

Negotiated Rulemaking Meeting Minutes – May 21, 2025 - 1:00-3:00 p.m. (MST)

11331 W. Chinden Boulevard, Building 8 | Boise, ID 83714
Broadway Conference Room (Remote Through Microsoft Teams)

Rules Under Review -

Rule	Description	Reason for Review
39.02.60	Rules Governing License Plate Provisions	Standalone Review
39.03.49	Rules Governing Ignition Interlock Devices	ZBR Scheduled Review

Attendees:

Brendan Floyd – Idaho Transportation Department (ITD) Administrative Rules Coordinator
Michael White – Idaho Transportation Department (ITD) DMV Driver Services Manager
Michelle Pond -Idaho Transportation Department (ITD) DMV Driver Records Supervisor
Chrystal Allen – Idaho Transportation Department (ITD) DMV Policy Specialist
Austen GuJo – Idaho Transportation Department (ITD) DMV Policy Specialist
Margaret Major – Idaho Division of Financial Management (DFM) Administrative Rules Analyst (Remote)
Cody Phelps – Representing Ada County Highway District (ACHD) Governmental Affairs (Remote)
Brian Stender – Canyon County Assessor (Remote)
Hollie Ann Strang – Gem County Assessor (Remote)
David Sutherland – Latah County Assessor (Remote)

Summary:

At 1:03 p.m. - The meeting began with Idaho Transportation Department (ITD) employee and attendee introductions.

From 1:04 p.m. to 1:06 p.m. - Brendan Floyd described the rule edits, explaining that one rule is being reviewed under the governor’s Zero-Based Regulation (ZBR) effort and the other is a standalone review. The ZBR rule covers ignition interlock devices, and the standalone rule covers license plate provisions.

Floyd stated that the ZBR executive order requires agencies to review a set of department rules over a five-year period with an eye toward removing unnecessary restrictions and language, along with editing for general overall clarity and succinctness. He stated that the proposed edits and deletions in the ZBR and standalone rule reflect this reduction approach and are not substantive in nature.

Floyd informed the group that ITD would be available until about three o’clock and that they were open to discuss either rule up for review as questions arise or new attendees sign on. Floyd asked if there were any questions before they went into the rule edits. There were no questions.

Floyd introduced Austen GuJo, DMV Policy Specialist, to present the changes on the non-ZBR rule covering license plate provisions, rule 39.02.60.

From 1:06 p.m. to 1:09 p.m. – GuJo explained that the focus of the revisions to 39.02.60 was to eliminate redundant language already present in statute and to clarify provisions related to license plates. Key changes include:

Definitions Cleanup: Sections 010.02, 010.03, and 010.05 were removed as they were unused elsewhere in the rule. Notably, definitions for exempt license plates (010.02 and 010.03) were deemed obsolete due to clarifications made later in the rule.

Simplification of ITD Authority: Section 011.01 was streamlined to succinctly describe ITD’s authorized functions related to license plate numbering schemes.

Terminology Update: In Sections 012.01 and 012.02, the term “Proof of Registration” was replaced with the more commonly recognized “Plate on Order” document.

Generalization of Vehicle Types: Section 100.01 was revised to encompass all relevant vehicle types without mentioning each type specifically.

Dealer and Manufacturer Plates: Section 150.01 was significantly trimmed down to remove unnecessary specifics regarding the license plate numbering system.

Enhanced Readability: Minor edits were made to Sections 153.02 and 153.04 to improve clarity and comprehension.

Removal of Redundant Provisions: Sections 155.02 and 155.04 were eliminated as they duplicated existing statutory language.

Clarification on Special Plate Program Cancellation: Section 155.06 now clearly outlines the mechanism for determining when a special plate program may be subject to cancellation.

Exempt License Plate Fees: Significant clarifications were made regarding exempt license plates. Sections 400.01 and 400.02 were added to clarify when exempt agencies are required to pay personalization fees. Additionally, Section 404.03 was introduced to specify when exempt agencies are required to pay fees for special programs and/or personalized plates if they choose to opt into such options.

GuJo asked if there were any questions or comments on the rule. There were none. Floyd stated he would provide a link to where the rule drafts are on ITD’s website

From 1:09 p.m. to 1:13 p.m. – Floyd introduced Chrystal Allen, DMV Policy Specialist, to present the changes on the ZBR rule covering ignition interlock devices, rule 39.03.49. Floyd noted that the draft posted today on this rule was not entirely accurate, stating a couple of things got lost in translation between drafts. He stated that Chrystal would clarify the points that differ from the draft.

Allen stated that this rule revision pertains to 39.03.49, dealing with ignition interlock devices. Allen explained that first change is to the Title and Scope section, which is largely a stylistic change. There are several changes in the Definitions section to reflect more scientifically accurate language and remove an unnecessary definition, and there are several other minor changes throughout to remove prohibitive language. Allen stated that ITD was going to remove references to ethanol or ethyl alcohol specifically, so that actually would be an edit versus a complete removal of the definition. She clarified that the

other thing that was not captured in this (draft) is the definition for breath alcohol concentration; the correct acronym for that is Capital B, lowercase “r,” AC. Allen asked if there were any questions or comments on the rule.

Floyd stated he would copy and paste in the chat the correct edits that were not captured in the presented draft. He explained the department changed the “*shalls*” to “*wills*” in the draft to be stylistically consistent with other rules they have modified.

Floyd asked if there were any question on this rule or the other rule. There were none.

At 1:26 p.m. – Brian Stender, Canyon County Assessor, and Hollie Ann Strang, Gem County Assessor, joined the meeting and introduced themselves.

From 1:26 p.m. to 1:30 p.m. – Floyd asked if they were here to discuss the license plate rule. They confirmed they were. Floyd stated they had gone through a presentation earlier and asked if they had seen the draft. Stender and Strang confirmed that they had seen the draft. Floyd asked if they had any questions. Stender stated he had questions and asked if Austen could go through his summary again. GuJo summarized his original presentation shown in in the above timeframe (**1:06 p.m. to 1:09 p.m.**).

At 1:30 p.m. – Floyd noted that David Sutherland joined the meeting. Sutherland introduced himself as the Latah County Assessor. Floyd asked if he had a chance to review the draft and if he had any questions. Sutherland confirmed that he had reviewed the draft and did not have any questions.

From 1:31 p.m. to 1:42 p.m. – Strang asked a question concerning striking out Centennial license plates in section 200.02. She asked if this is covered in code of if they are going away. GuJo responded that that statute already allows the Centennial plate to have personalization or regular number plates. Strang confirmed that that answered her question.

Stender asked if section 12.03 was still in effect and if offices can still complete a “manual temporary.” ITD did not have a response to this question but stated they would get back to Stender with a response. *(Note: ITD later confirmed this section was no longer needed and removed it from the draft. ITD emailed all assessors the department’s intent to remove this after the meeting).*

Stender asked if there were any county participants outside of the group attending now. Floyd summarized the rule process, stating that the department emailed all assessors the department’s draft changes, hoping to get feedback, and that the rules would go through a proposed and pending process along with a Board presentation before being finalized.

Stender asked what types of vehicles would be eliminated from the rewording of Section 100.01, concerning county designators. GuJo responded that ITD was not trying to eliminate anything specifically; they were just trying to make the language more general.

Stender asked if Parks and Recreation restricted license plates in Section 101 would be “lifetime” plates since they were no longer issued stickers. He asked how we would force someone to buy a plate after ten years. GuJo and Floyd stated they believe there was a provision in Code that required plates to still be legible. GuJo stated that part removed in Rule was duplicative with statute.

Stender asked if ITD could cover the removal of the “Annual Report” language in Section 155.04. GuJo responded that Section 49-402D(4), Idaho Code, addresses these reporting requirements and that the rule was duplicative. He confirmed that the requirement would remain in place through the requirement in statute.

Stender asked if Strang or Sutherland had any other questions. Strang stated she did not have any other questions and that she appreciated being included in the process.

Floyd stated that he appreciated everyone’s feedback and reiterated that this was not the end of the process should anyone else have any feedback over the next few months. He stated the drafts were not likely to change much based on today’s meeting, but this was still a possibility should it be necessary.

Floyd stated that if there were no other questions, he would put the room on mute and address anyone who joined after that point.

There were no additional attendees or questions after this point.

At 3:00 p.m. – The meeting concluded.