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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: October 06, 2015

SUBJECT: Idaho Transportation Department

IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration - Proposed Rule (Docket No. 39-0222-1501)

IDAPA 39.03.13 - Rules Governing Overweight Permits - Proposed Rule (Docket No. 39-0313-1501)

IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers - Temporary and Proposed Rule (Docket No. 39-0317-1501)

IDAPA 39.03.21 - Rules Governing Overlegal Permit Fees - Proposed Rule (Docket No. 39-0321-1501)

1. IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration. According to the department, the rule is being changed to clarify the quarterly reporting of road use fees, to provide flexibility to refund money for trip permits if eligible, to eliminate delinquent billing processes to match new requirements of payment required before credentials are sent, to eliminate fee account billing processes due to the implementation of the cash drawer system and the availability of escrow accounts and to clarify that unpaid amounts owed to the department may be sent to a collection agency.

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.

2. IDAPA 39.03.13 - Rules Governing Overweight Permits

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.03.13 - Rules Governing Overweight Permits. According to the department, the current rule is antiquated and inadequate. The department states that with current staffing levels and the increased number of overweight vehicles/loads traveling within and through the state, it needs more realistic guidelines for the completion of a bridge analysis when one is required, as well as clarification whether department staff or a third party will be required to complete

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such an analysis. The department notes that it has been using similar guidelines in its normal business practices for some time now, so this will not be completely new to the industry.

The department verifies that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 40-312, 49-201 and 49-1004, Idaho Code.

3. IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers

The Idaho Transportation Department submits notice of temporary and proposed rule at IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers. According to the department, the rule change will authorize anyone transporting a load up to sixteen feet wide to do so using an annual permit rather than having to purchase a single trip permit as currently required. The department states that industry representatives asked it to increase the allowable load widths that can be transported using an annual permit from the fourteen feet six inches currently authorized to sixteen feet.

The department states that the rule was adopted as a temporary rule based on the fact that it confers a benefit. The temporary rule became effective on August 20, 2015. The department notes that negotiated rulemaking was not conducted due to the adoption of the temporary rule. The rulemaking appears to be authorized pursuant to sections 40-312 and 49-201, Idaho Code.

4. IDAPA 39.03.21 - Rules Governing Overlegal Permit Fees

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.03.21 - Rules Governing Overlegal Permit Fees. According to the department, the rule change removes the option of establishing and using a fee account for the monthly charging and payment of permit fees and also makes some other non-substantive edits to the rule. The department states that the new cash drawer system now in place allows a carrier the option of establishing an escrow account for payment of permit fees. The department notes that elimination of the fee account process allows it to streamline business processes and be more efficient and effective.

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.

cc: Idaho Transportation Department
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