

Dear Senators Okuniewicz, Keyser, Rabe, and
Representatives Palmer, Mitchell, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho Transportation Department:

IDAPA 39.02.80 - Rules Governing Motor Carrier Financial Responsibility-Proposed Rule (Docket
No. 39-0280-2601).

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 11/09/2026. 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 12/07/2026.

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: Legislative Drafting Attorney - Jennifer Schelhorn
DATE: October 22, 2026
SUBJECT: Idaho Transportation Department

IDAPA 39.02.80 - Rules Governing Motor Carrier Financial Responsibility-Proposed Rule (Docket No. 39-0280-2601)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits Notice of Rulemaking regarding the Rules Governing Motor Carrier Financial Responsibility. The Department notes that this rule chapter is scheduled for review under the Office of Administrative Rule Coordinator's 8-year rule review schedule. The Department states that the rule removes several sections due to them being outdated or duplicated with statute and includes non-substantive cleanup edits.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated fiscal impact.

Statutory Authority

The proposed rulemaking appears to be within the statutory authority granted to the Department in Section 49-1233, Idaho Code.

cc: Idaho Transportation Department
Brendan Floyd

*** 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 Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.80 – RULES GOVERNING MOTOR CARRIER FINANCIAL RESPONSIBILITY

DOCKET NO. 39-0280-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section [49-1233\(5\)](#), 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 October 21, 2026.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule chapter is scheduled for review under the Office of the Administrative Rule Coordinator's [8-year rule review schedule](#). Along with non-substantive cleanup edits, the department is seeking to remove several sections due to them being outdated or duplicated with statute.

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

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 resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026, Idaho Administrative Bulletin, [Vol. 26-5, pages 31-32](#).

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: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2026.

DATED this 28th Day of August, 2026.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0280-2601
(Only Those Sections With Amendments Are Shown.)

39.02.80 – RULES GOVERNING MOTOR CARRIER FINANCIAL RESPONSIBILITY

001. PURPOSE.

This rule establishes the ~~amount of~~ liability coverage to be carried by motor carriers for personal injury suffered by one (1) person while being transported in a vehicle, any additional amounts for all persons receiving personal injury, and such amount for damage to the property of any person other than the insured. (3-31-22)()

002. INCORPORATION BY REFERENCE.

The Idaho Transportation Board incorporates by reference 49 CFR 171.8, 49 CFR 172.101 and its appendix, 49 CFR 173.403, 49 CFR 387 and 49 CFR 387.5, published in the Code of Federal Regulations volume dated October 1, 1997. (3-31-22)

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. Common Carrier. Any person who holds itself out to the general public to engage in the transportation by motor vehicle in commerce in the state of Idaho of passengers or property for compensation. (3-31-22)

02. Contract Carrier. Any person who, under individual contracts or agreements, engages in the transportation by motor vehicle of passengers or property in commerce in the state of Idaho for compensation. (3-31-22)

~~03. Environmental Restoration. See 49 CFR 387.5. (3-31-22)~~

04. Hazardous Material. See 49 CFR 171.8, 49 CFR 172.101, and 49 CFR 173. (3-31-22)

05. Injury. Harm to the body, sickness, or disease resulting from a motor carrier accident, including death from an injury. (3-31-22)

~~06. Interstate Carrier. Any person who owns or operates any motor vehicle in the state of Idaho or on the highways of the state of Idaho, in commerce between the States, or between the States and a foreign Nation, used or maintained for the transportation of persons or property. (3-31-22)~~

~~07. Private Carrier. Any person not included in the terms "common carrier" or "contract carrier" who or which transports in commerce in the state of Idaho by motor vehicle property of which such person is the owner, lessee, or bailee, when such property is for the purpose of sale, lease, rent or bailment, or in the furtherance of any commercial enterprise; provided, that a motor vehicle of a private carrier, not in excess of eight thousand (8,000) pounds gross vehicle weight, not engaged in the transport of a hazardous substance, is exempt. (3-31-22)~~

08. Property Damage. Damage to or loss of use of tangible property. (3-31-22)

011. -- 019. (RESERVED)

020. INSURANCE REQUIREMENTS.

~~01. Insurance Required. No motor carrier subject to the jurisdiction of the Department may transport~~

~~property or passengers until the carrier has obtained and has in effect the minimum levels of insurance or a surety bond set forth in this rule.~~ (3-31-22)

021. Passenger Carriers. The minimum levels of insurance or surety bond coverage (for injury, death, or property damage) in any one (1) accident for common/contract passenger carriers are: (3-31-22)

a. For any vehicle with a seating capacity of twenty-five (25) passengers or more -- five million dollars (\$5,000,000); (3-31-22)

b. For any vehicle with a seating capacity of twenty-four (24) passengers or less -- one million, five hundred thousand (\$1,500,000). (3-31-22)

032. Property Carriers -- ~~Certain Risky or Perilous Cargoes~~ Hazardous Materials. The minimum levels of insurance or surety bond coverage ~~(for injury, death, environmental restoration, or property damage in any one accident) for common and contract property carriers are:~~ as required in 49 CFR 387.9 (3-31-22)()

a: Five million dollars (\$5,000,000) for carriers of: (3-31-22)

i: Any quantity of Division 1.1, 1.2, or 1.3; (3-31-22)

ii: ~~Any quantity of Division 2.3, Hazardous Zone A, or Division 6.1, Packing Group 1, Hazardous Zone A;~~ (3-31-22)

iii: Highway route controlled quantity of Class 7 material as defined in 49 CFR 173.403; (3-31-22)

iv: ~~Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper type vehicles with capacities in excess of three thousand, five hundred (3,500) water gallons;~~ (3-31-22)

v: Division 2.1 or 2.2 in bulk; (3-31-22)

b: One million dollars (\$1,000,000) for carriers of: (3-31-22)

i: Oil listed in 49 CFR 172.101; or (3-31-22)

ii: ~~Hazardous waste, hazardous materials or hazardous substances as defined in 49 CFR 171.8 and listed in 49 CFR 172.101 or its Appendix, but not mentioned in Subsection 020.03.a;~~ (3-31-22)

043. Other Property Carriers. The minimum level of insurance or surety bond coverage (for injury, death or property damage in any one (1) accident) for common and contract carriers of all other property (including drive away and tow away units transported by the carrier) is seven hundred fifty thousand dollars (\$750,000). (3-31-22)

05. ~~Private Carriers.~~ ~~Private carriers must maintain the insurance required by Section 49-1229, Idaho Code, except private carriers transporting certain risky or perilous cargoes described in Subsection 020.03 must carry insurance as required by that Subsection.~~ (3-31-22)

021. ~~CERTIFICATES~~**PROOF** OF INSURANCE.

01. ~~Filing.~~ ~~Common/contract carriers and interstate carriers who participate in the base state agreement by registering in Idaho as their base state must file with or be verified by the Department certificates that the insurance or bond described by the certificate of insurance is in effect for the account of the motor carrier.~~ (3-31-22)

02. ~~Forms.~~ ~~The certificates for intrastate common/contract carriers must be either Form E, Department Form E-1, or W.C. 3091 that is completed and signed by the insurance company's underwriting department or its authorized representative.~~ (3-31-22)

031. Coverage. Policies of insurance and surety bonds ~~required and~~ filed with or verified by the

Department remain in effect ~~as described on the certificate~~ until terminated ~~according to~~ in accordance with Section 49-1233(3), Idaho Code. ~~When~~ If a certificates of insurance shows that ~~insurance coverage~~ has lapsed, the Department shall refuse to renew ~~the carrier's vehicle registrations~~ or revoke the carrier's motor vehicle registrations ~~under the authority of~~ pursuant to Section 49-202(10)(12), Idaho Code. ~~(3-31-22)~~ ()