

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 28, 2023
TIME: 1:30 P.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Okuniewicz, Vice Chairman Den Hartog, Senators Winder, Hart, Carlson, Toews, Trakel, Rabe, and Just
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 Okuniewicz** called the meeting of the Senate Transportation Committee (Committee) to order at 1:30 p.m.

S 1081 **TRANSPORTATION - Amends and adds to existing law to provide for a restricted driver's license.** **Senator Guthrie** stated this bill would give the opportunity to someone who could not establish their lawful presence in the United States a restricted drivers license. He relayed that there was an immigration issue in the United States but that it was an issue for the Federal Government to solve. In the meantime, as an agriculture state, we had a large population of undocumented immigrants that were driving unlicensed and uninsured. The license would be limited to driving purposes only, it would have a distinguishable appearance, and conspicuous words of limitation to ensure the card was not used for voting, to purchase firearms, or to exercise any other rights or privileges reserved to citizens (Attachment 1). **Senator Guthrie** explained that this bill would improve Idaho's road safety, ensure more drivers on Idaho roads were covered by insurance, enhanced driver education and training for all Idahoans, improved safety of law enforcement officers, reduced the severity and extent of motor vehicle collisions, and generated additional state revenue for Idaho Transportation Department (ITD) programs. The restricted driver's license would be issued by ITD, or other authorized vendors (including a county if it wanted to opt-in), and would have to be renewed every two years at a cost of \$50.

Chairman Okuniewicz asked about the current laws surrounding acceptance of a driver's license from a foreign national that was issued in another country. **Senator Guthrie** was unsure about that and suggested someone from law enforcement that would be testifying today could answer that.

TESTIMONY IN OPPOSITION: The following testified in opposition to **S 1081**: Fred Birnbaum, Idaho Freedom Foundation; Jeff Lavey, Idaho Sheriffs Association; Terry Derden, ADA County Sheriffs Office/Idaho Sheriffs Association; Hilary Caraway. Issues and concerns that were addressed included:

- The bill granted privileges that were only to be given to citizens or those here legally.
- This was the first step to allowing non citizens to vote.
- People here illegally were still apt to run after an accident for fear of being deported.
- Other states with restricted driver's licenses had seen an increase in fraud.
- There was no way to verify a passport or birth certificate from another country.

TESTIMONY IN FAVOR: The following testified in favor of **S 1081**: LaRae Wilson, Mormon Women for Ethical Government - Idaho Chapter; Fernando Montelongo; Alexia Medel; Hannely Cardono Hernandez; Cody Carlon; Tom Lyons, Farm Bureau Mutual Insurance Company of Idaho; Paige Nelson, Idaho Farm Bureau Federation; Chyla Wilson, Farm Bureau Federation; Rick Naerebouty, Idaho Dairymen's Association; Eric Medina, PODER of Idaho; Matt Dorsey; Shaun Laughlin, Professional Firefighters of Idaho; Stephanie Gonzalez Tena; Alex LaBeau; Neil Durrant; Rosseli Guerrero.

- Restricted drivers licenses exist in 19 states and territories.
- Driver's licenses were a basic necessity.
- The roads would be safer because there was a written and a driving test to obtain a license.
- The number of uninsured motorists would go down.
- Limited disclosure of personally identifiable information for those that desire privacy.
- Decrease in the number of hit and run accidents.

CONCLUSION: **Senator Guthrie** stated the applicant had to appear in person with proper documentation. The license could not be used to enter the country, to fly, to vote, or to purchase firearms.

DISCUSSION: **Chairman Okuiewicz** suggested he did not support the measure but was open if the committee wanted to have the bill heard by a larger audience. **Vice Chair Den Hartog** would like to know if the restricted license were scanned by someone at a polling station would it indicate the person was not eligible to vote. **Senator Just** stated reality was that these workers were here and driving on our roads and the situation needed to be addressed. **Senator Trakel** found it hard to reward illegal behavior by giving privileges away. **Senator Rabe** stated this was a difficult issue but the farmers and businesses were asking for this. She was taking under consideration what would be safest for Idaho citizens. Ultimately undocumented people were here and this bill provided the help for employers and citizen safety that was needed.

MOTION: **Senator Just** moved to send **S 1081** to the floor with a **do pass** recommendation. **Senator Rabe** seconded the motion.

SUBSTITUTE MOTION: **Vice Chair Den Hartog** moved to send **S 1081** to the floor without recommendation. **Senator Winder** seconded the motion..

Vice Chair Den Hartog was still wrestling with this and her motion was not an indication of her vote on the floor. She believed this issue could use the input and wisdom of the whole body. **Senator Winder** stated that this situation was having an impact across the spectrum and needed to be looked at not only as an undocumented illegal immigrant issue but also on the needs of the citizens.

AMENDED SUBSTITUTE MOTION: **Senator Trakel** moved to hold **S 1081** in committee. **Senator Hart** seconded the motion.

DISCUSSION: **Senator Winder** asked for further clarification on whether Senator Trakel wanted the bill still alive in committee for further discussion or subject to the call of the chair. **Senator Trakel** indicated for further discussion.

ROLL CALL VOTE: **Chairman Okuniewicz** called for a role call vote on the amended substitute motion. **Senators Winder, Hart, Toews, and Trakel** voted aye. **Vice Chair Den Hartog, Senators Rabe, Just, and Chairman Okuniewicz** voted nay. The motion failed.

ROLL CALL VOTE: **Chairman Okuniewicz** called for a roll call vote on the substitute motion. **Vice Chair Den Hartog, Senators Winder, Rabe, Just, and Chairman Okuniewicz** voted aye. **Senators Hart, Toews, and Trakel** voted nay. The motion carried.

ADJOURNED: There being no further business at this time, **Chairman Okuniewicz** adjourned the meeting at 3:05 p.m.

Senator Okuniewicz
Chair

Lena Amoah
Secretary