

HOUSE COMMITTEE ON TRANSPORTATION

April 13, 2005 Hearing Room C

1:00 P.M. Tapes 46 - 47

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: **Patrick Brennan, Committee Administrator**

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2937 – Public Hearing and Work Session

HB 3088 – Public Hearing and Work Session

HB 3089 – Public Hearing and Work Session

HB 2429 – Public Hearing

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
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TAPE 46, A

003 Chair Gilman Calls the meeting to order at 1:09 p.m. Opens a public hearing on HB 2937.

HB 2937 – PUBLIC HEARING

007 Patrick Brennan Committee Administrator. Introduces HB 2937.

014 Paul Romain Oregon Petroleum Association (OPA). Submits prepared information materials (**EXHIBIT A**) and testifies in support of HB 2937.

047 Ed Johnston Resident, Lincoln County. Testifies in opposition to HB 2937. Explains the potential for mistakes and misuse of the system.

098 Rep. Bruun Asks if driving is a constitutional right.

101 Johnston Answers that driver's licenses were first issued when automobiles began to be used and that privileges associated with the licenses were introduced in the 1960s.

107 Rep. Hunt Points out that a driver's license may be revoked for a number of reasons. Asks if any of those reasons are appropriate for revoking a driver's license.

110 Johnston Explains that the use of some breath mints or cough medicines that contain alcohol can result in a false positive breathalyzer test and loss of a driver's license.

129 Rep. Hunt Notes that the loss of a driver's license results from a conviction, not an accusation.

132 Johnston Concurs and reiterates that the process may be misused.

148 Rep. Hunt Asks if the logical extension of Mr. Johnston's argument is that no one should be punished by local governments.

151 Johnston Argues that laws are already in place to address crimes and that more of the same type of laws are not needed.

192	Rep. Thatcher	Expresses concern that the language in the bill is too broad. Asks if the bill was intended to address those who drive away from gas stations without paying or those who steal gas from other vehicles.
210	Chair Gilman	Presumes that HB 2937 would cover both instances.
214	Romain	Concurs that the measure would cover both instances.
222	Rep. Thatcher	Points out that not all who steal gasoline have a driver license to be revoked.
226	Romain	Explains that one would still be convicted of theft, but that in such cases the revocation of driver's license would not be triggered.
240	Rep. Thatcher	Inquires if other states that have addressed the issue have used similar language.
242	Romain	Answers that he thinks it is similar to other states.
251	Rep. Bruun	Asks whether assessing one set of penalties for someone with a driver's license and another set for those without would amount of unequal treatment and thus create a constitutional issue.
260	Romain	Replies that the crime punishment can be set for an individual location.
273	Rep. Bruun	Asks for the difference in punishment for one who has a license versus those who do not.
281	Romain	Maintains that there is no constitutional issue.
293	Chair Gilman	Asks how often gas is stolen from gas stations.
296	Romain	Answers that he does not have statistics on the number of instances, only more anecdotal reports of theft.
303	Rep. Thatcher	Asks if there have been fewer instances of gas theft in other states where similar laws have been passed.
307	Romain	

Answers that the evidence is anecdotal, but that it seems to be working as a deterrent.

- 310 Rep. Hunt Asks who would pay for the decals at gas stations warning people of the penalties if the law was passed.
- 313 Romain Answers that OPA would probably produce such signs.
- 324 Rep. Beyer Asks if police typically follow up on gas theft cases.
- 330 Romain Answers that it depends on the jurisdictions and the amount of time and effort the police can dedicate to the cases.
- 334 Rep. Boone Notes the current high cost of gasoline.
- 347 Romain Responds that the dealers do not set the price of gas and they lose money when the price of gas goes up.
- 356 Johnston Explains that gas station workers are expected to pay for gas that is stolen.
- 393 Rep. Beyer Asks for a rebuttal of employees being required to pay for gas that is stolen.
- 406 Romain Explains that workers are not fired for gas stolen by someone else.
- 415 Rep. Beyer Asks if gas station workers are responsible for gas stolen by someone else.
- 419 Romain Answers no.
- 423 Chair Gilman Closes the public hearing and opens a work session on HB 2937.

HB 2937 – WORK SESSION

- 428 Rep. Hunt **MOTION: Moves HB 2937 to the floor with a DO PASS recommendation.**
- 432 Rep. Thatcher

States that she would prefer that the intent of the bill be narrowed to address the specific problem of gasoline theft from filling stations.

VOTE: 6-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 – Burley

(Note: See Tape 47, A at 150 and Page 4 of these minutes)

- 440 Chair Gilman The motion CARRIES.
REP. GILMAN will lead discussion on the floor.
- 444 Chair Gilman Closes the work session on HB 2937. Opens a public hearing on HB 3088.

TAPE 47, A

HB 3088 – PUBLIC HEARING

- 024 Patrick Brennan Committee Administrator. Introduces HB 3088.
- 035 Darrell Fuller Regulatory Affairs Director, Oregon Automobile Dealers Association. Submits and summarizes prepared testimony in support of HB 3088 **(EXHIBIT B)**. Explains the problem with dealer license plates that under current law are invalid if on a vehicle that has expired registration tags from another state.
- 081 Rep. Boone Notes that there have been few complaints and asks why the exemption was initially placed in statute.
- 085 Fuller Explains that he worked with the Division of Motor Vehicles (DMV) to determine that but says they could not determine why it was there.
- 095 Rep. Boone Asks if the problem could be rectified by rule rather than statute.
- 098 Fuller Answers that the language is statutory and cannot be changed by administrative rule.

- 103 Rep. Boone Asks how dealers would purchase vehicles with expired registration since they could not be driven legally.
- 106 Fuller Answers that dealers get cars from auctions and elsewhere and they often expire on the lot.
- 136 Chair Gilman Closes the public hearing and opens a work session on HB 3088.

HB 3088 – WORK SESSION

- 140 Rep. Bruun **MOTION: Moves HB 3088 to the floor with a DO PASS recommendation.**

VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Gilman The motion CARRIES.

- 147 Chair Gilman Closes the work session on HB 3088 and reopens the work session on HB 2937.

HB 2937 – WORK SESSION

- 150 Rep. Burley **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 2937 to the floor with a DO PASS recommendation.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

- 165 Chair Gilman Closes the work session on HB 2937. Reopens the work session on HB 3088.

HB 3088 – WORK SESSION

167 Rep. Bruun **MOTION: Moves HB 3088 be placed on the CONSENT CALENDAR.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

170 Chair Gilman Closes the work session on HB 3088. Opens a public hearing on HB 3089.

HB 3089 – PUBLIC HEARING

174 Patrick Brennan Committee Administrator. Introduces HB 3089.

179 Darrell Fuller Regulatory Affairs Director, Oregon Automobile Dealers Association (OADA). Submits and summarizes prepared testimony in support of HB 3089 (**EXHIBIT C**) and HB 3089-1 amendments (**EXHIBIT D**).

262 Rep. Hunt Asks if anyone sells cars without holding a valid vehicle dealer's certificate.

265 Fuller Answers that anyone who sells cars in Oregon must have a vehicle dealer's certificate.

268 Rep. Thatcher Asks if the Division of Motor Vehicles (DMV) works with the Oregon Dealers Association Committee (ODAC).

272 Fuller Answers that DMV is not required to work with them, but says the department usually brings issues to the committee before beginning the rulemaking process. Notes that ODAC is a statutory committee.

303 Robin Freeman Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony regarding HB 3089 (**EXHIBIT E**).

312 Rep. Burley Asks if the -1 amendments are acceptable to ODOT.

314 Freeman Answers yes.

320 Rep. Burley Asks for a clarification for the reason that the amendments use "may" as opposed to "shall".

- 329 Fuller Explains that it was Legislative Counsel's decision to use that particular language. States that OADA works to ensure that proper rules are written and followed.
- 343 Rep. Hunt Requests clarification that if ODOT does not establish rules, then dealers could operate under conditions outlined in statute.
- 353 Freeman Answers affirmatively.
- 357 Rep. Hunt Requests clarification that until such rules are adopted dealers could operate under conditions outlined in statute.
- 360 Freeman Answers yes.
- 365 Chair Gilman Closes the public hearing opens a work session on HB 3089.

HB 3089 – WORK SESSION

368 Rep. Hunt **MOTION: Moves to ADOPT HB 3089-1 amendments dated 4/12/05.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

373 Rep. Hunt **MOTION: Moves HB 3089 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Gilman The motion CARRIES.

REP. HUNT will lead discussion on the floor.

384 Chair Gilman Closes the work session on HB 3089. Opens a public hearing on

HB 2429.

HB 2429 – PUBLIC HEARING

400 Patrick Brennan Committee Administrator. Introduces HB 2429.

TAPE 46, B

011 MaryAnn Trout Hillsboro Auto Wrecking. Testifies in support of HB 2429. Explains the intent of the bill.

034 Mark Forcum Foster Auto Parts. Testifies in support of HB 2429. Explains the record keeping requirements in the bill and the language change from “wrecker” to “dismantler” throughout statute. Describes the consumer protection aspects of the bill.

072 Rep. Thatcher Asks for an explanation of the -1 amendments (**EXHIBIT F**).

080 Forcum Explains the intent of the amendments.

090 Rep. Thatcher Asks why the sum of the bond is being changed from \$2,000 to \$10,000.

098 Forcum Answers that the bond reflects the increased costs of salvage.

111 Rep. Bruun Asks how long the bond has been set at \$2,000.

113 Forcum Answers that it has been \$2,000 for 30 years.

115 Rep. Bruun Asks what the cost to a dismantler would be on a \$10,000 bond.

118 Trout Answers that the cost of a three-year, \$40,000 bond is \$1,000.

126 Barbara Crest Northwest Automotive Trades Association (NATA). Submits prepared testimony and information including proposed -1 amendments in support of HB 2429 (**EXHIBIT F**).

129	Robert Anderson	President, NATA. Submits and summarizes prepared testimony in support of HB 2429 (EXHIBIT G).
175	Rep. Boone	Offers the example of a dealership on the Tillamook Bay that has been cited by the Environmental Protection Agency (EPA). Asks for an explanation of clean-up provisions.
183	Anderson	Explains that Marion County cannot afford to close and take over lands.
193	Rep. Thatcher	Asks if NATA coordinates with the Oregon Department of Transportation (ODOT).
198	Crest	States that the auto recyclers are represented on ODAC.
200	Rep. Beyer	Commends the work done on HB 2429. States that the bill addresses a significant consumer protection issue.
210	Darrell Fuller	Regulatory Affairs Director, Oregon Automobile Dealers Association (OADA). Expresses concerns with HB 2429.
241	Rep. Burley	Asks if the -1 amendments address the concerns of OADA regarding dealing auto parts.
250	Fuller	Answers no.
255	Rep. Thatcher	Asks about the effect of the bill on auto parts dealers.
260	Forcum	Reiterates that the intent of the bill is not to affect auto parts dealers.
271	Fuller	Explains that auto dealers sometimes buy used component parts as requested by customers.
278	Rep. Thatcher	Asks if the bill is intended to track the parts used in auto repairs.
287	Forcum	Explains auto parts requirements.
296	Rep. Thatcher	Asks if a clearer definition is needed.

298	Forcum	Answers no.
306	Rep. Thatcher	Clarifies that small auto repair operations are not affected.
311	Forcum	Answers no, unless they are buying cars to procure parts to put on customers' cars.
316	Rep. Burley	Asks if mechanics are considered dismantlers.
320	Forcum	Answers no.
325	Rep. Burley	Asks about reconditioned parts sold in retail stores.
328	Forcum	Answers that retail stores are documented separately.
344	Robin Freeman	ODOT. Submits and summarizes prepared testimony regarding HB 2429 (EXHIBIT H).
404	Rep. Burley	Asks for a citation of amendment language regarding what constitutes a loss.
412	Freeman	Answers that she will provide the information.
422	Chair Gilman	Closes the public hearing on HB 2429. States that the committee will be scheduling a field trip to the Mexican Consulate in Portland. Adjourns the meeting at 2:33 p.m.

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EXHIBIT SUMMARY

- A. **HB 2937, prepared information, Paul Romain, 2 pp**
- B. **HB 3088, prepared testimony, Darrell Fuller, 1 p**
- C. **HB 3089, prepared testimony, Darrell Fuller, 1 p**
- D. **HB 3089, -1 amendments, staff, 1 p**
- E. **HB 3089, prepared testimony, Robin Freeman, 1 p**
- F. **HB 2429, prepared testimony and -1 amendments, Barbara Crest, 47 pp**
- G. **HB 2429, prepared testimony, Bob Anderson, 1 p**

H. **HB 2429, prepared testimony, Robin Freeman, 2 pp**