. **Mr. Olmstead** said he did not have his notes with him, but he would go through the numbers and the classes with Senator Nelson following the hearing.

MOTION: **Senator Rice** moved to send **H 161aa** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

H 162 **Relating to Highways and Bridges.**

Senator David Nelson (District 5), on behalf of himself and Representative Caroline Nilsson Troy (District 5), presented **H 162** to the Committee. Both legislators had been approached by constituents in Potlatch, Idaho, but it was Representative Troy who worked to get this bill before the Legislature. **H 162** establishes the Bobby Chambers Memorial Highway honoring Robert "Bobby" Chambers of Potlatch and a Vietnam War veteran who earned the Silver Star and Purple Heart for his actions on the same day that he lost his life in 1967. This is a short section of State Highway 6 in Latah County as it turns into the City of Potlatch off Highway 95. The Chambers family has been raising money to place signs memorializing this designation. He concluded by reading a letter from Bobby Chambers' younger sister.

MOTION: **Senator Lodge** moved to send **H 162** to the floor with a **do pass** recommendation. **Vice Chair Woodward** seconded the motion. The motion carried by **voice vote**.

ADJOURN: With no further business at this time, **Chair Den Hartog** adjourned the meeting at 2:43 p.m.

Senator Den Hartog
Chair

Gaye Bennett for Emily Carlisle
Secretary