

IDAHO ADMINISTRATIVE BULLETIN

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Division of Financial Management
Office of the Administrative Rules Coordinator
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

**39.02.05, 39.02.07, 39.02.11, 39.02.12, 39.02.24:
RULES REGULATING VEHICLE TITLES**

DOCKET NO. 39-0200-19010M

NOTICE OF INTENT TO PROMULGATE RULES – OMNIBUS NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows in the information below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Participation in-person is available in-person or via the following methods:

Wednesday, July 24, 2019 – 3:30pm to 6:00pm (MDT)
LIVE MEETING
ITD Headquarters 3311 W. State Street Boise, ID 83703
Join Webex Meeting
Meeting Number (Access Code): 801 948 211 Event Password: 12345
Join by Phone at:
1-844-740-1264 USA Toll Free 1-415-655-0003 US Toll

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rulemaking involves the consolidation and update of special title handling in an effort to improve customer service and add clarity to the process. This rule consolidation effort will streamline five (5) existing title rules into one (1). It will align with Idaho Code and current practices, eliminate outdated and redundant language, provide clarification and reduce restrictive language. This consolidated rule will reduce confusion and makes it easier for stakeholders and customers. This consolidation effort is in alignment with the Governor’s **Red Tape Reduction Act**.

The following rule chapters are germane to this rulemaking:

39.02.05, Rules Governing Lien Filing on Certificate of Title

39.02.07, Rules Governing Titling of Salvage, Specially Constructed, Replica and Rebuilt Salvage Motor Vehicles

39.02.11, Rules Governing Odometer Readings on Title Records

39.02.12, Rules Governing Issuing Certificates of Title and Bonded Certificates of Title

39.02.24, Rules Governing ‘Gray Market’ Vehicle Registration and Titling

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), please contact Barry Takeuchi, Titles Program Specialist, at 208.334.4490. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department’s website at the following web address: <https://itd.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Monday, July 29, 2019.

Dated this 7th day of June, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Specialist
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.02.42 – TEMPORARY VEHICLE REGISTRATION WHEN PROOF
OF OWNERSHIP IS INSUFFICIENT

DOCKET NO. 39-0242-1901

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows in the information below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Participation in-person is available in-person or via the following methods:

Monday, July 29, 2019 – 1:30 pm to 2:30 pm (MDT)
LIVE MEETING
ITD Headquarters 3311 W. State Street Boise, ID 83703
Join Webex Meeting
Meeting Number (Access Code): 806 932 787 Event Password: 12345
Join by Phone at:
1-844-740-1264 USA Toll Free 1-415-655-0003 US Toll

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rule change will add clarity to temporary ownership documents when standard documents may not be available. This rule change removes a requirement to sign an affidavit in the presence of the county assessor/deputy assessor when said documents cannot be obtained. The change also allows a second type of title (conditional title) to be issued when an applicant cannot meet standard titling requirements. The changes will remove redundant and outdated sections. This rule is in alignment with the Governor's **Red Tape Reduction Act** as it lifts current requirements.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), please contact Chris Fisher, DMV Program Specialist, at (208) 334-8167. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's website at the following web address: <https://itd.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 31, 2019.

Dated this 7th day of June 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Specialist
Idaho Transportation Department
3311 W. State Street
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.75 – RULES GOVERNING NAMES ON DRIVER’S LICENSES AND IDENTIFICATION CARDS

DOCKET NO. 39-0275-1901

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows in the information below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Participation in-person is available in-person or via the following methods:

Wednesday, July 24, 2019 – 1:30 pm to 3:00 pm (MDT)
LIVE MEETING
ITD Headquarters 3311 W. State Street Boise, ID 83703
Join Webex Meeting
Meeting Number (Access Code): 801 948 211 Event Password: 12345
Join by Phone at:
1-844-740-1264 USA Toll Free 1-415-655-0003 US Toll

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

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rule was previously established to provide regulations on name change options and required documentation. The rule is outdated and has caused confusion regarding married and divorced applicant name options. Under the Governor’s **Red Tape Reduction Act**, this rule change will decrease regulations and restrictions on Idaho residents. The modifications to the language in this rule will simplify name structure in cases of marriage and divorce and remove a specific requirement for the order of a hyphenated last name for the purpose of issuing driver licenses and identification cards.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), please contact Brendan Floyd, DMV Program Specialist, at (208)

334-8474. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's website at the following web address: <https://itd.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Monday, July 29, 2019.

Dated this 7th day of June 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Specialist
Idaho Transportation Department
3311 W. State Street
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

**39.02.76 – RULES GOVERNING DRIVER'S LICENSE RENEWAL-BY-MAIL
AND ELECTRONIC RENEWAL PROCESS**

DOCKET NO. 39-0276-1901

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows in the information below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Participation in-person is available in-person or via the following methods:

Wednesday, July 17, 2019 – 1:30 pm to 2:30 pm (MDT)
LIVE MEETING
ITD Headquarters 3311 W. State Street Boise, ID 83703
Join Webex Meeting
Meeting Number (Access Code): 808 191 012 Event Password: 12345
Join by Phone at:
1-844-740-1264 USA Toll Free 1-415-655-0003 US Toll

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

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The modification of this rule offers applicants the ability to apply for a renewal or replacement driver's license or identification card electronically, making it easier on our customers by reducing wait times and foot traffic in often overcrowded county driver license offices. This rule change provides a more convenient alternative for customers.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), please contact Brendan Floyd, DMV Program Specialist, at (208)

334-8474. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's website at the following web address: <https://itd.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Monday, July 29, 2019.

Dated this 7th day of June 2019.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

**39.02.22, 39.03.01, 39.03.05, 39.03.06:
COMMERCIAL MOTOR VEHICLE PERMITS AND REGISTRATION RULES**

DOCKET NO. 39-0300-19010M

NOTICE OF INTENT TO PROMULGATE RULES – OMNIBUS NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows in the information below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Participation in-person is available in-person or via the following methods:

Wednesday, July 17, 2019 – 3:00pm to 6:00pm (MDT)
LIVE MEETING
ITD Headquarters 3311 W. State Street Boise, ID 83703
Join Webex Meeting
Meeting Number (Access Code): 808 191 012 Event Password: 12345
Join by Phone at:
1-844-740-1264 USA Toll Free 1-415-655-0003 US Toll

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rulemaking will address changes to four (4) administrative rules relating to commercial motor vehicle permits and online registration. 39.02.22: will clarify and update installment payment arrangements for commercial vehicle customers registering in Idaho. It also provides online methods for obtaining registrations from the Department. 39.03.01: will define in definitions a disabled vehicle, a snowplow and how overhang is measured. 39.03.05: will clarify load allowances for standard 53 foot and longer trailers for oversize non-reducible loads for drivers and carriers. 39.03.06: will eliminate specifically referenced route colors within rule and allow the Department to create and modify maps more efficiently. It also decreases the number of attachments for permit holders and removes the requirement for rule to be updated each time a route color is changed. These changes will reduce confusion and make it easier for stakeholders and customers by enabling the streamlining of documents to a single source and will eliminate the need for multiple attachments for permit carriers. This consolidation effort is in alignment with the Governor’s **Red Tape Reduction Act**, because it removes unnecessary language within administrative rule.

The following rule chapters are germane to this rulemaking:

- 39.02.22**, Rules Governing Registration and Permit Fee Administration
- 39.03.01**, Rules Governing Definitions Regarding Overlegal Permits
- 39.03.05**, Rule Governing Variable Load Suspension Axles
- 39.03.06**, Rules Governing Allowable Vehicle Size

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), please contact Lance Green, Permits Program Specialist, at (208) 334-8427. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's website at the following web address: <https://itd.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Monday, July 29, 2019.

Dated this 7th day of June, 2019.

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.41, 39.03.60, 39.03.61, 39.03.62, 39.03.63, 39.03.64:
TRAFFIC SIGNS AND RIGHT-OF-WAY RULES

DOCKET NO. 39-0300-1902OM

NOTICE OF INTENT TO PROMULGATE RULES – OMNIBUS NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows in the information below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Participation in-person is available in-person or via the following methods:

Monday, July 29, 2019 – 3:30pm to 6:00pm (MDT)
LIVE MEETING
ITD Headquarters 3311 W. State Street Boise, ID 83703
Join Webex Meeting
Meeting Number (Access Code): 806 932 787 Event Password: 12345
Join by Phone at:
1-844-740-1264 USA Toll Free 1-415-655-0003 US Toll

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rulemaking will consolidate rules involving traffic signs, advertising and memorials within Department right-of-ways. This rule consolidation effort should streamline six (6) existing rules into two (2). It will align with Idaho Code and current practices, eliminate outdated and redundant language and provide clarification. The changes to these rules will be focused on consolidation, clean-up and combining rule chapters that address the Manual on Uniform Traffic Control Devices (MUTCD). These changes will reduce confusion and make it easier for stakeholders and customers. This consolidation effort is in alignment with the Governor's [Red Tape Reduction Act](#).

The following rule chapters are germane to this rulemaking:

39.03.41, Rules Governing Traffic Control Devices

39.03.60, Rules Governing Outdoor Advertising

39.03.61, Rules Governing Directional and Other Official Signs and Notices

- 39.03.62, Rules Governing Logo Signs
- 39.03.63, Rules Governing Traffic Accident Memorials
- 39.03.64, Rules Governing Tourist Oriented Directional Signs (TODS)

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), please contact Kevin Sablan, Traffic Manager, at (208) 334-8558 or Justin Pond, Right-of-Way Manager, at (208) 334-8832. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's website at the following web address: <https://itd.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 31, 2019.

Dated this 7th day of June, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Specialist
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.06 – RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH/EXCESS WEIGHT, UP TO 129,000 POUND VEHICLE COMBINATIONS

DOCKET NO. 39-0306-1901

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2019.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code and Sections 49-1004, 49-1004A and 49-1010, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This rule change will eliminate specifically referenced route colors within rule and allow the Department to create and modify maps more efficiently. It also decreases the number of attachments for permit holders and removes the requirement for rule to be updated each time a route color is changed. These changes will reduce confusion and make it easier for stakeholders and customers by enabling the streamlining of documents to a single source and it will eliminate the need for multiple attachments for permit carriers. This consolidation effort is in alignment with the Governor's Red Tape Reduction Act, because it removes unnecessary language within administrative rule.

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:

These rule changes add clarity to the 129,000 lb. truck route request hearing process, benefiting route applicants and Department customers by clarifying the appeals process for denied route applications. Additionally, the removal of reference to the colored routes ensures consistency with the Department's new online permitting system which goes live on July 1, 2019.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, please contact Lance Green, Permits Program Specialist, at (208) 334-8427.

Dated this 7th day of June, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Specialist
Idaho Transportation Department
3311 W. State St.
P.O. Box 7129
Boise, ID 83707-1129
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ramon.hobdey-sanchez@itd.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 39-0306-1901
(Only Those Sections With Amendments Are Shown.)

~~051. – 099.~~ (RESERVED)

~~100. DESIGNATED ROUTES FOR EXTRA LENGTH VEHICLE COMBINATIONS CARRYING UP TO ONE HUNDRED FIVE THOUSAND FIVE HUNDRED (105,500) POUNDS SHALL BE DESIGNATED IN FOUR CATEGORIES.~~

~~The “Extra Length Map” listing the designated routes for vehicles operating up to one hundred five thousand five hundred (105,500) pounds is available at the Idaho Transportation Department offices. This map is not the same as the “Designated Routes Up to 129,000 Pound Map” listed in Section 200 of these rules. (7-1-19)~~

~~01. Blue Coded Routes. Routes for combinations not exceeding ninety five (95) feet in overall length including load overhang (blue coded routes). A vehicle combination operating on routes designated for up to ninety five (95) feet shall be designed and assembled in a manner whereby its maximum off tracking will not exceed five point five zero (5.50) feet on a one hundred sixty five (165) foot radius when computed. (7-1-19)~~

~~02. Red Coded Routes. Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (red coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off tracking will not exceed six point five zero (6.50) feet on a one hundred sixty five (165) foot radius when computed. (7-1-19)~~

~~03. Black Coded Routes. Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black coded routes). A vehicle combination operating on routes in this category shall be designed and assembled in such a manner that its off tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seventy five (8.75) feet when computed. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off tracking, but not in excess of seven (7) feet off tracking, or for combinations in excess of seven (7) feet off tracking but not in excess of eight point seventy five (8.75) feet off tracking. (7-1-19)~~

~~04. Green Coded Routes. Selected state highway routes (green coded routes) for operation of a vehicle combination whereby its maximum off tracking will not exceed three (3) feet on a one hundred sixty five (165) foot radius when computed, and its overall length including load overhang does not exceed eighty five (85) feet. Route approval shall be subject to analysis of pavement condition, bridge capacity, safety considerations, pavement width, curvature, traffic volumes, and traffic operations. (7-1-19)~~

~~101.—199.~~ (RESERVED)

200. DESIGNATED ROUTES FOR EXTRA LENGTH VEHICLE COMBINATIONS UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS.

In addition to the requirements listed in Sections 300 and 400, vehicle combinations operating up to one hundred twenty-nine thousand (129,000) pounds, must meet the following requirements: ~~(7-1-19)~~**(7-1-19)T**

01. Brakes. All axles shall be equipped with brakes that meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. (7-1-19)

02. Designated Routes for Vehicle Lengths. All designated state approved routes for vehicle combinations to operate at designated lengths are identified on the “Designated Extra Length Excess Weight up to

129,000 Pound Map” which is available at the Idaho Transportation Department.

(7-1-19)T

023. Designated Routes for Vehicle Weight. All designated state approved routes for vehicle combinations to operate at weights above one hundred five thousand five hundred (105,500) pounds will be identified on the “Designated Routes Extra Length Excess Weight up to 129,000 Pound Map” which is available at the Idaho Transportation Department. (7-1-19)(7-1-19)T

~~a. **Black Coded Routes.** Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black coded routes). A vehicle combination operating on routes in this category shall be designed and assembled in such a manner that its off-tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seven five (8.75) feet when computed. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off-tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off-tracking, but not in excess of seven (7) feet off-tracking, or for combinations in excess of seven (7) feet off-tracking but not in excess of eight point seven five (8.75) feet off-tracking.~~ (7-1-19)

~~b. **Magenta Coded Routes.** Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (magenta coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty five (165) foot radius when computed.~~ (7-1-19)

~~c. **Brown Coded Routes.** Routes for combinations not exceeding ninety five (95) feet in overall length including load overhang (brown coded routes). A vehicle combination operating on routes designated for up to ninety five (95) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty five (165) foot radius when computed.~~ (7-1-19)

~~d. **Routes for combinations operating on non state maintained highways (orange coded routes).** Local jurisdictions adding, modifying or deleting non state maintained routes for vehicle combinations operating up to one hundred twenty nine thousand (129,000) pounds shall provide the route information to the Department.~~ (7-1-19)

034. Requests for Adding Idaho Transportation Department Maintained Non-Interstate Routes. Routes not currently designated to operate at up to one hundred twenty-nine thousand (129,000) pounds may be added as follows: (7-1-19)

a. Request Form Submission. The request form (ITD form number 4886) will be completed and submitted to the Idaho Transportation Department Office of the Chief Engineer by the requestor. The requestor will forward the form to the adjacent local jurisdictions. (7-1-19)

b. Request Review/Analysis Process. (7-1-19)

i. Once submitted, the request will be reviewed for completeness and the department’s analysis will be completed for engineering and safety criteria. The criteria shall include assessment of pavement and bridges to allow legal tire, axle, and gross weight limits as per Section 49-1001 and 49-1002, Idaho Code, and route off-track requirements which includes road width and curvature. Additional consideration shall be given to traffic volumes and other safety factors. (7-1-19)

ii. Once the analysis is completed, the request will be submitted to the Chief Engineer, who will report to the Idaho Transportation Board Sub-committee. (7-1-19)

iii. The Idaho Transportation Board Sub-committee will make a recommendation (~~proceed to hearing~~ approve, reject, or request additional information) to the Idaho Transportation Board based upon the Department's analysis. (7-1-19)(7-1-19)T

iv. If the Idaho Transportation Board recommends ~~that the request proceed to hearing~~ approval or

denial, it shall instruct the Chief Engineer to ~~schedule a hearing in the district(s) where the requested route is located~~ issue a letter of determination. An adverse person may contest the letter of determination and request a hearing. The hearing will be conducted pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

~~(7-1-19)~~(7-1-19)T

v. The Chief Engineer or designee will conduct the hearing(s) and make a determination after the hearing(s) are held. Following the determination, the Chief Engineer will issue Findings and a Preliminary Order, hereafter referred to as Preliminary Order. (7-1-19)

vi. The Department will notify the requestor of the Chief Engineer's Preliminary Order and post to the Idaho Transportation Department Web site. (7-1-19)

vii. An appeal of the Preliminary Order may be made pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. The appeal shall be made to the Director of the Idaho Transportation Department. (7-1-19)

c. Local Highways Approved for Travel Up to 129,000 Pounds. Local routes will be added or removed on the "Designated Routes Up to 129,000 Pound Map" when information and approval is provided to the Department by the local jurisdiction having authority over the local route. (7-1-19)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.49 – RULES GOVERNING IGNITION INTERLOCK BREATH ALCOHOL DEVICES

DOCKET NO. 39-0349-1901

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 & 49-201, Idaho Code and Sections 18-8008, 18-8010 and 19-3506, 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 July 17, 2019.

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 is a direct result of the passage of **HB78aa,aaS** passed during the 2019 legislative session. This rule change requires the addition of a camera to accompany all ignition interlock devices as well as provides for a diversion program coordinated and run by county prosecuting attorneys. The prosecuting attorney, diversion program administrator or its designee were added as contacts for receiving documentation and notifications.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

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 rule is simple in nature as the proposed changes are a direct result of passed legislation during the 2019 legislative session.

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 Amy Smith, DMV Business Analyst, at (208) 334-8708.

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 Wednesday, July 24, 2019.

Dated this 7th day of June 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Specialist
Idaho Transportation Department
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THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 39-0349-1901
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

01. **Alcohol.** The generic class of organic compounds known as alcohols and, specifically, the chemical compound ethyl alcohol. For the purpose of Ignition Interlock Devices, ~~there is no requirement expressed or implied that the device be specifically for ethyl alcohol~~ all devices will be specific for ethyl alcohol. (12-26-90)()

02. **Breath Alcohol Concentration (BAC).** The weight amount of alcohol contained in a unit volume of breath, measured in grams Ethanol/two hundred ten (210) liters of breath. (12-26-90)

03. **Court (Or Originating Court).** The particular Idaho state court that has required the use of an ignition interlock ~~breath alcohol~~ device by a particular individual. (12-26-90)()

04. **Certification.** The approval process required by the Idaho Transportation Department. (12-26-90)

05. **Department.** The Idaho Transportation Department. (7-1-96)

06. **Device.** An breath alcohol ignition interlock device. (7-1-96)

~~07. **Diversion Program Administer or Designee.** The prosecuting attorney or an individual or business appointed by a prosecuting attorney of any Idaho county, to administer the diversion program established by the prosecuting attorney on their behalf.~~ ()

~~078. **Ignition Interlock Device.** An instrument designed to measure the BAC of an individual and which prevents a motorized vehicle from starting when the BAC exceeds a predetermined and preset level.~~ (7-1-96)

~~089. **Independent Testing Laboratory.** A laboratory facility that is not subject to the control of the manufacturer of the device.~~ (7-1-96)

~~109. **Interlock.** The state in which a motor vehicle is prevented from starting by a device.~~ (12-26-90)

~~101. **Lessee.** The person ordered by a court to drive only vehicles that have certified devices installed.~~ (12-26-90)

~~172. **Manufacturer or Manufacturer's Representative.** The person, company or corporation who produces the device, or a recognized representative who sells, rents, leases, installs, maintains and removes the device.~~ (7-1-96)

011. -- 099. (RESERVED)

100. CERTIFICATION PROCESS.

01. **Equipment Standards.** ~~To be certified, a~~ Δ device must meet or exceed the ~~federal~~ National Highway Traffic Safety Administration's (NHTSA) model specifications for breath alcohol ignition interlock devices (BAIIDs) as published in the Federal Register/Vol. 578, No. ~~67/Tuesday, April 7, 1992~~ 89/Wednesday, May 8, 2013 and are subject to ~~any~~ subsequent standards published by NHTSA. ~~Only a~~ Δ notarized statement and a copy of the Certification Test Report, from an independent testing laboratory performing the tests as specified, will be accepted as proof of meeting or exceeding the standards. The statement shall include the calibration dates and the name and signature of the person in charge of the tests under the following sentence: All tests on two (2) samples of (model names) _____ manufactured by _____ were conducted in accordance with specifications listed in [the above referenced Federal Register]. (7-1-96)()

a. A manufacturer must report to the Department any changes in the design of the device along with a notarized re-certification statement from an independent testing laboratory thirty (30) days prior to implementing device usage in Idaho. (7-1-96)

b. Devices that were certified under less stringent IDAPA rules governing BAIID devices or previous model specifications as published in the Federal Register will be grandfathered for use in the state for a period no longer than one hundred eighty (180) days from the effective date of the most recent published device specifications. (7-1-96)

02. Proof of Insurance. The manufacturer shall annually provide to the ~~Idaho Transportation~~ Department proof of insurance with minimum liability limits of one million dollars (\$1,000,000) per occurrence, with three million dollars (\$3,000,000) aggregate total. The liability covered shall include defects in product design and materials, as well as workmanship during manufacture, calibration, installation and removal. The proof of insurance shall include a statement from the insurance carrier that thirty (30) days' notice shall be given to the Idaho Transportation Department prior to cancellation. (7-1-96)()

03. Hold Harmless. The manufacturer shall provide to the ~~Idaho Transportation~~ Department a notarized statement that the manufacturer will be totally responsible for product liability and will indemnify the following from any liability resulting from the device or its installation or use: (7-1-96)()

a. The state of Idaho; and (7-1-96)

b. The court that ordered the installation of the device. (7-1-96)

c. The county, its employees and designees administering the program. (7-1-96)

04. Manufacturer's Reporting Requirements. The manufacturer shall provide the Department a description of its installation and monitoring procedures, maintenance technician training program, and set of criteria for monitoring and reporting offenders. (7-1-96)

05. Criteria for Certification and/or Revocation. Upon receipt of a notarized statement ~~from a testing laboratory that two (2) samples of a device have successfully passed the test procedures specified in this rule, the required documentation, and the certificate of insurance~~ and required documentation from the Manufacturer or Manufacturer's Representative, the Department shall issue a Letter of Certification for the device. The Letter of Certification shall be valid until voluntarily surrendered by the manufacturer or until revoked by the Department for cause. Reasons for revocation include, but are not limited to: (7-1-96)()

a. Evidence of repeated device failures due to gross defects in design, materials and/or workmanship during manufacture, installation or calibration of the device; (12-26-90)

b. Notice of cancellation of manufacturer's liability insurance is received; or (12-26-90)

c. Notification that the manufacturer is no longer in business. (12-26-90)

d. Voluntary request of the manufacturer to remove a device from the certified list; (7-1-96)

e. Any other reasonable cause to believe the device was inaccurately represented to meet the performance standards; or (7-1-96)

f. Failure to submit required reports to the Department. (7-1-96)

06. Notice of Revocation. Unless necessary for the immediate good and welfare of the public, revocation shall be effective ten (10) days after manufacturer's receipt of notice, which shall be sent via certified mail, return receipt requested. A copy of each Notice of Revocation shall be provided to all originating courts or their designees and lessees utilizing the revoked device with notice to contact the manufacturer for a replacement. (7-1-96)

07. Removal of Revoked Devices. Upon revocation or voluntary surrender of a certified device, a manufacturer shall be responsible for removal of all like devices from lessees' vehicles. (7-1-96)

a. A manufacturer shall be responsible for any costs connected with removal of their revoked devices from lessees' vehicles and the installation of certified replacement devices. (7-1-96)

08. Right to Appeal. Upon voluntary surrender, or revocation of a Letter of Certification for a manufacturer's device, manufacturers may request a review of revocation. Such request shall be submitted to the Department, in writing, within twenty (20) days of revocation. (7-1-96)

09. Repository for Letter of Certification. The ~~Idaho Transportation~~ Department shall maintain a file of all existing Letters of Certification. ~~The Department shall provide the administrative office of the courts and each trial court administrator or designee of the court with a copy of each Letter of Certification.~~ (7-1-96)()

101. TEST SPECIFICATIONS FOR CERTIFICATION.

A device must meet or exceed the federal National Highway Traffic Safety Administration's safety specifications and safety tests for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register/Vol.57, No.67/~~Tuesday, April 7, 1992~~ 89/Wednesday, May 8, 2013 and are subject to any subsequent standards published by NHTSA. (7-1-96)()

01. Ground Elevation Accuracy. The BAIID must maintain accuracy to ground elevations up to two and one half (2.5) km. (7-1-96)

02. High Altitude and Low Temperature Accuracy. The BAIID must maintain accuracy in combined situations of high altitude (two and one half kilometers (2.5 km.)) and low temperature (minus forty degrees Centigrade (-40° C)). (7-1-96)

102. -- 199. (RESERVED)

200. INSTALLATION STANDARDS.

01. Installer. Device must be installed by a manufacturer or its representative. (12-26-90)

02. Unauthorized Persons. Lessees or other unauthorized persons shall not be allowed to watch the installation of the device. (12-26-90)

03. Security. Adequate security measures must be taken to prevent unauthorized persons from accessing secured materials (tamper seals, installation instructions, etc.) (12-26-90)

04. Installation Instructions. Each manufacturer shall develop written instructions for installation of his device(s). (12-26-90)

05. Vehicle Condition Screen. The installer must screen vehicles for acceptable mechanical and electrical condition, in accordance with the device manufacturer's instructions. (12-26-90)

06. Mandatory Vehicle Maintenance. Conditions that would interfere with the function of the device, (e.g. low battery or alternator voltage, stalling frequent enough to require additional breath tests, etc.) must be corrected to an acceptable level. (12-26-90)

07. Installation Standards. Installations must be made in a workmanlike manner, within accordance to accepted trade standards, and according to the instructions provided by the manufacturer. (12-26-90)

08. Device Removal Standards. ~~Whenever~~ a device is removed, the vehicle must be reasonably restored to its original condition. All severed wires must be permanently reconnected and insulated with heat shrink tubing or its equivalent. (12-26-90)()

201. -- 299. (RESERVED)

300. DEVICE MAINTENANCE AND REPORTS.

01. Device Examination Schedule. Each lessee shall have the device examined by a manufacturer or its representative for correct calibration and evidence of tampering every sixty (60) days, or more often as may be ordered by the originating court, or less frequently, as may be ordered by the originating court ~~to a maximum of one hundred and twenty (120) days.~~ (12-26-90)()

02. Report of Examination. A report on the results of each check shall be provided to the trial court administrator or designee of the originating court. The report shall reflect what adjustments, if any, were necessary in the calibration of the device, any evidence of tampering, and any other available information the originating court may order. (7-1-96)

03. Corrective Action Report. Complaints by the lessee shall be accompanied by a statement of the actions taken to correct the problem(s). Reports of the problem(s) and action(s) taken shall be submitted to the originating court or its designee within three (3) business days. (7-1-96)

04. Additional Report. An additional report shall be provided to the *Idaho Transportation* Department on a quarterly basis summarizing all periodic checks ordered by the originating court and all complaints received by the manufacturer from the lessee for each model or type of certified device. These reports shall be categorized by: (7-1-96)()

- a. Customer error of operation. (12-26-90)
- b. Faulty automotive equipment other than the device. (12-26-90)
- c. Apparent misuse or attempts to circumvent the device, causing damage. (12-26-90)
- d. Device failure due to material defect, design defect, workmanship errors in construction, installation or calibration. (12-26-90)

301. DEVICE SECURITY.

01. Tampering Precaution. The manufacturer shall take all reasonable steps necessary to prevent tampering or physical circumvention of the device. ~~These steps shall include special locks, seals and installation procedures that prevent and/or record evidence of tampering and/or circumvention attempts.~~ (12-26-90)()

02. Device Identification. Each device shall be uniquely serial numbered. All reports to the trial court administrator or designee of an originating court concerning a particular device shall include the name and address of the lessee, the originating court's file number, and the unique number of the device. (7-1-96)

03. Warning Label. The manufacturer shall provide a label containing a notice (at least ten (10) point boldface type) on each certified device which is visible to the lessee at all times reading: WARNING: ANY PERSON TAMPERING, CIRCUMVENTING, OR OTHERWISE MISUSING THIS DEVICE MAY BE SUBJECT TO CRIMINAL SANCTIONS. (Section 18-8009, Idaho Code) (12-26-90)()

- ~~a. The label shall be capable of being affixed to the device. (12-26-90)~~
- ~~b. The manufacturer shall provide an area on the outside of the device where the label is most likely to be seen by the operator of the vehicle. (12-26-90)~~
- ~~c. The label must be affixed to the device at all times while installed in the lessee's vehicle. (12-26-90)~~

04. Physical Anti-Tamper Security. (7-1-96)

- a. Use unique, easily identifiable wire, covering or sheathing over all wires used to install the device,

which are not inside a secured enclosure. (12-26-90)

~~b.~~ Use unique, easily identifiable covering, seal, epoxy or resin at all exposed electrical connections for the device. (12-26-90)

~~e.b.~~ Make all connections to the vehicle under the dash or in an inconspicuous area of the vehicle. (12-26-90)

~~#c.~~ Use unique, easily identifiable tamper seal, epoxy or resin at all openings and exposed electrical connections for the device (except breath or exhaust ports). (12-26-90)()

05. Personnel Requirements. Devices must be installed, inspected, tested and maintained by a qualified manufacturer or its representative. (12-26-90)

a. Installers must have the training and skills necessary to install, troubleshoot and check for proper operation of the device, and to screen the vehicle for acceptable condition. (12-26-90)

b. Personnel whose functions and duties include installing, calibrating, and performing tamper inspections and reporting duties, should not have been convicted of a crime substantially related to the convicted lessee's violation. This may include, but is not limited to, persons convicted of: Driving under the influence (DUI) within the last five (5) years; more than one (1) DUI overall; probation violation; and perjury. (7-1-96)

c. For the purposes of this section, "convicted" shall include entering a plea of guilty, nolo contendere, or to have been found guilty or been given a withheld judgment. (12-26-90)

302. -- 399. (RESERVED)

400. MANDATORY OPERATIONAL FEATURES.

Notwithstanding other provisions of this rule, a certified device must comply with the following: (12-26-90)

01. Device Setpoint. The ~~actual~~ setpoint of each device to interlock when the breath sample is provided ~~shall be determined by the originating court~~ .025 or greater (Section 18-8008(2), Idaho Code). The capability to change this setting shall be made secure, by the manufacturer, to prevent unauthorized adjustment of the device. (7-1-96)()

401. OTHER PROVISIONS.

Notwithstanding other provisions of this rule, each manufacturer of a certified device: (12-26-90)

01. Repair Deadline. Shall guarantee repair or replacement of a defective device within the state of Idaho within a maximum of forty-eight (48) hours of receipt of complaint. (12-26-90)

02. Statement of Charges. Shall provide the originating court, diversion program administrator or its designee and the lessee a statement of charges clearly specifying warranty details, purchased cost, and/or monthly lease amount, any additional charges anticipated for routine calibration and service checks, what items (if any) are provided without charge, and under what conditions a lessee is responsible for payment for service calls and/or damage to the device. (7-1-96)()

03. Notice of Installation. Upon installation of each device, the manufacturer or its representative will provide the trial court administrator, diversion program administrator or designee of the originating court with a notice of installation that includes the name, address and telephone number of the lessee, the originating court's file number, and the unique number of the device. (7-1-96)()

04. Notice of Charges. Shall provide written notice to the ~~Idaho Transportation~~ Department and each trial court administrator or diversion program administrator or designee of the court a statement of charges for each device model. (7-1-96)()

05. Nationwide Service Locations. Shall provide to all lessees at the time of installation: (12-26-90)

a. A list of all calibration/service locations in the continental United States. The list shall include the business name, address and telephone number of all such locations. (12-26-90)

b. A twenty-four (24) hour telephone number to call for service support for those who may be traveling outside service areas. (12-26-90)

06. Statewide Service Locations. Shall provide to all lessees at the time of installation: (7-1-96)

a. A list of all calibration/service locations in the state of Idaho. The list shall include the business name, address and telephone number of all such locations. (7-1-96)

b. Shall notify the ~~Idaho Transportation~~ Department of the location, including address, phone number and contact person, of each installation station in Idaho. ~~(7-1-96)~~()

07. Attempts to Disobey Court Order. Shall report to the originating court, diversion program administrator or its designee any requests to disconnect or circumvent, without court order, any device of their own or another manufacturer. ~~(7-1-96)~~()

08. Removal of Device. Shall advise the originating court, diversion program administrator or its designee prior to removing the device under circumstances other than: ~~(7-1-96)~~()

a. Completion of sentence or other terms of a court order. (12-26-90)

b. Immediate device repair needs. (12-26-90)

09. Substitute Device. Whenever a device is removed for repair and cannot immediately be reinstalled, a substitute device shall be utilized. Under no circumstances shall a lessee's vehicle be permitted to be driven without a required device. (12-26-90)

402. REMOVAL PROCEDURES.

When so notified in writing by the originating court, the manufacturer shall remove the device and return the vehicle to normal operating condition. A final report, which includes a summary of all fees paid by the lessee over the life of the contract, shall be forwarded to the originating court, diversion program administrator or its designee and the ~~Idaho Transportation~~ Department. ~~(7-1-96)~~()

403. -- 499. (RESERVED)

500. PRIMARY RESPONSIBILITIES OF AGENCIES/OFFICES MONITORING THIS RULE.

Listed below are some of the primary responsibilities of the indicated offices/agencies, as outlined in this rule. (12-26-90)

01. Testing Lab. (12-26-90)

a. Test devices for minimum standards. (12-26-90)

b. Submit notarized statement and copy of the Certification Test Report to manufacturer. (7-1-96)

c. Keep log of test results. (12-26-90)

02. Manufacturer. (12-26-90)

a. Submit device to lab for testing. (12-26-90)

b. Install, maintain and remove device as required by court. (12-26-90)

c. Set interlock level as established by ~~court~~ code. ~~(12-26-90)~~()

- d. Submit quarterly (or more frequent) maintenance reports to originating court or its designee. (7-1-96)
- e. Submit quarterly reports to ~~Idaho Transportation~~ the Department summarizing periodic device examinations and all complaints received. (7-1-96)()
- f. Provide court, diversion program administrator or its designee, or lessee and ~~Idaho Transportation~~ Department with statement of charges and/or any additional fees. (12-26-90)()
- g. Provide lessee with service and repair information. (12-26-90)
- h. Provide the Idaho Transportation Department with proof of insurance annually. (7-1-96)()
- i. Report any attempt to disconnect any device to originating court, diversion program administrator or its designee. (7-1-96)()
- j. Advise court, ~~or~~ diversion program administrator or its designee before removing any device unless authorized or in need of immediate repair. (7-1-96)()
- 03. Idaho Transportation Department.** (12-26-90)
 - a. Maintain a list of known calibration/service locations in the state. (7-1-96)
 - b. Issue Letter of Certification for each device model to manufacturer ~~(copy to courts or their designees).~~ (7-1-96)()
 - c. When necessary, revoke Letter of Certification ~~(copy to courts or their designees).~~ (7-1-96)()
 - d. Maintain file of all letters. (12-26-90)
 - e. Maintain file of statement of charges (by device model). (12-26-90)
 - f. Maintain proof of insurance. (12-26-90)
- 04. Court.** (12-26-90)
 - a. The judge or prosecuting attorney as the diversion program administrator or their designee will order device installation ~~(including interlock setting)~~, maintenance and removal. (12-26-90)()
 - b. The trial court administrator, diversion program administrator or their designee of the originating court will receive maintenance reports on each device installed pursuant to order. (7-1-96)()
 - c. The trial court administrator, diversion program administrator or their designee of the originating court will receive statement of charges. (7-1-96)()
 - d. The trial court administrator, diversion program administrator or their designee of the originating court will receive manufacturer's reports of attempts to disconnect any device. (7-1-96)()
 - e. The trial court administrator or diversion program administrator or their designee will receive reports and a declaration from the lessee's ignition interlock vendor, on a form provided or approved by the diversion program administrator or their designee, certifying that none of the following incidents occurred while the system was installed in the lessee's vehicle(s): ()
 - i. Attempt to start vehicle with a BAC of 0.04 or more; ()
 - ii. Failure of the lessee to take any random test; or ()

- iii. Failure of the lessee to pass any random retest with a BAC of 0.025 or lower. ()
- iv. Failure of the lessee to appear when required at vendor's place of business for maintenance, repair, calibration, monitoring, inspection or replacement of the system. ()
- 05. Lessee.** (12-26-90)
 - a. Have device installed and maintained as ordered by court. (7-1-96)
 - b. Receive statement of charges and remit fees as scheduled. (7-1-96)
 - c. Receive and comply with guidelines regarding repairing and maintaining the vehicle in good working order. (7-1-96)
- 501. -- 999. (RESERVED)**