

Dear Senators BRACKETT, Nonini, Buckner-Webb, and
Representatives PALMER, Shepherd, King:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho Transportation Department:

IDAPA 39.02.46 - Rules Governing Temporary Motor Vehicle Registration Permit - Temporary and
Proposed Rule (Docket No. 39-0246-1801);

IDAPA 39.03.48 - Rules Governing Routes Exempt From Local Plans and Ordinances (Docket
No. 39-0348-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 09/24/2018. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/23/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Legislative Services Office

Idaho State Legislature

Eric Milstead
Director

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee
FROM: Legislative Research Analyst - Matt Drake
DATE: September 07, 2018
SUBJECT: Idaho Transportation Department

IDAPA 39.02.46 - Rules Governing Temporary Motor Vehicle Registration Permit - Temporary and Proposed Rule (Docket No. 39-0246-1801)

IDAPA 39.03.48 - Rules Governing Routes Exempt From Local Plans and Ordinances [- Proposed Rule] (Docket No. 39-0348-1801)

1. IDAPA 39.02.46 - Rules Governing Temporary Motor Vehicle Registration Permit - Temporary and Proposed Rule

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of temporary and proposed rulemaking related to the Rules Governing Temporary Motor Vehicle Registration Permits. The proposed rule establishes a thirty (30) day temporary registration permit that Idaho vehicle dealers may issue to an out-of-state retail purchaser who needs to transfer a newly-purchased vehicle to a different state of residence. The proposed rule also establishes a thirty (30) day temporary permit for unladen use of a commercial vehicle, farm or non-commercial vehicle, trailer, or semi-trailer purchased from an Idaho dealership and a one hundred twenty (120) hour temporary permit for laden movement of such vehicles or trailers. The rule clarifies that unregistered commercial, farm, and non-commercial motor vehicles that exceed 8,000 pounds gross weight are required to operate under a one hundred twenty (120) hour permit for both laden and unladen movements. Commercial, farm, and non-commercial trailers are likewise required to operate under a one hundred twenty (120) hour temporary permit. Special make equipment, such as drilling rigs, cranes, loaders, log jammers, and similar oversized vehicles are exempt from the rule. The agency indicates that the proposed rule aligns it with 49-523(2-4), Idaho Code, and the needs of Idaho vehicle dealers.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The agency states that there is no anticipated negative impact on the general fund.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

2. IDAPA 39.03.48 - Rules Governing Routes Exempt From Local Plans and Ordinances [- Proposed Rule]

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of ~~temporary~~ and proposed rulemaking related to the Rules Governing Routes Exempt From Local Plans and Ordinances. The proposed rule deletes a reference to a specific outdated computer system and clarifies that the state highway system description is kept current "in the Department's records" rather than on a specific type of computer system.

Negotiated Rulemaking / Fiscal Impact

The agency notes that negotiated rulemaking was not conducted because the rule change is simple in nature. The agency states that there is no anticipated negative impact on the general fund.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.46 – RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION PERMIT

DOCKET NO. 39-0246-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 16, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code, and Section 49-523(2-4), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

IDAPA 39.02.46 conflicts with current business needs and practices of allowing the issuance of 30-day temporary registration permits by dealers for sales of commercial, farm and non-commercial vehicles over 8,000 lbs. This change clarifies current practice and removes outdated business rules. It aligns the rule with the needs for dealers to provide retail purchasers, needing to move vehicles 8,000 pounds and over back to their home states for titling and registration, with a noticeable permit to display on their vehicle or trailer.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change ensures that current Division of Motor Vehicle business practices, regarding the issuance of temporary registrations, will not change as that could potentially have a negative impact on the motor vehicle dealer industry.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees being imposed or increased with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 4, 2018 Idaho Administrative Bulletin, [Volume 18-7, pages 194-195](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, please contact Brendan Floyd, DMV Policy Program Specialist, at (208) 334-8474.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2018.

Dated this 3rd day of August, 2018.

Ramon S. Hobdey-Sanchez, Govt. Affairs Program Spec.
ramon.hobdey-sanchez@itd.idaho.gov
Phone: (208) 334-8810

Idaho Transportation Department
3311 W. State Street - P.O. Box 7129
Boise, ID 83707-1129

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 39-0246-1801
(Only Those Sections With Amendments Are Shown.)

101. ISSUANCE BY ~~MOTOR~~ IDAHO VEHICLE DEALERS.

01. Dealer Issuance to Out-of-State Retail Purchasers. ~~Motor Idaho~~ vehicle dealers may issue a thirty day (30-day) temporary registration permits, e.g., out-of-state purchasers who need to transport the motor vehicle back to their home state to an out-of-state retail purchaser who is transferring their newly-purchased vehicle to their state of residence. ~~(12-26-90)~~(8-16-18)T

02. Dealer Issuance to Commercial, Farm and Non-Commercial Vehicles and Trailers. Commercial, farm or non-commercial vehicles, trailers, or semi-trailers purchased from an Idaho dealership are eligible for a dealer-issued thirty day (30-day) temporary registration permit for unladen movements; one hundred twenty hour (120-hour) temporary permits in lieu of registration are required for laden movements. (8-16-18)T

102. -- 199. (RESERVED)

200. INELIGIBLE VEHICLES - COUNTY ASSESSOR OR DEPARTMENT ISSUANCE.

01. Commercial, Farm and Non-Commercial Vehicles. Unregistered, commercial, farm or non-commercial motor vehicles exceeding eight thousand (8,000) pounds gross weight are required to ~~purchase trip operate under a one hundred twenty hour (120-hour) temporary permits~~ for laden ~~movements or single trip permits for~~ unladen movements. ~~(12-26-90)~~(8-16-18)T

02. Commercial, Farm and Non-Commercial Trailers. Unregistered commercial, farm, or non-commercial trailers or semi-trailers are required to ~~purchase trip operate under a one hundred twenty hour (120-hour) temporary permits~~ for laden ~~movements or single trip permits for~~ unladen movements. ~~(12-26-90)~~(8-16-18)T

03. ~~Special Make Equipment. Drilling rigs, construction, drilling and wrecker cranes, loaders, log jammers, and similar vehicles operated in an overweight and/or oversize condition.~~ ~~(12-26-90)~~

201. -- 299. (RESERVED)

300. EXEMPT VEHICLES.

01. Recreational Vehicles. Snowmobiles, off-road motorcycles and all-terrain vehicles, dune buggies or any other vehicle that is not equipped for operation on the public roadways. (12-26-90)

02. Trailers. Utility trailers and recreation trailers, where a title is not required for registration. (12-26-90)

03. Special Make Equipment. Drilling rigs; construction, drilling and wrecker cranes; loaders; log jammers; and similar vehicles operated in an overweight and/or oversize condition. (8-16-18)T

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.48 – RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES

DOCKET NO. 39-0348-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change strikes the proper noun referencing an old computer system that is no longer in use by the Idaho Transportation Department. The corresponding records referenced in this rule are now maintained and housed in the Idaho Transportation Department's other systems and are still available to the public upon request.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees being imposed or increased with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is simple in nature and the rule change only removes the reference to the formal name of an outdated computer system. This change has no substantive impact on current business practices.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, please contact Jezmyne Arway, ETS Program Manager, at (208) 334-8013.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2018.

Dated this 3rd day of August, 2018.

Ramon S. Hobdey-Sanchez
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Idaho Transportation Department
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Boise, ID 83707-1129
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0348-1801
(Only Those Sections With Amendments Are Shown.)

300. EXISTING STATE HIGHWAY SYSTEM.

The state highway system is not a permanent configuration or mileage because of additions or deletions over time. The official system description is kept current in the Department's records (~~*Milepost and Coded Segment System*~~) and is available to the public upon request. (~~*11-30-89*~~)()