

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 18, 2024

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Okuniewicz, Vice Chairman Den Hartog, Senators Winder, Hart, Carlson, Toews, Trakel, Stinson (Rabe)

ABSENT/ EXCUSED: Senator Just

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.

PASSED THE GAVEL: Chairman Okuniewicz passed the gavel to Vice Chair Den Hartog.

Vice Chair Den Hartog stated there were several repeals being combined into new, rewritten chapters. The goal was to proceed with the hearing and efficiently go through each docket, discuss the presentation, and vote on them.

DOCKET NO. 11-1301-2301 **The Motor Carrier Rules (ZBR Chapter Rewrite) - Proposed Rule.** **Lieutenant Colonel Bill Gardiner, Chief of Staff, Idaho State Police** stated there were no regulatory changes whatsoever affecting the commercial vehicle industry. The purpose of these actions was simply to clean up existing regulations. There was a section that was struck, but it was recognized as having needed to remain in place. Paragraph B outlined exemptions for Idaho carriers from federal regulations. It specified that intrastate commercial vehicles between weights of 10,000 and 26,000 pounds only adhered to certain federal regulations, with the rest being exempt. The request was to approve the overall proposal, but reject the removal of the incorrect section. **Vice Chair Den Hartog** clarified the rejected portion was Section 019.01 (b). **Lieutenant Colonel Bill Gardiner** stated that was correct. There were no further questions and no testimony.

MOTION: **Senator Okuniewicz** made a motion to approve **Docket No. 11-1301-2301** with the exception of **Section 019.01 (b)**. **Senator Winder** seconded the motion.

DISCUSSION: **Senator Hart** clarified the language is to keep the rejected subsection (b) in the rule. **Vice Chair Den Hartog** stated the rejection of the struck section meant that it would revert to its previous iteration, thereby preserving the exemptions outlined in paragraph B.

VOICE VOTE: The motion carried by **voice vote**.

**DOCKET NO.
39-0204-2301**

Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees (ZBR Chapter Rewrite) - Proposed Rule. Brendan Floyd, Policy Specialist, Idaho Transportation Department (Department) introduced himself to the committee and gave a short review of what the department had done regarding the mandatory review cycle initiated by the Governor's **Zero Base Regulation (ZBR)** executive order. **Mr. Floyd** stated the current rule outlined fees and refunds for department hearings related to disputes between vehicle dealers and manufacturers. House 128 changed the hearing process, directing it through the newly created Office of Administrative Hearings. This alteration removed the Department's involvement in the process entirely, rendering the existing rule obsolete. There were no further questions and no testimony.

MOTION:

Senator Okuniewicz moved to approve **Docket No. 39-0204-2301**. **Senator Carlson** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
39-0222-2301**

Rules Governing Registration and Permit Fee Administration and Temporary Vehicle Clearance for Carriers - Proposed Rule. Mr. Floyd stated the sole purpose of modifying this rule was to incorporate these sections into a more relevant rule concerning commercial vehicle permit combinations.

MOTION:

Senator Toews moved to approve **Docket No. 39-0222-2301**. **Senator Carlson** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
39-0242-2301**

Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient (ZBR Chapter Rewrite) - Proposed Rule. Mr. Floyd pointed out that this rule addressed the Department's authority to issue temporary registration when ownership of a vehicle was unclear. Title 2 Chapter 46 provided clarification on the conditions under which county officers and vehicle dealers issued temporary registration. The rationale behind these modifications was the belief that the provisions related to temporary registration were better suited to be addressed in a single, consolidated rule. There were no further questions and no testimony.

MOTION:

Senator Carlson moved to approve **Docket No. 39-0242-2301**. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
39-0246-2301**

Rules Governing Temporary Motor Vehicle Registration Permit (ZBR Chapter Rewrite) - Proposed Rule. Mr. Floyd stated the department was pursuing the combination of this docket with the preceding Docket No. 39-0242-2301, leading to the repeal of Docket No. 39-0246-2301.

MOTION:

Senator Okuniewicz moved to approve **Docket No. 39-0246-2301**. **Senator Carlson** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
39-0260-2301**

Rules Governing License Plate Provisions (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule. Mr. Floyd illustrated that this rule addressed details related to various license plate allowances, provisions of the special plate program, and plate numbering structures. Proposed changes to this rule aimed to enhance clarity and align it with current business processes. There were no further questions and no testimony.

MOTION:

Senator Toews moved to approve **Docket No. 39-0260-2301**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
39-0276-2301**

Rules Governing Driver's License and Identification Card Renewal-By-Mail and Electronic Renewal and Replacement Processes - Temporary and Proposed Rule. Mr. Floyd outlined the allowances in this rule for online driver's license and identification card renewals. To align with new statutory allowances for online driver's license renewals, the new edits in this rule was intended to meet the growing demand from customers for more remote transaction options. **Vice Chair Den Hartog** asked while online renewal is being done was there any other personal documentation that is required that may cause a security concern. **Mr. Floyd** reported that with a renewal a person had been already licensed and provided personal documents at the (DMV) Department of Motor Vehicles.

MOTION:

Senator Carlson moved to approve **Docket No. 39-0276-2301**. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
39-0301-2301**

Rules Governing Definitions Regarding Special Permits (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule. Mr. Floyd stated this proposed rule reflected the consolidation of Chapters 2-7 addressing various requirements for commercial vehicle permits for oversize vehicles in Idaho. **Vice Chair Den Hartog** thanked **Mr. Floyd** for the effort put forth to include input from neighboring states.

**DOCKET NO.
39-0302-2301**

Rules Governing Movement of Disabled Vehicles (ZBR Chapter Repeal) - Proposed Rule. Mr. Floyd stated this rule was repealed and added into a single rule.

**DOCKET NO.
39-0303-2301**

Rules Governing Special Permits - General Conditions and Requirements (ZBR Chapter Repeal) - Proposed Rule. Mr. Floyd stated this rule was repealed and added into a single rule.

**DOCKET NO.
39-0304-2301**

Rules Governing Special Permits - Overweight Non-Reducible (ZBR Chapter Repeal) - Proposed Rule. Mr. Floyd stated this rule was repealed and added into a single rule.

**DOCKET NO.
39-0305-2301**

Rules Governing Special Permits - Oversize Non-Reducible (ZBR Chapter Repeal) - Proposed Rule. Mr. Floyd stated this rule was repealed and added into a single rule.

**DOCKET NO.
39-0306-2301**

Rules Governing Special Permits for Extra-Length/Excess Weight, up to 129,000 Pound Vehicle Combinations (ZBR Chapter Repeal) - Proposed Rule. Mr. Floyd stated this rule was repealed and added into a single rule.

**DOCKET NO.
39-0307-2301**

Rules Governing Special Permits for Reducible Loads (ZBR Chapter Repeal) - Proposed Rule. Mr. Floyd stated this rule was repealed and added into a single rule.

MOTION:

Senator Toews moved to approve **Docket Nos. 39-0301-2301, 39-0302-2301, 39-0303-2301, 39-0304-2301, 39-0305-2301, 39-0306-2301 and 39-0307-2301**. **Senator Hart** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
39-0308-2301**

Rules Governing Self-Propelled Snowplows (ZBR Chapter Rewrite) - Proposed Rule. Mr. Floyd Stated this rule established visibility requirements for department operated snowplows. **Senator Carlson** asked a question regarding the one word change of shall to will. **Mr. Floyd** stated as part of the clean up effort the department changed all instances of "shall" to "will."

MOTION:

Senator Okuniewicz moved to approve **Docket No. 39-0308-2301**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 39-0340-2301 **Rules Governing Junkyards and Dumps (ZBR Chapter Rewrite) - Proposed Rule.** Mr. Floyd stated this rule offered guidelines for the control of junk yards and dumps within 1000 feet of the nearest edge of the right-of-way for interstate primary freeways and primary highways in Idaho. There was a proposal to remove the administrative hearings section, as it was already covered in statute.

MOTION: **Senator Okuniewicz** moved to approve **Docket No. 39-0340-2301**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 39-0342-2301 **Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way (ZBR Chapter Rewrite) - Proposed Rule.** Mr. Floyd said this was a rule that established standards and guidelines for encroachments on state highway rights-of-way. The review proposed changes aimed at removing definitions and provisions that were already established in statute. **Vice Chair Den Hartog** asked if feedback was taken from industry groups on a regular basis when Zero Based Regulations were being reviewed. **Mr. Floyd** stated meetings were held and if a group was impacted they were informed.

MOTION: **Senator Toews** moved to approve **Docket No. 39-0342-2301**. **Senator Carlson** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 39-0348-2301 **Rules Governing Routes Exempt from Local Plans and Ordinances (ZBR Chapter Rewrite) - Proposed Rule.** According to **Mr. Floyd** this rule elaborated on a provision within Idaho's Local Planning Act concerning the designation of transportation systems of statewide importance. This represented another cleanup effort and removed provisions already covered in statute.

MOTION: **Senator Carlson** moved to approve **Docket No. 39-0348-2301**. **Senator Hart** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 39-0350-2301 **Rules Governing Safety Rest Areas (ZBR Chapter Rewrite) - Proposed Rule.** In this rule the purpose was to establish standards for the use of developed rest areas. Mr. Floyd stated **Docket No. 39-0350-2301** addressed aspects not explicitly covered in this statute.

MOTION: **Senator Carlson** moved to approve **Docket No. 39-0350-2301**. **Senator Okuniewicz** seconded the motion. The motion carried by **voice vote**

DOCKET NO. 39-0401-2301 **Rules Governing Aeronautics and Aviation (ZBR Chapter Rewrite) - Proposed Rule.** Mr. Floyd stated this rule established provisions related to aeronautics and aviation, with a focus on general cleanup and updated older provisions. The proposed changes included the removal of restrictive rules, aimed at reducing the burden on airport sponsors and provided flexibility in funding for airport maintenance. There were no further questions and no testimony.

MOTION: **Senator Carlson** moved to approve **Docket No. 39-0401-2301**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chair Den Hartog passed the gavel to Chairman Okuniewicz.

ADJOURNED: There being no further business at this time, **Chairman Okuniewicz** adjourned the meeting at 2:05 p.m.

Senator Okuniewicz
Chair

Alicia Fowler-Ryneerson
Secretary