

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 24, 2022

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senators Rice and Vick

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 479 **TRANSPORTATION - Amends existing law to revise the definition of "utility type vehicle."** **Senator Woodward** explained the existing code was written with a specific wheelbase limit but many newer Utility Terrain Vehicles (UTVs) no longer fit within those code limitations. He highlighted that the code revision would allow the Department of Motor Vehicles (DMV) to register new UTVs already on the market. **Senator Woodward** illustrated his point with product specifications from Polaris. He noted that while purchase of these vehicles was possible, they could not currently be registered for operation beyond the owners' personal property (Attachment 1).

Steve Thomas, Partner, Hawley Troxel Attorneys and Counselors, took the podium on behalf of his client Polaris. He asserted that 47 states did not regulate UTVs by width or length of wheelbase. Idaho, Louisiana, and Washington were the only three states that did. Descriptive limitations of wheelbase maximums and minimums were archaic in nature based on the product on the market when initial legislation passed. Vehicles had since evolved for lateral stability and handling. Changes to legislature would not change trail use limitations and would only allow for statute to catch up with the marketplace.

Mr. Thomas concluded by noting products from four of Polaris' competitors also failed to be confined to wheelbase limitations stated in Idaho code. He declared a duty to customers and investors to comply with written law by apprising them of their rights to buy these products and DMV limitations to only drive these vehicles on their own private property. Efforts to change legislative description were an attempt to get an historical anomaly to catch up with the current market and demand for these products.

DISCUSSION: **Senator Wintrow** requested confirmation that the product changes in wheelbase were strictly made for stability and in no way impacted where these vehicles were designed for use. **Mr. Thomas** confirmed and went on to state that most of the trails designated for use were governed by Federal dictates. These roads would typically be drivable by a standard pickup truck.

Senator Wintrow then also requested confirmation that in Boise City these vehicles were not allowed for public street use. **Mr. Thomas** confirmed that Boise City did not allow UTVs on public streets. He mentioned this was a local ordinance and stated, for example, the City of McCall did allow use on public streets.

MOTION: **Senator Crabtree** moved to send **H 479** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

H 526 **MOTOR VEHICLE DRIVER'S LICENSES - Amends existing law to provide for reinstatement of a commercial driver's license under certain circumstances.** **Shawn Keough**, Executive Director, Associated Logging Contractors (ALC) gave a brief overview of ALC as just one of Idaho's business sectors that included trucking, and was working to fill the need for truck drivers. She clarified that this was a direct copy of S 1230 from 2020 that passed the Senate unanimously, but ultimately did not make it through the House due to the COVID pandemic.

Ms. Keough explained that historically a person with a Commercial Drivers' License convicted of certain legal offenses might receive a lifetime disqualification, essentially a suspension, of driving privileges. She reported that the Federal Motor Carrier Safety Administration had adopted new rules a few years prior allowing states the ability to reinstate driving privileges after a lifetime disqualification following a ten-year period. **Ms. Keough** explained that this bill sought to outline what Idaho's path to such a reinstatement would look like. She provided a summary of rehabilitation needs for reinstatement after different potential convictions and the penalty for a subsequent major conviction (Attachment 2).

Ms. Keough noted that the anticipated proposal might allow 250 drivers in Idaho to reinstate, with 100 more allowed to reinstate within each subsequent year. She stated no fiscal impact was anticipated at that time.

DISCUSSION: **Senator Nelson** asked if there was a standard for the definition of an appropriate rehabilitation program for drugs and alcohol as referenced on line 47, page three of **H 526**. **Brian Goeke**, DMV Policy Program Manager, Idaho Transportation Department, responded there was not currently an objective standard. He alluded to plans to work with the Idaho Department of Health and Welfare in the future to set a barometer.

Senator Nelson followed up by asking if specific criteria relating to accepted programs would be put into place. **Mr. Goeke** replied that if a clear articulation were derived outlining which programs would or would not be accepted it would be evaluated for placement into rule. He did admit to a certain level of ambiguity but stated the intent was to leave the door open a bit during program administration. This could allow persons rehabilitated in other states the opportunity for reinstatement here in Idaho.

MOTION: **Senator Crabtree** moved to send **H 526** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: There being no further business at this time, **Chair Den Hartog** adjourned the meeting at 1:51 P.M.

Senator Den Hartog
Chair

Cara Beyenka
Secretary