

MINUTES  
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE**

**DATE:** Wednesday, February 08, 2017

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/  
EXCUSED:** Representative(s) Hixon, Youngblood, Monks

**GUESTS:** Captain Tim Horn, Sergeant Scott Hanson, Idaho State Police; Wyatt Prescott, Executive Vice President, Idaho Cattle Association; Bobby Petersen, Idaho State Independent Auto Dealers Association; Matthew Conde, Dave Carlson, AAA; Grey Casey, Veritas Advisors; Dennis Stevenson, Rules Coordinator, Department of Administration

**Chairman Palmer** called the meeting to order at 1:31 PM.

**DOCKET NO.  
11-1301-1603:** **Captain Tim Horn**, Commercial Vehicle Safety, Idaho State Police, presented **Docket No. 11-1301-1603**, Motor Carrier Rules. This Rule references Section 49-2212, Idaho Code, that provides for the adoption of the Federal Hazardous Materials Regulations by reference and the changes to those regulations as they occur by operation of law. With some exceptions, all commercial vehicle drivers who are required to complete paper logs to document record of duty status (RODS) to comply with 49 CFR 49, will be required to use Electronic Logging Devices (ELDs) no later than December 18th, 2017.

In response to committee questions, **Captain Horn** stated companion drivers in commercial vehicles can both use an ELD, operating the vehicle and logging information back and forth.

In response to committee questions, **Captain Horn** stated that companion drivers could use the ELD to deceive others, but they would both need to show their individual time worked to their authorities, just as one would use a time card. Paper has proven to be a much easier way to deceive or falsify hours compared to an ELD.

In response to committee questions, **Captain Horn** stated that the optimal time of day to transport cattle was not information he was privy to, and that cattle transporters should work with the Federal Motor Carrier Safety Association (FMCSA) to file an extension. He said that cattle shouldn't be on a truck longer than 36 hours.

In response to committee questions, **Captain Horn** stated the ELD rule would affect very few carriers, and that most intrastate carriers would be exempt. The ELD requirement applies mostly to interstate drivers.

In response to committee questions, **Captain Horn** stated that ELDs would not be required for commercial drivers travelling within 100 air miles of their originating location that can return back to that location within 14 hours.

In response to committee questions, **Captain Horn** stated that the opposition to this rule stems from the cost of implementation. The cost does not compare to the time that it saves by being implemented, saving the driver from tracking their hours, miles, and locations. Others are upset that they will no longer be able to deceive, which will prevent them from getting more money.

In response to committee questions, **Captain Horn** stated the cost of an ELD device ranges from \$200-\$2000, and provided an example of an ELD that costs \$240/year/truck. Many smart phones can be used in lieu of an ELD if plugged into the truck's MC. Although the price is varied, many insurance companies provide exemptions for using one.

**Wyatt Prescott**, Executive Vice President, Idaho Cattle Association, spoke in opposition to **Docket No. 11-1301-1603**. Mr. Prescott stated animal stress levels are the priority of the commercial drivers, who often have to drive through the night to transport cattle comfortably.

**Mr. Prescott** stated the Idaho Cattle Association does not oppose ELDs, but that the ELD fails to capture actual drive times accurately when under extenuating circumstances like transporting cattle, which are more comfortable and less stressed at night.

In response to committee questions, **Mr. Prescott** stated the rejection of **Docket No. 11-1301-1603** may or may not send a message to the federal government.

**MOTION:**

**Rep. Wintrow** made a motion to approve **Docket No. 11-1301-1603**.

**Rep. Wintrow** spoke to the motion, stating that although the situation surrounding the rule is complex, it is important to accept the rule because it will make for a compromise with the federal government and that exemptions can still be made. Overall, this rule is about safety for everyone, including drivers, pedestrians, and livestock.

**SUBSTITUTE MOTION:**

**Rep. Gestrin** made a substitute motion to reject **Docket No. 11-1301-1603**.

**Rep. Harris** spoke to the substitute motion, stating that the rule may be an example of federal overreach in Idaho because it only affects a certain number of drivers, and that the committee should hear from effected employers.

In response to committee questions, **Captain Horn** stated the year that the rule doesn't go into effect, it's a 5% reduction as soon as the Secretary contacts the Governor's office. The next year is a 10% reduction, the next year is a 25% reduction, and the next year is a 50% reduction in federal funds to the state of Idaho.

**Rep. Kauffman** spoke to the original motion, stating that in addition to safety and the fact that most interstate drivers already have an ELD, federal funding is important to the state.

In response to committee questions, **Captain Horn** stated that the affected federal funds would start with the federal mix-up funds, which is what was originally believed, but is now understood that the affected federal funds are highway funds. So the reduction in funding would affect both the mix-up funds and the highway funds in increments of 5%. It is a domino effect. Losing these funds would take money from commercial vehicle inspections, which set the safety standards, and which would damage not only interstate but intrastate carriers. The only people who can do the inspections are federally-funded Idaho State Police officers in the Commercial Vehicle Safety unit. Without the funds, ISP personnel performing the inspections would be laid off, and there would be increased insurance rates along with a host of other issues.

In response to committee questions, **Captain Horn** stated he didn't know how the loss of federal funds would affect Idaho long-term, or how soon it would happen, but the FMCSA has stated that after December 16th, the Secretary can contact the Governor's office and officially report that the State is out of compliance. After that, the funds would start to be reduced.

In response to committee questions, **Mr. Prescott** stated that the Idaho Cattle Association might be, if he had to guess, a year and a half away from receiving an exemption. They have been working for a long time with the administration to bring opportunity to the exemption.

In response to committee questions, **Captain Horn** defined the 100 air-mile exemption, stating that 100 air miles is how long it takes to fly from point A to point B, not the equivalent time it takes to drive the 100 miles. Drivers are exempt from the ELD requirement if they can travel from Point A to Point B, the 100 air miles, within 14 driving hours. They do not need a log book, but a timecard for hours worked only. For example, La Grande, Oregon is within 100 air miles.

**Rep. DeMordaunt** spoke to the original motion, stating the Idaho Trucking Association, who cares for small owner-operators, is **in support** of this rule, and because of her own personal experience, she will be supporting the original motion.

By a show of hands, the substitute motion failed on a tie vote.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**VOTE ON  
ORIGINAL  
MOTION:**

**Chairman Palmer** requested a roll call vote on the original motion to approve **Docket No. 11-1301-1603. Motion failed by a tie vote of 7 AYE and 7 NAY, 3 Absent/Excused. Voting in favor** of the motion: **Reps. Kauffman, McDonald, DeMordaunt, Syme, King, Wintrow, and Gannon. Voting in opposition** to the motion: **Chairman Palmer, Vice Chairman Shepherd, Reps. Gestrin, Packer, Dixon, Harris, and Holtzclaw. Reps. Hixon, Youngblood, and Monks** were absent/excused.

**MOTION:**

**Rep. Harris** made a motion to hold **Docket No. 11-1301-1603** for time certain, Friday, February 10th, 2017. By a show of hands, the motion carried.

**RS 25169C1:**

**Rep. Clow** presented **RS 25169C1**. The purpose of this proposed legislation is to increase the speed limit by 15 MPH when passing in designated areas, specifically when passing on the left in passing zones on two-lane highways with a posted speed limit of 55 MPH or above. Rep. Clow stated the Idaho State Police are in favor of this legislation.

**MOTION:**

**Rep. Dixon** made a motion to introduce **RS 25169C1. Motion carried by voice vote.**

**RS 25222:**

**Bobby Petersen**, representing the Idaho State Independent Auto Dealers Association, presented **RS 25222**. The purpose of this proposed legislation is to prevent those who have been convicted of crimes pertaining to the car business from immediately re-applying for and receiving a dealer or sales license. Under the existing code, these criminals can obtain a new license even if they haven't made any restitution for the damage they have caused by their previous illegal activity. With these changes to the Code, a license may be denied until a specified amount of time has passed since the previous conviction and/or until proper restitution has been made to those injured by previous crimes.

In response to committee questions, **Mr. Petersen** stated that the proposed legislation would not apply retroactively, and will only apply going forward.

**MOTION:**

**Rep. Dixon** made a motion to introduce **RS 25222. Motion carried by voice vote.**

**MOTION:**

**Rep. Dixon** made a motion to approve the minutes of the February 2, 2017 meeting. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 2:43 PM.

---

Representative Palmer  
Chair

---

Jasmine Platt  
Secretary