

IDAHO TRANSPORTATION DEPARTMENT

DMV RULEMAKING

In Re:)
IDAPA 39.02.04)
IDAPA 39.02.05) Docket No.
IDAPA 39.02.41) 39-ZBRR-2101
IDAPA 39.02.60)
_____)

MODERATOR: RAMON HOBDEY-SANCHEZ

3311 WEST STATE STREET, BOISE, IDAHO

JUNE 21, 2021

3:00 P.M. - 7:00 P.M.

TRANSCRIBED BY:

JEFF LAMAR, C.S.R. No. 640, Notary Public

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1 (Beginning of audio file.)
 2 THE MODERATOR: ...affairs at the Idaho
 3 Transportation Department.
 4 The Department wants to welcome everyone,
 5 all of you, really, to this afternoon's negotiated
 6 rulemaking meeting which will cover four different DMV
 7 rules. I'll be the facilitator for this afternoon's
 8 session.
 9 But I'm accompanied by several colleagues,
 10 Stephanie Wright to my right, your left. We also have
 11 several subject matter experts representing the DMV
 12 which will walk through a few of these chapters.
 13 Mr. Doug Kolar, Barry Takeuchi, and Brendan Floyd.
 14 Thanks for everyone in advance for your
 15 patience. We do have potentially people that will be
 16 joining virtually via WebEx and/or the phone lines, so
 17 we look forward to hearing from everyone.
 18 For those that have not been to the
 19 website, we encourage you to do so. And that's what
 20 you are seeing right now on the screen. It's the
 21 Department's administrative rulemaking web page. It's
 22 easy to find, itd.idaho.gov.
 23 If you go to our homepage -- I'll just go
 24 back real quick just so you can see a couple different
 25 options on how to navigate to it. But it is just one

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1 click away.
 2 So here's ITD's homepage. Down here in the
 3 bottom right, "Inside ITD," if you click "More Topics,"
 4 second one down, "2021/2022 rulemaking." And so that
 5 will be the location where drafts are stored, notices,
 6 meeting information, contact information is all located
 7 on this one page.
 8 As it relates to this afternoon's meeting,
 9 if you scroll down and check out "DMV Fee Rules,"
 10 there's a little drop-down accordion. And this
 11 identifies the rules which will be presented and
 12 discussed today. As you can see, we've got four
 13 chapters:
 14 39.02.04: Rules Governing Manufacturer and
 15 New Dealer Hearing Fees.
 16 39.02.05: Rules Governing Issuance of
 17 Certificate of Title.
 18 39.02.41: Rules Governing Special
 19 Provisions Applicable to Fees for Services.
 20 And 39.02.60: Rules Governing License
 21 Plate Provisions.
 22 So the most important thing to note as you
 23 review the proposed changes is that no fees are being
 24 modified, decreased, increased. So again, no impacts
 25 directly to any fees within these rules.

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1 However, the proposed changes that you do
 2 see are in direct support with Governor Little's Red
 3 Tape Reduction Initiative. And what we're really
 4 trying to strive for is streamlining the Department's
 5 administrative rules.
 6 For those not familiar with the
 7 administrative rulemaking process here in the state of
 8 Idaho, this is considered the informal stage.
 9 Department staff will use this meeting as an
 10 opportunity to get as much feedback from stakeholders
 11 as possible.
 12 Comments can be submitted in a variety of
 13 ways all the way through June 30th. The goal will be
 14 for staff to present drafts of these fee rules, with
 15 potential stakeholder input included, to the Idaho
 16 Transportation Board during their July monthly meeting.
 17 The next phase would then be the formal
 18 rulemaking stage, also known as proposed rulemaking.
 19 At this time there would be an additional opportunity
 20 for comments and suggestions based on the draft
 21 versions approved and reviewed by the Idaho
 22 Transportation Board.
 23 As we work through late summer/early fall,
 24 the rule drafts take a more final form, as pending
 25 rules need to be published in the Idaho Administrative

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1 Bulletin and approved by the Idaho Transportation Board
 2 in advance of 2022.
 3 I'd be happy to stand for any questions at
 4 this time. But if not, I will open up to each subject
 5 matter expert to walk through the changes in the
 6 particular chapters being modified.
 7 And so with that, we'll go ahead and start
 8 with 39.02.04, Mr. Brendan Floyd.
 9 BRENDAN FLOYD: Thanks, Ramon.
 10 My name's Brendan Floyd. I am a DMV policy
 11 specialist. And first up here is Rule 39.02.04.
 12 As for a general summary, this rule
 13 clarifies the collection of filing fees for hearings
 14 conducted by the Department for settling disputes
 15 between manufacturers and new vehicle dealers. It
 16 allows the Department to collect a \$2,000 filing fee,
 17 which is applied toward the administrative costs
 18 associated with the hearing.
 19 These are summarized as verifiable costs in
 20 this draft, but they include costs for a hearing
 21 officer, which is appointed by the Director, Department
 22 legal expenses, Department investigative expenses
 23 pertaining to the dispute, a court recorder, and any
 24 transcript of -- or witness fees.
 25 If total costs are less than the filing

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1 fee, again, that \$2,000, the remainder is refunded. If
 2 it is more, then the remainder is billed to the
 3 responsible party after the decision is rendered.
 4 As you can see, there are no substantive
 5 changes proposed for this rule. The Department is
 6 hoping to just simplify some language and remove
 7 unnecessary verbiage.
 8 With that, I'd be happy to answer any
 9 questions.
 10 THE MODERATOR: Thank you very much, Mr. Floyd.
 11 It doesn't look like we have anything at this time.
 12 So we'll go ahead and move on to the next
 13 chapter that we have up for review and comment. IDAPA
 14 39.02.05.
 15 Mr. Takeuchi.
 16 BARRY TAKEUCHI: Thank you, Ramon.
 17 I'm Barry Takeuchi with DMV policy. And I
 18 specialize with the titles program.
 19 And IDAPA 39.02.05 is what we refer to as
 20 the consolidated titles rule. This is a result of an
 21 effort a couple years ago where we consolidated what
 22 were previously eight independent title rules into one
 23 consolidated rule to make everything related to titles
 24 available in one place.
 25 And today we're looking at tweaking this

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1 rule in several areas to align with corresponding
 2 federal regulations, to incorporate recommendations
 3 made by our American Association of Motor Vehicle
 4 Administrators, and to reflect current practices.
 5 Changes primarily affect four different
 6 areas: definitions, odometers, salvage vehicles, and
 7 imported vehicles.
 8 And in the definition section we're again
 9 tweaking our "Brand" definition to more accurately
 10 represent the true essence of a brand. And that's the
 11 designation on a title or other ownership document that
 12 reflects something about the vehicle that may affect
 13 its value or safety.
 14 We also added a definition for electronic
 15 titles to prepare us for the future when we do plan to
 16 get into electronic titling and electronic title
 17 transfers. We tweaked the "Gray Market Vehicle"
 18 definition to incorporate recommendations made by our
 19 American Association of Motor Vehicle Administrators.
 20 And we also modified our "Transferor" and
 21 "Transferee" definitions to align with definitions in
 22 our Federal Odometer Rule.
 23 Then as we scroll on down to Section 201,
 24 that's our odometer section. And previously we had
 25 taking -- taken provisions from the Federal Odometer

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1 Rule and pretty much cloned them word for word into our
 2 Administrative Rule.
 3 Well, that Federal Rule changed here
 4 recently. It changed, for example, the exemptions to
 5 the rule. And rather than -- we decided rather than
 6 change -- just change the exemptions in our
 7 Administrative Rule, why don't we just reference the
 8 Federal Rule and make some general ties to the Federal
 9 Rule that were going to comply with that Federal Rule,
 10 thereby if the Federal Rule changes in the future, we
 11 don't have to change our Administrative Rule. So we've
 12 done that and eliminated a lot of previous language
 13 within that rule.
 14 Then if we move on down to Section 303,
 15 which is our salvage vehicle section, we updated the
 16 language there to more accurately reflect how
 17 information retrieved from the National Motor Vehicle
 18 Title Information System, we refer to as NMVTIS, in
 19 order to enable us to more accurately deal with that
 20 information is retrieved from that system.
 21 Every -- with our new vehicle system we
 22 call GEM [phonetic], every time a title transaction's
 23 processed, we make an inquiry into NMVTIS, which is a
 24 central database that houses title information and
 25 brand information reported by nearly every state in the

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1 U.S. And therefore, we've got that information to
 2 verify. We've got the current valid title. And that
 3 if there's any brands previously reported by any state,
 4 that we're able to capture that brand, so none of those
 5 get washed, thereby endangering individuals not aware
 6 of safety concerns, or also vulnerable to devaluation
 7 due to brands. They're not subject to that as well.
 8 Well, we're updating the rule here, just
 9 tweaking the language a little bit to more accurately
 10 reflect information that's retrieved from NMVTIS, which
 11 also includes information reported from insurance
 12 companies, salvage yards, junkyards, and auto
 13 recyclers. So we've made that change as well.
 14 Then if we scroll on down to Section 401,
 15 that's our "Gray Market Vehicle" section. And we're
 16 updating that section to more accurately reflect the
 17 federal requirements for imported vehicles, including
 18 gray market vehicles and Canadian vehicles to
 19 incorporate recommendations from AAMVA.
 20 And by doing so, will be better able to,
 21 again, protect the safety of traveling Idahoans, and
 22 we'll be able to do our part in achieving uniformity in
 23 how these imported vehicles are treated nationally.
 24 So those -- that's pretty much a summary of
 25 the significant changes to the rule. And we're also

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1 updating language throughout to eliminate restrictive
2 wording in alignment with the Governor's Red Tape
3 Reduction Act.
4 So with that, I'd be -- that pretty much
5 concludes what we're doing with that rule.
6 THE MODERATOR: Awesome. Really appreciate
7 that, Barry, and for walking us through that.
8 So the next chapter we'd like to discuss,
9 Mr. Brendan Floyd, we've got 39.02.41.
10 BRENDAN FLOYD: Thanks, Ramon.
11 So next up, as Ramon said is 39.02.41.
12 This rule covers fees and provisions for bulk data
13 requests through the Department. In addition to
14 eliminating redundancies and unnecessary language, the
15 revisions to this rule seek an equitable application of
16 fee requirements for Department data.
17 Additionally, an inappropriate use section
18 has been added in an effort to deter any unauthorized
19 use of data, which serves to protect the privacy and
20 personal information of Idaho citizens.
21 With that, I'd be happy to answer any
22 questions.
23 THE MODERATOR: Great. Appreciate that,
24 Mr. Floyd.
25 And for the fourth chapter that we'll be

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1 discussing today, 39.02.60, Mr. Kolar.
2 DOUG KOLAR: Thank you, Ramon.
3 My name is Doug Kolar. I'm a DMV program
4 specialist. My area of expertise is the registrations
5 Department.
6 In talking about 39.02.60, most of the
7 changes that we made were just cleaning up language to
8 provide better clarification and removing unnecessary
9 language that was already being stated in existing
10 Idaho codes.
11 So I'll walk you through the sections
12 affected. If we go to Section 100, we are going to be
13 removing subsections 2, 3, and 4. And they refer to
14 the plate suffix designator of "T" for weighted
15 registrations, all commonly referred to as farm trucks,
16 but they apply to any noncommercial vehicle that is
17 over 8,000 pounds registered weight, "R" for camp
18 trailers, and "M" for motor homes.
19 Removing these designators will allow for
20 Idaho residents to transfer plates issued to trucks,
21 camp trailers, and motor homes to other vehicles
22 without requiring them to purchase a new set of plates
23 every time unless it's required by another statute.
24 By issuing standard county plates to these
25 vehicle types, it also brings them into alignment with

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1 all the special license plate programs that we
2 currently issue to these vehicles that do not have
3 these plate designators assigned to them.
4 And if we go down to Sections 150, 151,
5 152, and 153, this information's related to dealer and
6 manufacturer license plates. And this was just
7 unnecessary language being omitted, and the dealers and
8 manufacturers combined into one section for ease of
9 viewing their requirements.
10 Then we can go down to Sections 155 and
11 then 200, 201, and 202. All these relate to special
12 license plate programs. And again, redundant code
13 wording was removed in each of those sections.
14 If you look at Section 200 and we look at
15 subsection 4 was being added as we had a new -- House
16 Bill 165 created a new license plate program called
17 "Custom Vehicle License Plate," and the fees for that
18 were not clearly spelled out in that bill, so we added
19 this section to clarify the fees -- program fees for
20 that license plate.
21 Then we go down to Section 408. And this
22 is referencing exempt license plates. And this was
23 amended so the personalization and program fees will be
24 charged anytime the plates are replaced, as exempt
25 plates are considered permanent and non-expiring and

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1 are only replaced when requested by the exempt agency.
2 And that is the changes for this section.
3 I'd be happy to stand for any questions.
4 THE MODERATOR: Great. Thank you very much,
5 Mr. Kolar. Appreciate it.
6 Well, we don't have anyone here in the
7 auditorium or online, so we'll go ahead and take a
8 little break here and stand by for anyone that joins us
9 either here in person or online.
10 Thank you.
11 (Recess.)
12 THE MODERATOR: All right. It is just right
13 after 7:00 p.m. on Monday, June 21st, closing down the
14 negotiated rulemaking meeting here at ITD headquarters
15 in Boise.
16 We had four feed dockets up with DMV
17 representation here, 39.02.04, rules governing
18 manufacturer and dealer hearing licenses or fees;
19 39.02.05, rules governing issuance of certificates of
20 title; 39.02.41, rules governing special provisions
21 applicable to fees for services; 39.02.60, rules
22 governing license plate provisions.
23 We were here from 3:00 to 7:00 Mountain
24 time. Had no comments or no call-in users on virtual
25 or the telephones. And we will move the rules as

1 written forward for review by the Idaho Transportation
2 Board.

3 Meeting adjourned.
4 (End of audio file.)

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1 REPORTER'S CERTIFICATE

2
3 I, JEFF LaMAR, CSR No. 640, Certified Shorthand
4 Reporter, certify:

5 That the audio recording of the proceedings were
6 transcribed by me or under my direction.

7 That the foregoing is a true and correct
8 transcription of all testimony given, to the best of my
9 ability.

10 I further certify that I am not a relative or
11 employee of any attorney or party, nor am I financially
12 interested in the action.

13 IN WITNESS WHEREOF, I set my hand and seal this
14 6th day of July, 2021.

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21 JEFF LaMAR, CSR NO. 640
22 Notary Public
23 Post Office Box 2636
24 Boise, Idaho 83701-2636
25 My commission expires December 30, 2023

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