

HOUSE COMMITTEE ON TRANSPORTATION

April 4, 2005 Hearing Room C

1:00 P.M. Tapes 37 - 38

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 2811 – Public Hearing

HB 2609 – Public Hearing

HB 2830 – 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
---------------	----------------	-----------------

TAPE 37, A

003 Chair Gilman Calls the meeting to order at 1:03 p.m. Opens a public hearing on HB 2811.

HB 2811 – PUBLIC HEARING

006 John Houser Committee Administrator. Introduces HB 2811 which prohibits certain types of display devices to be in operation in a car while driving, if located where the driver can see it.

015 Rep. Andy Olson House District 15. Testifies in support of HB 2811. Points out the changes in the Motor Vehicle Code. Refers to ORS 815.240. Explains the changes in technology and how they are addressed by HB 2811.

050 Mark Landauer Office of Government Relations, City of Portland. Testifies and submits written testimony in support of HB 2811 (**EXHIBIT A**). Explains that HB 2811 expands the spirit of ORS 815.240. Points out the difficulties law enforcement officers have in stopping erratic drivers before a reckless act occurs.

092 Landauer States that HB 2811 limits its application to screens that can be used only for entertainment purposes. Continues that image display devices related to navigation or operation of the vehicle are exempted. Describes the -5 amendments (**EXHIBIT B**) which add to the exemptions in HB 2811.

126 Lt. Vince Jarmer Portland Traffic Bureau, City of Portland. Testifies in support of HB 2811. Explains the importance of updating statute to more accurately reflect current standards. Reiterates that HB 2811 continues to allow officers to be more preemptive.

157 Jarmer Describes traffic problems in Portland and the large numbers of vehicles with portable DVD players.

185 Landauer Refers to the CNN article on a “DVD murder case” included in **EXHIBIT A**.

191 Rep. Thatcher Agrees with the concept of prohibiting watching videos while driving. Refers to Line 6 of the -5 amendments. Asks how a commercial motor vehicle is determined.

211	Landauer	Explains the intent of HB 2811 and indicates that clarifying language may be needed.
234	Rep. Thatcher	Suggests some wording to address the problem.
238	Landauer	Explains the difficulty in defining “entertainment.” Offers that the list of exemptions was an attempt to deal with the issue.
255	Rep. Thatcher	Asks how law enforcement officers would be able to determine that a device was being used improperly.
264	Jarmer	Responds that officers would have the authority to stop and investigate.
277	Rep. Boone	Inquires how map screens would be addressed.
280	Landauer	Cites language in Line 16 of HB 2811 that exempts navigation systems.
290	Rep. Boone	Wonders if driving while viewing a map is different from watching videos.
298	Landauer	Acknowledges the difficulty in addressing the issue and regrets that some drivers do not use common sense causing legislation to allow officers to investigate suspicious behavior.
312	Rep. Boone	Comments about reading while driving.
320	Rep. Hunt	Seeks clarification that HB 2811 exempts use of navigational equipment.
327	Landauer	Refers to Line 4 of the -5 amendments and Line 18 of HB 2811 that exempt devices not attached to the car.
346	Rep. Burley	Expresses concern about changing the specific language “vehicle television equipment” to “image displaying device” which is now all inclusive. Asks about changing “vehicle television equipment” to “use of any visual entertainment equipment.”
371	Landauer	Reiterates the intent of HB 2811. Indicates openness to suggestions.

389	Rep. Thatcher	Asks if this law were in place now, how many opportunities there would have been to stop a vehicle.
394	Jarmer	Restates the situation in Portland but is unable to quantify how often it happens.
420	Landauer	Comments that since it is not currently an offense, there is no opportunity to document the issue.
429	Chair Gilman	Asks about accident figures attributable to this problem.
434	Jarmer	Answers that they would be able to determine that an individual was distracted but not the specific cause.

TAPE 38, A

014	Chair Gilman	Closes the public hearing on HB 2811. Opens a public hearing on HB 2609.
-----	--------------	--

HB 2609 – PUBLIC HEARING

025	John Houser	Committee Administrator. Explains HB 2609 which adds the eye color of the licensee to the information on an Oregon driver's license.
033	Mike Dewey	Digimark. Explains that his company provides driver's license services through contract to many states. Testifies as neutral on HB 2609. Advises there would be additional costs for software development but believes the change is within the scope of the contract. Notes that proposed SB 640 dealing with fingerprinting and biometrics may affect their contracts.
066	Rep. Burley	Asks what happened previously.
068	Dewey	Responds that HB 2609 has been on the schedule three times, but this is the first hearing.
070	Rep. Thatcher	Inquires if eye color used to be on driver's licenses.
073	Dewey	Answers yes, but the use of colored contact lenses may have been the reason for removing that information.

081	Rep. Thatcher	Asks who determines eye color.
084	Dewey	Replies, the applicant.
090	Rep. Burley	Inquires about the purpose of HB 2609.
097	Rep. Scott Bruun	House District 37. Explains that HB 2609 provides another tool to help law enforcement identify people.
125	Chair Gilman	Closes the public hearing on HB 2609 and opens a public hearing on HB 2830.

HB 2830 – PUBLIC HEARING

128	John Houser	Committee Administrator. Describes HB 2830 which requires participants in the Adopt-A-Highway program to pay all of the costs associated with their participation; appear in person at any public meeting where an application will be discussed; and have their identities provided to the news media.
140	John Jackley	Oregon Department of Transportation (ODOT). Testifies and submits written testimony on HB 2830 (EXHIBIT C). Expresses concern about potential unintended consequences of some of the provisions. Provides information on and costs of the Adopt-A-Highway and Youth Litter programs. Continues that shifting the cost burden onto volunteer organizations may significantly reduce participation.
186	Rep. Beyer	Asks if costs are reimbursed or paid up front.
192	Jackley	Answers that volunteers for the Adopt-A-Highway program bear their own transportation costs and the department pays for safety vests and necessary equipment. Continues that the Youth Litter patrol is a paid program and the department provides transportation and equipment.
201	Rep. Thatcher	Inquires about Line 16 of HB 2830 that requires providing the applicant's identity to media.
206	Jackley	Replies that someone can currently request that information in a public records request.

208	Rep. Burley	Refers to existing law that says the department may adopt any rules considered necessary for implementation of the Adopt-A-Highway program. Inquires why ODOT doesn't just amend their rules.
214	Jackley	Responds that the department has the authority to adopt rules.
221	Rep. Burley	Believes that volunteer organizations will discontinue their services if they have to pay all the costs.
224	Jackley	Shares that concern.
235	Andrea Meyer	Legislative Affairs Director, American Civil Liberties Union (ACLU). Testifies on HB 2830. Believes that signing a statement attesting to representation of an organization would address concerns and insure against misrepresentation. Continues that HB 2830 appears to require the department to distribute information to the media.
270	Rep. Thatcher	Asks if there are rules to ensure that an organization is legitimate.
280	Meyer	Believes the programs run fine and there is not a problem.
287	Rep. Beyer	Inquires if there are requirements on how often a highway must be cleaned up under the Adopt-A-Highway program.
298	Jackley	Responds that HB 2830 requires two pickups and two safety meetings per year.
308	Rep. Beyer	Seeks clarification that the requirement is to clean the roadway two times per year and attend two safety meetings.
310	Jackley	Answers yes.
315	Chair Gilman	Closes the public hearing on HB 2830.
318	Rep. Boone	Asks about the agenda for Bend.
325	Rep. Burley	Explains that the agenda will be the school zone speed limit bills, the Smokey Bear license plate, and the safe route to schools bill and describes the meeting location.

346	Rep. Bruun	Asks about transportation.
348	Houser	Provides the alternatives.
370	Chair Gilman	Adjourns the meeting at 1:57 p.m.

EXHIBIT SUMMARY

- A. HB 2811, written testimony, Mark Landauer, 4 pp**
- B. HB 2811, -5 amendments, staff, 1 p**
- C. HB 2830, written testimony, John Jackley, 2 pp**