

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 12, 2019

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

ABSENT/ EXCUSED: Senator Den Hartog

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:32 p.m.

HANDOUT: **Chairman Brackett** invited John Foster of Kestrel West to present information on behalf of *People for Bikes* about a bill currently before the House Transportation and Defense Committee.

Mr. Foster said that **H 76** would provide clarity on how local governments should regulate electric bicycles in their communities. He wanted to inform the Committee that there would be an Electric Bike (E-Bike) demonstration at the Capitol on February 13, 2019 and encouraged the Committee members to attend. Attendees would have an opportunity to ride the bikes and have any questions about the bikes answered by industry experts. **Mr. Foster** referred to a handout in the Committee packets that provided useful information on E-Bikes.

MINUTES APPROVAL: **Senator Lodge** moved to approve the Minutes of January 22, 2019. **Senator Rice** seconded the motion. The motion passed by **voice vote**.

Senator Buckner-Webb moved to approve the Minutes of January 24, 2019. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.

Vice Chairman Crabtree moved to approve the Minutes of February 5, 2019. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**.

PAGE GRADUATION: **Chairman Brackett** shared that Committee page, Isaac Lee from Rigby, was the grandson of Idaho State Senator Robert Lee who served three terms in the Senate. He was the first chairman of the Water Resource Board and was well respected in the Idaho Senate. **Chairman Brackett** invited Mr. Lee to stand for questions.

Senator Winder asked what impact being a page had on him. **Mr. Lee** realized that Senators are real people dealing with real problems. He had not considered it before, but thought he could become a Senator because it is a position that is challenging. To prepare himself for a future career, he plans on going on a mission after high school and then on to college.

Chairman Brackett asked if he planned to run for higher office. **Mr. Lee** said he didn't see that in his immediate future. Being a Senator is more for an ambitious person fulfilling their desire to serve; he wants to focus on time with his family, but perhaps he might pursue it later in his life.

Vice Chairman Crabtree asked what his career plans were. **Mr. Lee** said his father and all his uncles are physicians, so that has been a focus of his, but he's keeping his options open.

Chairman Brackett thanked him for his service and presented him with letters and gifts from the Committee.

S 1064

Chairman Brackett invited Senator Rice to present **S 1064**.

Senator Rice explained that **S 1064** deals with the use of mobile electronic devices while driving. It is different from last year's legislation in the definitional section and it addresses handheld devices that are not part of the design of the vehicle. He highlighted a few examples of devices not designed for hands-free use, such as phones, laptops, tablets, etc. There are some clear exceptions in this bill to using these devices, including for emergencies, law enforcement, using GPS in hands-free mode, prescription communication medical devices, and quick one-touch phone numbers. There is a prohibition for bus drivers, especially when students are on the bus, and for drivers using headphones in both ears.

There is a graduated fine structure, and the fines double if there is an accident when using handheld devices. If a driver gets three or more citations in a year, a judge can suspend the driver's license for up to 90 days. For continuity, it offers a statewide standard and eliminates local ordinances.

Senator Rice believes that the right to travel is inherent when driving our roads. That freedom to travel can only be used when there are good, common sense rules governing how we use roads. As the size and complexity of roads increases, distractions also increase, making the issue of safe travel more important. That basic right is the primary focus of this type of legislation. Senator Rice stood for questions.

DISCUSSION:

Chairman Brackett thought our current laws already covered distracted driving. **Senator Rice** said that inattentive driving is currently covered, but distracted driving is not. Inattentive driving is only considered once a driver has committed another driving violation, such as speeding. **S 1064** makes distracted driving a primary offense.

Senator Burtenshaw applauded Senator Rice for bringing this legislation, but he was concerned about not being able to wear headphones or earphones while driving. **Senator Rice** said there were many noises while driving that drivers need to be alerted to, such as emergency vehicles and train crossings. The devices can be worn as long as one ear is left uncovered. **Senator Burtenshaw** asked if that applied to music devices. **Senator Rice** said **S 1064** does not address specific devices.

Senator Buckner-Webb asked what law enforcement thought about **S 1064**. **Senator Rice** said he had not specifically spoken with law enforcement, but he knows they are concerned about safety on the roads and this bill addresses safety while driving.

TESTIMONY:

Fred Birnbaum, Vice President of the Idaho Freedom Foundation, testified in opposition to **S 1064**. Testifying in support of **S 1064** were: **Michael Kane** representing Property Casualty Insurers and the Idaho Sheriff's Association; **Matthew Conde**, Public Affairs Director of AAA Idaho; **Woody Richards** representing Allstate Insurance Company, Liberty Mutual Insurance, and State Farm Insurance; **Bob Van Arnem**, a private citizen; and **Jeff Neumeyer**, General Counsel of United Heritage Insurance.

**CLOSING
REMARKS:**

Senator Rice said we live in an age of rapidly changing technology. It is time to address these changes and the availability of hands-free technology that did not exist just ten years ago. **S 1064** protects an Idaho driver's right to travel safely on our roadways without being subject to distracted drivers taking away that right. He asked the Committee to send **S 1064** to the floor with a do pass recommendation.

Chairman Brackett thanked Senator Rice and those who testified.

MOTION:

Senator Rice moved to send **S 1064** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Crabtree** and **Senator Burtenshaw** asked that they be recorded as voting nay. **Senator Rice** said he would carry the bill on the Senate floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:50 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary