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MEMORANDUM

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

FROM: Principal Legislative Research Analyst - Eric Milstead

DATE: September 18, 2013

SUBJECT: Idaho Transportation Department

IDAPA 39.02.71 - Rules Pertaining To The Rules Governing Driver's License Violation Point System
(Docket No. 39-0271-1301)

IDAPA 39.03.12 - Rules Pertaining To The Rules Governing Safety Requirements of Overlegal Permits
(Docket No. 39-0312-1301)

1. IDAPA 39.02.71 - Rules Pertaining To The Rules Governing Driver's License Violation Point System
(Docket No. 39-0271-1301).

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.02.71 -- Rules Governing Driver's License Violation Point System. The proposed rule reflects new language to implement the provisions of House Bill 274 which was passed during the 2013 Legislative Session. That bill established a new program for traffic safety for use in local jurisdiction. The program allows drivers who received certain infractions to attend that program in lieu of receiving violation points and charges to their insurance ratings. (See Section 400.01 through 400.04). Also, the proposed rule includes the addition of several moving violations to the existing list requested by the Idaho State Police. The department states that this revision will eliminate discrepancies between the Idaho Statewide Trial Court Records Automated System (ISTARS) and the Idaho Transportation Department.

The department notes that negotiated rulemaking was not conducted because the rule is being revised to comply with statutory changes and is not subject to negotiations.

The agency's proposed rule appears to be authorized pursuant to section 40-312, Idaho Code.

2. IDAPA 39.03.12 - Rules Pertaining To The Rules Governing Safety Requirements of Overlegal Permits
(Docket No. 39-0312-1301).

The Idaho Transportation Department submits notice of temporary and proposed rulemaking at IDAPA 39.03.12 -- Rules Governing Safety Requirements of Overlegal Permits. The temporary and proposed rule includes revisions to requirements governing lighting and signing on oversize vehicles or loads. Specifically, the revisions provide for flashing as well as non-flashing lights (See Rule Section 100) and also provides minimum standards for signing dimensions for towing, oversize and escort vehicles (See rule Sections 300; 500 and 800).

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The rule also includes certain revisions to language governing the convoy of overlegal loads. (See Rule Section 900)

The department states that negotiated rulemaking was not conducted because the industry had requested changes regarding lighting and signing requirements.

The effective date of the temporary rule was July 1, 2013.

The agency's temporary and proposed rule appears to be authorized pursuant to section 49-201 and 67-5226.

cc: Idaho Transportation Department
Lori Garza & Ed Pemble