



DATE: 03/13/2020

POE/MC 17-20 FYI

TO: All POE Personnel

Key Number(s)

FROM: Reymundo Rodriguez
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Program ID, County, Etc.

RE: I.C. 49 - 2203 Guidance

There has been confusion statewide on who is required to have an Idaho Hazardous Materials Endorsement as stated in [I.C. 49-2203](#) . The enforcement of I.C. 49-2203 has been inconsistent which causes confusion to compliance personnel and the industry. Working with Idaho State Police Commercial Vehicle Safety, the below guidance has been agreed upon to achieve uniformity and proper enforcement to those required by law to secure the Idaho Hazmat Endorsement. With that in mind, we recommend I.C. 49-2203 be enforced as written in law with the following clarification.

There are examples when transportation of hazardous materials included in 49 CFR Part 171 are exempt from Subchapter C or the Hazardous Materials Regulations. Some examples of this include materials of trade, batteries, combustible engines, and non-bulk combustible liquids. Therefore, in an attempt to enforce I.C. 49-2203 uniformly, and foster consistent enforcement, we recommend the following guidance:

I.C. 49-2203 shall be enforced as written in Idaho State Code and **recommend the inspector enforce I.C. 49-2203 to the same standard as [CFR 172.200](#) or the applicability of shipping papers.** This guidance aids the inspector when determining who does and does not need the endorsement referred to in I.C. 49-2203. Both ISP and Compliance believe this guidance aligns with the spirit of I.C. 49-2203 and will foster consistent enforcement.

Thank you for your cooperation.