

HOUSE COMMITTEE ON TRANSPORTATION

February 28, 2005 Hearing Room C

1:15 P.M. Tapes 16 – 17

MEMBERS PRESENT: **Rep. George Gilman, Chair**

Rep. Terry Beyer, Vice-Chair

Rep. Chuck Burley, Vice-Chair

Rep. Deborah Boone

Rep. Scott Bruun

Rep. Dave Hunt

Rep. Kim Thatcher

STAFF PRESENT: **John Houser, Committee Administrator**

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2107 – Public Hearing

HB 2116 – Public Hearing and Work Session

Introduction of Committee Bills – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
---------------	----------------	-----------------

TAPE 16, A

003 Chair Gilman Calls the meeting to order at 1:14 p.m. Opens a public hearing on HB 2107.

HB 2107 – PUBLIC HEARING

006 John Houser Committee Administrator. Introduces HB 2107.

025 Robin Freeman Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony including an overview of HB 2107 and amendments (**EXHIBIT A**).

089 Tom McClellan Manager, Division of Motor Vehicles (DMV) Program Services. Explains section by section review of HB 2107 (**EXHIBIT A, Page 4**)

122 Rep. Boone Asks why DMV would want to avoid behind-the-wheel testing of school bus drivers.

125 McClelland Explains that the drivers who have already been tested would be required to pass a knowledge test.

130 Rep. Boone Asks how the Department of Education requirements differ from DMV requirements.

133 McClelland Answers they are essentially the same.

135 Rep. Burley Clarifies testing.

138 McClelland Explains testing.

142 Rep. Burley Asks about requirements for behind-the-wheel test.

148 McClelland Clarifies the behind-the-wheel requirements.

153 Rep. Burley Asks about federal requirements.

160 McClelland Answers the question. Continues the summary.

224	Rep. Hunt	Asks how a driver's record would be affected if he or she had a conviction before the bill took effect and received a conviction after the bill takes effect.
231	McClelland	Answers that only provisions regarding personal cars would take effect.
233	Rep. Hunt	Asks for a clarification of provisions in the bill.
239	McClelland	Clarifies provisions in the bill and continues the summary.
313	John Houser	Committee Administrator. Asks for the difference between Section 20 of HB 2107 which provides for an administrative hearing for Commercial Driver License (CDL) suspensions, and Subsection 8, which provide for an imminent hazard hearing.
322	McClelland	Explains the difference between the hearings. Continues the summary.
398	Chair Gilman	Asks about regulations.
403	McClelland	Clarifies the regulations. Continues the summary.

TAPE 17, A

019	John Houser	Committee Administrator. Asks if the renewal procedure for hazardous material is annual.
023	McClelland	Answers that it will be every four years.
028	Rep. Burley	Asks if a Driving Under the Influence (DUI) in a non-Commercial Motor Vehicle (CMV) two years ago would not count.
044	McClelland	Answers yes.
046	Rep. Burley	Asks for clarification of provisions
054	Freeman	Explains that a DUI in a personal car would not count toward license suspension.

068	Rep. Burley	Asks about the consistency of the legislation.
070	Rep. Hunt	Asks why prior violations or convictions would be exempted.
084	Freeman	Answers that the convictions are not being exempted
097	Rep. Hunt	Asks for further clarification.
105	Freeman	States that the bill is coming into compliance with federal law.
110	Rep. Burley	Asks about consistency with federal rules.
120	Freeman	Explains the intent of the bill.
124	Rep. Burley	Concurs that provisions should not go beyond federal regulations.
132	McClelland	States that he will provide the committee with a comparison of state and federal provisions.
138	Rep. Boone	Asks about testing.
142	McClelland	Explains that DMV is working with Department of Education to comply with federal rules to get drivers certified.
152	Rep. Boone	Asks for a clarification of the additional knowledge test.
159	McClelland	Clarifies the testing and deadline rules.
162	Rep. Boone	Asks about the costs for DMV.
166	McClelland	Explains the costs associated with licensing.
173	Rep. Thatcher	Asks about the expiration date of CDL and testing.
184	Freeman	Explains that provisions are another endorsement on the CDL and that drivers would have to take a knowledge test and get the endorsement when they pay the fees.

193	Rep. Thatcher	Asks for clarification of requirements.
196	Freeman	Answers that their knowledge test would be valid.
205	Rep. Boone	Asks if HB 2107 is an unfunded mandate by threatening to withhold highway funds.
219	Freeman	Answers yes and explains the funding system.
226	Rep. Boone	Asks how much HB 2107 will cost to implement.
229	Freeman	Answers that there are 6500 drivers tested annually.
235	Rep. Boone	Notes that fees could amount to a day's work for a school bus driver. Asks about costs.
257	Freeman	Answers that she will get more information.
260	Rep. Thatcher	Asks if grandfathering drivers into the system would be considered non-compliance.
269	McClelland	Answers no. Explains that licensing is a rigorous test.
284	Rep. Thatcher	Asks if waiting to administer a written test would be considered non-compliance.
287	McClelland	Answers that the written test is necessary for practicality purposes.
297	Rep. Burley	Asks about non-compliance and the Sept. 30 deadline.
329	Freeman	Explains that grandfathering is before Sept. 30.
344	Rep. Burley	Asks about the compliance of hours of operation.
351	McClelland	Answers that he will get the information.
355	John Houser	Committee Administrator. Asks why drivers should have to pay a fee for school bus endorsement in addition to the CDL.

371	McClelland	Explains endorsements and proficiency.
386	Houser	Asks if there are school bus drivers that have a CDL but do not drive another commercial vehicle.
397	McClelland	Explains the federal requirements.
406	Bob Russell	President, Oregon Trucking Association. Testifies in support of HB 2107.

TAPE 16, B

020	Kelly Skye	Legislative Liaison, Oregon Criminal Defense Lawyers Association. Testifies in opposition to HB 2107. Explains concerns with DUI provisions. Explains that there is no reason to believe that current laws are inadequate. Notes the fiscal impact.
123	Rep. Boone	Expresses concerns.
167	Bret West	Assistant Director, Department of Education (DOE). Testifies in support of HB 2107.
180	Chair Gilman	Asks about impacts the regular school bus driver will face.
185	Craig Pruitt	Consultant, DOE and People Transportation Industry. Explains school bus driver requirements.
209	Rep. Thatcher	Asks about the content of the driver tests.
211	Pruitt	Explains the test content.
224	Rep. Beyer	Asks if the fees are paid by the applicant.
231	West	Refers to (EXHIBIT A) and notes that some districts pay and others do not.
236	Rep. Hunt	Asks about infractions that occur before bill implementation.

240	Pruitt	Explains infractions and the diversion program.
257	Rep. Hunt	Asks if it is appropriate to start drivers with a clean slate upon implementation of the bill.
270	West	Answers that they have not had such discussions.
278	Tricia Smith	Oregon School Employees Association. Testifies in support of HB 2107.
320	Rep. Hunt	Asks if it would be appropriate to implement policy with drivers having a clean slate.
335	Smith	Addresses the actions a school should take if a bus driver receives a DUI.
380	Rep. Thatcher	Asks if there could be a different fee structure to get a license they already have.
400	Freeman	Answers that she will get information. Refers to testimony.
414	Chair Gilman	Asks for questions.
422	Rep. Boone	Asks why it costs \$21 to issue the endorsement.
434	Freeman	Clarifies and needs get more information.

TAPE 17, B

007	Chair Gilman	Closes the public hearing on HB 2107. Opens a public hearing on HB 2116.
-----	--------------	--

HB - 2116 – PUBLIC HEARING

010	John Houser	Committee Administrator. Introduces HB 2116.
025	John Jackley	Executive Officer Highway Division, Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony including an overview of HB 2116 (EXHIBIT B).

- 063 Chair Gilman Asks if HB 2116 represents the way operations have always been.
- 065 Jackley Answers yes.
- 070 Chair Gilman Asks for more testimony. Closes the public hearing on 2116 and opens a work session on 2116.

HB – 2116 – WORK SESSION

- 076 Rep. Thatcher **MOTION: Moves HB 2116 to the floor with a DO PASS recommendation.**

VOTE: 6-0-1 (SEE Page 5, TAPE 17 B AT 087)

EXCUSED: 1 - Rep. Burley

Chair Gilman Hearing no objection, declares the motion CARRIED.

- 087 Chair Gilman **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. BURLEY to BE RECORDED as voting AYE on the motion to move HB 2116 to the floor with a DO PASS recommendation.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

- 094 Rep. Beyer **MOTION: Moves HB 2116 be placed on the CONSENT CALENDAR.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

- 099 Chair Gilman Closes the work session on HB 2116. Opens a work session on LC 1849, LC 2591, LC 2846, and LC 3263.

LC 1849, LC 2591, LC 2846 & LC 3263 – WORK SESSION

