



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

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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 - Katharine Gerrity

DATE: October 07, 2014

SUBJECT: Idaho State Police - Motor Carrier

IDAPA 11.13.01 - The Motor Carrier Rules - Proposed Rule (Docket No. 11-1301-1401)

IDAPA 11.13.01 - The Motor Carrier Rules - Proposed Rule (Docket No. 11-1301-1402)

1. IDAPA 11.13.01 - The Motor Carrier Rules

The Idaho State Police submits notice of proposed rule at IDAPA 11.13.01 - The Motor Carrier Rules. According to the department, Idaho has adopted the Federal Motor Carrier Safety Regulations through incorporation by reference. The department notes, however, that the state has not adopted 49 CFR Part 386 which provides regulations and penalties for out-of-service interstate carriers that continue to operate after being declared an imminent hazard or that have failed to pay outstanding civil penalties. The department indicates that this rule would adopt 49 CFR Part 386, Subparts F & G only. According to the department, the changes will provide law enforcement with the ability to put interstate carriers, who have been declared an imminent hazard, out of service and thus prohibit the carriers from operating on Idaho's highways until the issue is resolved. The department states that "imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property or the environment may occur. The department goes on to say that Idaho currently does not have the authority to put these carriers out of service and these carriers pose a significant risk to public health and safety. The department notes that some may also be out of service for failure to pay fines that were previously imposed for violations and the state does not currently have the authority to place these carriers out of service.

The department states that negotiated rulemaking was not conducted because states are required to adopt these rules by reference to remain in compliance with the Federal Motor Carrier Safety Administration and remain eligible for grant funding and highway funds. The rule appears to be authorized pursuant to Sections 67-2901 and 49-901, Idaho Code.

2. IDAPA 11.13.01 - The Motor Carrier Rules

The Idaho State Police submits notice of proposed rule at IDAPA 11.13.01 - The Motor Carrier Rules. According to the department, on October 1, 2012, the Federal MAP-21 legislation went into effect which provides

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

additional exemptions from the Federal Motor Carrier Safety Regulations for interstate operations of "covered farm" vehicles and vehicles engaged in the "transportation of agricultural commodities and farm supplies." The department notes that the rule extends the hours of service exemption for farm and agricultural commodity, retail and wholesale distribution points from 100 to 150 air miles. The department indicates that covered farm vehicles are exempted from most of the regulations within 150 air mile radius of the farm or ranch if the gross vehicle weight rating of the vehicle is over 26,001 pounds. If the weight is less than that, the vehicle is exempt, regardless of the distance from the farm or ranch.

The department states that negotiated rulemaking was not conducted because states are required to adopt these rules by reference to remain in compliance with the Federal Motor Carrier Safety Administration and remain eligible for grant funding and highway funds. The rule appears to be authorized pursuant to Sections 67-2901 and 49-901, Idaho Code.

cc: Idaho State Police - Motor Carrier
Capt. William Reese