



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:** August 06, 2015

**SUBJECT:** Idaho Transportation Department

IDAPA 39.03.01 - Rules Governing Definitions Regarding Overlegal Permits - Temporary and Proposed Rule (Docket No. 39-0301-1501)

IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-length, Excess Weight, and up to 129,000 Pound Vehicle Combinations - Temporary and Proposed Rule (Docket No. 39-0322-1501)

#### **1. IDAPA 39.03.01 - Rules Governing Definitions Regarding Overlegal Permits**

The Idaho Transportation Department submits notice of temporary and proposed rule at IDAPA 39.03.01 - Rules Governing Definitions Regarding Overlegal Permits. According to the department, the rule is being promulgated to make the rules consistent with HB 70 which was enacted during the 2015 legislative session. The department notes that the law requires a change to the definition of "excess weight" as well as the modification of a number of other definitions. The department states that the temporary adoption is appropriate to make the rules consistent with the law and based on the fact that the change confers a benefit. The temporary rule took effect on July 23, 2015.

The department states that negotiated rulemaking was not conducted due to the simple nature of the changes. The rulemaking appears to be authorized pursuant to Section 40-312, Idaho Code.

#### **2. IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-length, Excess Weight, and up to 129,000 Pound Vehicle Combinations**

The Idaho Transportation Department submits notice of temporary and proposed rule at IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-length, Excess Weight, and up to 129,000 Pound Vehicle Combinations. According to the department, the rule is being promulgated to make the rules consistent with HB 70 which was enacted during the 2015 legislative session. The department notes that the law modifies tire limitation restrictions and allows more flexibility in the amount of weight carried on steer axles. The department states that the temporary adoption is appropriate to make the rules consistent with the law and based on the fact that the change confers a benefit. The temporary rule took effect on July 23, 2015.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The department states that negotiated rulemaking was not conducted due to the simple nature of the changes. The rulemaking appears to be authorized pursuant to Sections 49-1004, 49-1004A and 49-1010, Idaho Code.

cc: Idaho Transportation Department  
Ramon S. Hobdey-Sanchez