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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: August 27, 2015

SUBJECT: Idaho Transportation Department

IDAPA 39.02.03 - Rules Governing Vehicle Dealer's Principal Place of Business - Proposed Rule (Docket No. 39-0203-1501)

IDAPA 39.02.26 - Rules Governing Temporary Vehicle Clearance for Carriers - Proposed Rule (Docket No. 39-0226-1501)

IDAPA 39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads - Temporary and Proposed Rule (Docket No. 39-0316-1501)

IDAPA 39.03.19 - Rules Governing Annual Overlegal Permits - Temporary and Proposed Rule (Docket No. 39-0319-1501)

1. IDAPA 39.02.03 - Rules Governing Vehicle Dealer's Principal Place of Business

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.02.03 - Rules Governing Vehicle Dealer's Principal Place of Business. The revisions involve business hour requirements that were added by rulemaking reviewed during the 2015 Legislative Session. The changes in this rulemaking are being made to address concerns raised by some members of the legislature during that review process. The department notes that in addition, the rulemaking clarifies a requirement that all wholesale dealers must declare, to the department in writing, the regular hours that their dealerships are open and when they are available to be contacted by the department or by customers.

Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 49-201, Idaho Code.

2. IDAPA 39.02.26 - Rules Governing Temporary Vehicle Clearance for Carriers

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.02.26 - Rules Governing Temporary Vehicle Clearance for Carriers. This is a fee rule. According to the department, the proposed changes bring the rule into alignment with current department fees, terminology, procedures and administrative

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processes. The department states that the changes have no major impact on the public or industry. The department also notes that in 2009, the Idaho Legislature passed legislation that made changes to statutory department fees and the proposed rule change is necessary to reflect the change made due to the legislation.

The department indicates that negotiated rulemaking was not conducted due to the simple nature of the changes. The rulemaking appears to be authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

3. IDAPA 39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads

The Idaho Transportation Department submits notice of temporary and proposed rule at IDAPA 39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads. According to the department, the rule change will improve efficiency for motor carriers by allowing them to haul more than one non-reducible item on a 53-foot trailer on certain routes. The department states that the rule also provides the maximum sizes allowed by an overlegal permit. The department goes on to state that the proposed changes clarify which types of loads will be permitted as non-reducible and provide that those loads may be hauled on a 53-foot trailer on the majority of routes in Idaho, clarify that vehicles hauling reducible-height loads must be of legal dimensions for the highway of travel, remove duplicative provisions and remove provisions that pertain to self-issue permits with a fee account due to the fact that fee accounts will be eliminated. The temporary rule was effective July 23, 2015. According to the department, the temporary rule justification is that the change confers a benefit.

The department indicates that negotiated rulemaking was not conducted. The rulemaking appears to be authorized pursuant to Section 40-312, Idaho Code, and Sections 49-201 and 49-1004, Idaho Code.

4. IDAPA 39.03.19 - Rules Governing Annual Overlegal Permits

The Idaho Transportation Department submits notice of temporary and proposed rule at IDAPA 39.03.19 - Rules Governing Annual Overlegal Permits. According to the department, the proposed rule would increase the load width allowed under an annual permit from the current maximum of 14'6" to 16' wide. The department states that the changes also ensure that the rule is in line with IDAPA 39.03.17 (Rules Governing Permits for Manufactured Homes, Modular Buildings and Office Trailers). The temporary rule was effective July 23, 2015. According to the department, the temporary rule justification is that the change confers a benefit.

The department indicates that negotiated rulemaking was not conducted. The rulemaking appears to be authorized pursuant to Section 40-312, Idaho Code, and Sections 49-201 and 49-1004, Idaho Code.

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Transportation Department

Agency Contact: Regina Phipps **Phone:** 208-334-8414

Date: 7/29/15

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 39-02.06, Rules Governing Temporary Vehicle Clearance for Carriers

Fee Rule Status: X **Proposed** **Temporary**

Rulemaking Docket Number: 39-0226-1501

STATEMENT OF ECONOMIC IMPACT:

In 2009, the Idaho Legislature passed House Bill 334 in which, the legislature made changes to statutory Idaho Transportation Department (ITD) fees. With specific regard to rule 39.02.26, the legislature amended §49-202 which details what fees ITD can collect. Specifically, §49-202(m) changed the fee charged “For issuing letters of temporary vehicle clearance to Idaho-based motor carriers” from \$10 to \$18. This change directly impacted Administrative Rule 39.02.26, therefore the proposed rule change is necessary to reflect the change made in this legislation. The fee change became effective January 1, 2010.

HB 334 made several amendments and in §49-202 modified numerous ITD fees. In total, ITD estimated that all of the changes made to the Department’s fees would result in an additional \$13.1 million annually for ITD’s State Highway Account. The one-time cost of these fee changes was estimated to be \$72,000; which includes 600 hours of system programming by contractors (\$45,000) and form development/printing (\$27,000). Again, it should be noted that the additional monies generated and the costs associated with the implementation of these changes encompass the modifications made to numerous ITD fees in HB 334 and not simply the amendment of §49-202(m).