

Dear Senators OKUNIEWICZ, Den Hartog, Rabe, and
Representatives PALMER, Mitchell, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Idaho State Police - Idaho State Police - Motor Carrier:
IDAPA 11.13.01 - The Motor Carrier Rules - Temporary and Proposed Rule (Docket No.
11-1301-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 09/26/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/24/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Division Manager - Matt Drake

DATE: September 9, 2024

SUBJECT: Idaho State Police - Idaho State Police - Motor Carrier

IDAPA 11.13.01 - The Motor Carrier Rules - Temporary and Proposed Rule (Docket No. 11-1301-2401)

Summary and Stated Reasons for the Rule

The Idaho State Police submit notice of temporary and proposed rulemaking at IDAPA 11.13.01 - The Motor Carrier Rules (Docket No. 11-1301-2401). This temporary and proposed rule adds language related to intrastate carriers in order to replace language that was inadvertently struck during previous Zero-Based Regulation review.

Negotiated Rulemaking / Fiscal Impact

The Idaho State Police state that negotiated rulemaking was not conducted because without this rule exempt carriers would be required to abide by federal regulations which would significantly impact Idaho's economy and several local industries. There is no anticipated fiscal impact with this rulemaking.

Statutory Authority

The temporary and proposed rule appears to be within the statutory authority granted to the Idaho State Police in Section 67-2901A, Idaho Code.

cc: Idaho State Police - Idaho State Police - Motor Carrier
Shawn Staley

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 11 – IDAHO STATE POLICE

11.13.01 – THE MOTOR CARRIER RULES

DOCKET NO. 11-1301-2401

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 67-2901A, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Replace language inadvertently struck during ZBR review.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) (include appropriate section(s) a, b, and/or c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is necessary to provide intrastate commercial carriers relief from some burdensome federal regulations.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because without this section, exempt carriers would be required to abide by federal regulations that would significantly impact the Agriculture, Timber, Livestock, and Aggregate Industries and Idaho's economy.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

- 49 CFR subtitle B Chapter III, subchapter B- Federal Motor Carrier Safety Regulations; and 49 CFR subtitle B, chapter I, Subchapter C-Hazardous Materials Regulations
- 40 CFR Part 262 and 49 CFR, Subtitle B, Chapter I, Parts 107, 171, 172, 173, 177, 178 and 180
- 40 CFR 262: eCFR; 40 CFR Part 262—Standards Applicable to Generators of Hazardous Waste
- 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180: eCFR: 49 Chapter I – Pipeline and Hazardous Materials Safety Administration, Department of Transportation. • Carrier Safety Requirements – 49 CFR Parts 356, Subtitle B, Chapter III, Subchapter B, Sections 365, 380, 382, 383, 385, 386, 387, 388 and 390 through 399.
- eCFR: 49 CFR Chapter III Subchapter B –Federal Motor Carrier Safety Regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Captain Shawn Staley, (208) 884-7222, email shawn.staley@isp.idaho.gov.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28th, 2024.

DATED this 1st day of July, 2024.

Lt. Colonel Bill Gardiner Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 11-1301-2401
(Only Those Sections With Amendments Are Shown.)**

11.13.01 – THE MOTOR CARRIER RULES

019. CARRIER SAFETY REQUIREMENT EXEMPTIONS.

01. Intrastate Carriers. (7-1-24)

a. Intrastate carriers subject to both the incorporated federal rules and the safety authority of the Idaho State Police may hire drivers who are eighteen (18) years or older as set forth in Section 49-303, Idaho Code. (7-1-24)

b. Intrastate carriers operating commercial motor vehicles transporting property with a GVW, GVWR, GCW or GCWR greater than ten thousand (10,000) pounds and up to twenty-six thousand (26,000) pounds, subject to the authority of the Idaho State Police, must comply with 49 CFR Part 390 Subpart A, Part 391.15, Parts 392, 393, and Part 396.1, 396.3(a), (a)(1), and (a)(2), and 396.5 through 396.9 and the law and rules of the state of Idaho. All intrastate carriers transporting placardable quantities of hazardous material under 49 CFR Part 172, Subpart F and passengers, meeting the definition of a commercial motor vehicle, must comply with 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399, and the law and rules of the state of Idaho (except Part 391.11(b)(1) for intrastate carriers). (7-1-24)T