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 )
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MODERATOR: RAMON HOBDAY-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
THE MODERATOR: ...affairs at the Idaho Transportation Department.

The Department wants to welcome everyone, all of you, really, to this afternoon’s negotiated rulemaking meeting which will cover four different DMV rules. I’ll be the facilitator for this afternoon’s session.

But I’m accompanied by several colleagues, Stephanie Wright to my right, your left. We also have several subject matter experts representing the DMV which will walk through a few of these chapters. Mr. Doug Kolar, Barry Takeuchi, and Brendan Floyd.

Thanks for everyone in advance for your patience. We do have potentially people that will be joining virtually via WebEx and/or the phone lines, so we look forward to hearing from everyone.

For those that have not been to the website, we encourage you to do so. And that’s what you are seeing right now on the screen. It’s the Department’s administrative rulemaking web page. It’s easy to find, itd.idaho.gov.

If you go to our homepage -- I’ll just go back real quick just so you can see a couple different options on how to navigate to it. But it is just one click away.

So here’s ITD’s homepage. Down here in the bottom right, "Inside ITD," if you click "More Topics," second one down, "2021/2022 rulemaking." And so that will be the location where drafts are stored, notices, meeting information, contact information is all located on this one page.

As it relates to this afternoon’s meeting, if you scroll down and check out "DMV Fee Rules," there’s a little drop-down accordion. And this identifies the rules which will be presented and discussed today. As you can see, we’ve got four chapters:

- 39.02.04: Rules Governing Manufacturer and New Dealer Hearing Fees.
- 39.02.05: Rules Governing Issuance of Certificate of Title.

So the most important thing to note as you review the proposed changes is that no fees are being modified, decreased, increased. So again, no impacts directly to any fees within these rules.

However, the proposed changes that you do see are in direct support with Governor Little’s Red Tape Reduction Initiative. And what we’re really trying to strive for is streamlining the Department’s administrative rules.

For those not familiar with the administrative rulemaking process here in the state of Idaho, this is considered the informal stage.

Department staff will use this meeting as an opportunity to get as much feedback from stakeholders as possible.

Comments can be submitted in a variety of ways all the way through June 30th. The goal will be for staff to present drafts of these fee rules, with potential stakeholder input included, to the Idaho Transportation Board during their July monthly meeting.

The next phase would then be the formal rulemaking stage, also known as proposed rulemaking.

At this time there would be an additional opportunity for comments and suggestions based on the draft versions approved and reviewed by the Idaho Transportation Board.

As we work through late summer/early fall, the rule drafts take a more final form, as pending rules need to be published in the Idaho Administrative Bulletin and approved by the Idaho Transportation Board in advance of 2022.

I’d be happy to stand for any questions at this time. But if not, I will open up to each subject matter expert to walk through the changes in the particular chapters being modified.

And so with that, we’ll go ahead and start with 39.02.04, Mr. Brendan Floyd.

BRENDAN FLOYD: Thanks, Ramon.

My name's Brendan Floyd. I am a DMV policy specialist. And first up here is Rule 39.02.04. As for a general summary, this rule clarifies the collection of filing fees for hearings conducted by the Department for settling disputes between manufacturers and new vehicle dealers. It allows the Department to collect a $2,000 filing fee, which is applied toward the administrative costs associated with the hearing. These are summarized as verifiable costs in this draft, but they include costs for a hearing officer, which is appointed by the Director, Department legal expenses, Department investigative expenses pertaining to the dispute, a court recorder, and any transcript of -- or witness fees.

If total costs are less than the filing
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
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

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.

The Moderator: Thank you very much, Mr. Floyd.
It doesn't look like we have anything at this time.
So we'll go ahead and move on to the next
chapter that we have up for review and comment. IDAPA
39.02.05.
Mr. Takeuchi.

BARRY TAKEUCHI: Thank you, Ramon.
I'm Barry Takeuchi with DMV policy. And I
specialize with the titles program.
And IDAPA 39.02.05 is what we refer to as
the consolidated titles rule. This is a result of an
effort a couple years ago where we consolidated what
were previously eight independent title rules into one
consolidated rule to make everything related to titles
available in one place.
And today we're looking at tweaking this

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

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
vehicle types, it also brings them into alignment with
By issuing standard county plates to these
camp trailers, and motor homes to other vehicles
Removing these designators will allow for
over 8,000 pounds registered weight, "R" for camp
trailers, and "M" for motor homes.
So the next chapter we'd like to discuss,
Mr. Brendan Floyd, we've got 39.02.41.
My area of expertise is the registrations
My name is Doug Kolar. I'm a DMV program
specialist. My area of expertise is the registrations
Department.
In talking about 39.02.60, most of the
changes that we made were just cleaning up language to
provide better clarification and removing unnecessary
language that was already being stated in existing
Idaho codes.
So I'll walk you through the sections
affected. If we go to Section 100, we are going to be
removing subsections 2, 3, and 4. And they refer to
the plate suffix designator of "T" for weighted
registrations, all commonly referred to as farm trucks,
but they apply to any noncommercial vehicle that is
over 8,000 pounds registered weight, "R" for camp
trailers, and "M" for motor homes.

So that, Barry, and for walking us through that.
The next chapter we'll be discussing today, 39.02.60, Mr. Kolar.
DOUG KOLAR: Thank you, Ramon.
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registrations, all commonly referred to as farm trucks,
based on their weight.

THE MODERATOR: Awesome. Really appreciate
that, Barry, and for walking us through that.

Mr. Kolar. Appreciate it.

THE MODERATOR: Great. Thank you very much,
Mr. Kolar.

And for the fourth chapter that we'll be

discussing today, 39.02.60, Mr. Kolar.

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over 8,000 pounds registered weight, "R" for camp
trailers, and "M" for motor homes.

Removing these designators will allow for
Idaho residents to transfer plates issued to trucks,
camp trailers, and motor homes to other vehicles
without requiring them to purchase a new set of plates
every time unless it's required by another statute.

By issuing standard county plates to these
vehicle types, it also brings them into alignment with

all the special license plate programs that we
currently issue to these vehicles that do not have
these plate designators assigned to them.

And if we go down to Sections 150, 151,
152, and 153, this information's related to dealer and
manufacturer license plates. And this was just
unnecessary language being omitted, and the dealers and
manufacturers combined into one section for ease of
viewing their requirements.

Then we can go down to Sections 155 and
then 200, 201, and 202. All these relate to special
license plate programs. And again, redundant code
wording was removed in each of those sections.

If you look at Section 200 and we look at
subsection 4 was being added as we had a new -- House
Bill 165 created a new license plate program called
"Custom Vehicle License Plate," and the fees for that
were not clearly spelled out in that bill, so we added
this section to clarify the fees -- program fees for
that license plate.

Then we go down to Section 408. And this
is referencing exempt license plates. And this was
amended so the personalization and program fees will be
charged anytime the plates are replaced, as exempt
plates are considered permanent and non-expiring and
are only replaced when requested by the exempt agency.
And that is the changes for this section.
I'd be happy to stand for any questions.

THE MODERATOR: Great. Thank you very much,
Mr. Kolar.

THE MODERATOR: All righty. It is just right
after 7:00 p.m. on Monday, June 21st, closing down the
negotiated rulemaking meeting here at ITD headquarters
in Boise.

We had four feed dockets up with DMV
representation here, 39.02.04, rules governing
manufacturer and dealer hearing licenses or fees;
39.02.05, rules governing issuance of certificates of
title; 39.02.41, rules governing special provisions
applicable to fees for services; 39.02.60, rules
governing license plate provisions.
We were here from 3:00 to 7:00 Mountain
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Meeting adjourned.
(End of audio file.)

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REPORTER'S CERTIFICATE

I, JEFF LaMAR, CSR No. 640, Certified Shorthand Reporter, certify:
That the audio recording of the proceedings were transcribed by me or under my direction.
That the foregoing is a true and correct transcription of all testimony given, to the best of my ability.
I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action.
IN WITNESS WHEREOF, I set my hand and seal this 6th day of July, 2021.

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