

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

- DATE:** Wednesday, March 14, 2018
- TIME:** 1:30 pm or Upon Afternoon Adjournment of the House
- PLACE:** Room EW40
- MEMBERS:** Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, Blanksma, King, Wintrow, Gannon(17)
- ABSENT/
EXCUSED:** Rep. Wintrow
- GUESTS:** Nathan Nuno, Kase Parking Enforcement, Nick Veldhouse, IAHD, David Lincoln, IAHD, Jonathan Parker, and Kerry Meredith, Constituent/Property Management 284
Chairman Palmer called the meeting to order at 1:30 p.m.
- MOTION:** **Rep. Kauffman** made a motion to approve the minutes of the February 28, 2018 meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Kauffman** made a motion to approve the minutes of the March 2, 2018 meeting. **Motion carried by voice vote.**
- SJM 104:** **Rep. Gibbs** presented **SJM 104**. Rep. Gibbs stated a federal transportation bill was recently passed mandating all commercial trucks of year model 2000 or newer have electronic logging devices in their trucks. Rep. Gibbs stated this bill is to permanently exempt agricultural transport from being required to use electronic logging devices in commercial trucks. Rep. Gibbs stated large trucking companies are in favor of this bill; however, the requirement to use electronic logging devices has placed an undue burden on drivers of trucks hauling livestock. Rep. Gibbs said this bill is backed by many commodity groups in Idaho, and several other states are joining in this effort. Rep. Gibbs stated transportation rates are projected to go up by 40-60% if this action is not implemented for the agriculture sector.
- In response to committee questions, **Rep. Gibbs** stated commercial truckers are required to keep a log book to record driving hours, on-duty hours, and rest hours. Rep. Gibbs said in order to be compliant with current law, livestock haulers will need to have a second driver in the truck so the truck does not have to stop. Rep. Gibbs said the other option will be for drivers to stop someplace and unload the livestock from the truck. The livestock will then need to stay off the truck for a period of time, be given access to water, and then be loaded back onto the truck. Rep. Gibbs stated there is already a driver shortage in the trucking industry, and this situation increases the problem.
- MOTION:** **Rep. Dixon** made a motion to send **SJM 104** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

SCR 134: **Sen. Winder** presented **SCR 134**. Sen. Winder stated this Resolution is to reappoint an interim committee to study the imposition of registration and operating fees for commercial and farm vehicles weighing over 60,000 pounds. The study will look at the impact of vehicle weights and how commercial and farm trucks will be registered. Sen. Winder stated in 1996 or 1997, a lawsuit was filed against the State of Idaho alleging that Idaho favored in-state trucks by giving them a lower fee schedule than what was given to the interstate trucks registered in other states. The court deemed the uneven fee schedule was unconstitutional, and a judgment of \$126 million was entered against the State; however, that amount was negotiated down to \$29 million. One condition of the settlement was that the weight and distance tax be abolished. Sen. Winder said the Interim Committee got started late last year and did not accomplish what they set out to do, but he would like to continue the dialogue and treat both in-state and out-of-state truckers equitably. Sen. Winder said this Resolution will authorize the interim committee to go forward and bring recommendations back to the 2019 Legislative Session.

MOTION: **Rep. Kauffman** made a motion to send **SCR 134** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: **Chairman Palmer** requested a roll call vote on **SCR 134**. **Motion carried by a vote of 11 AYE, 4 NAY, and 2 absent/excused. Voting in support of the motion: Reps. Shepherd, Kauffman, Packer, Youngblood, McDonald, Dixon, Holtzclaw, DeMordaunt, Syme, King, and Gannon(17). Voting in opposition: Reps. Harris, Monks, Blanksma and Chairman Palmer. Reps. Gestrin and Wintrow were absent/excused. Rep. Kauffman** will sponsor the bill on the floor.

S 1284: **Sen. Hill** presented **S 1284**. Sen. Hill stated currently Idaho Statute allows towing, but not booting. Sen. Hill said that booting needs to be included in the ordinances. Sen. Hill stated there is a new section being added that requires parking enforcement companies to be licensed. Sen. Hill stated **S 1284** permits municipalities and private property owners to use booting if they so choose. Sen. Hill further stated all the terms need to be written in a contract between the owners and the booting companies to prevent predatory booting. Sen. Hill said signs need to be posted at every entrance. In addition, there needs to be reasonable care taken not to damage the vehicles while in the process of booting them. Sen. Hill said he is not sure we need to put in statute that booting is allowed. Sen. Hill also stated there is nothing in statute that says booting is prohibited. Sen. Hill stated he has support from the Mayor of Rexburg, the Rexburg City Council, and many apartment owners across the state. Sen. Hill stated there are many booting companies in the state that will go out of business unless we do something to remedy this situation. Property owners are asking also for help so they can control what they do on their own private property. Sen. Hill also stated this Resolution gives property owners another option in addition to towing, and then they can decide what to do.

In response to committee questions, **Sen. Hill** stated most private property owners contract with private booting companies to provide booting. Sen. Hill also stated this might be resolved in court if property owners want to sue the City Council, or they could go to the Attorney General or a private attorney. Furthermore, Sen. Hill said cities can create new ordinances to allow booting, but since the State does not currently allow booting, the City ordinances would not be valid.

Nathan Nuno, Kase Parking Enforcement, testified in support of **S 1284**. Mr. Nuno stated booting is less evasive than removing a vehicle from a private lot. In addition, booting, as opposed to towing, can help prevent medical situations from occurring when people temporarily leave their medications in their vehicles. If the vehicles are towed, they are not able to retrieve their medications. Mr. Nuno said that towing is much more expensive than booting. Mr. Nuno stated in Boise there is a drop off fee of \$150.00, and a \$250.00 to \$300.00 fee if the vehicle is towed to the yard. Mr. Nuno said there is a Boise ordinance that says owners of towed vehicles will not be charged for the first 24 hours, and then there will be a charge of \$40.00 per day. Within three to four days, impound lots will begin the lien process and impose an additional fee of \$100.00. If people cannot pay the impound fee, they can lose their vehicle. Mr. Nuno will work with property owners to be considerate and fair to people by waiting 24-48 hours before towing a vehicle parked on private property. Mr. Nuno also stated that business parking lots are a little different because vehicles are towed because of limited parking. Mr. Nuno further stated Boise requires the posting of reflective signs, so people can see them clearly at night.

Kerry Meredith, Property Management 284, testified in support of **S 1284**. Ms. Meredith works for a property management company, and she said it is very time-consuming to tow and boot vehicles. Her company hired **Mr. Nuno** to provide those services.

ORIGINAL MOTION:

Rep. Gannon made a motion to send **S 1284** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION:

Sen. Harris made a substitute motion to send **S 1284** to General Orders.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Chairman Palmer requested a roll call vote on **S 1284**. **Substitute motion carried by a vote of 10 AYE, 5 NAY, and 2 absent/excused. Voting in support of the motion: Reps. Shepherd, Packer, Dixon, Harris, Holtzclaw, Monks, DeMordant, Syme, Blanksma, and Chairman Palmer. Voting in opposition to the motion: Reps. Kauffman, Youngblood, McDonald, King, and Gannon(17). Reps. Gestrin and Wintrow were absent/excused. Rep. Nate will sponsor the bill on the floor.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:40 p.m.

Representative Palmer
Chair

Kimberly Lowder
Secretary