

HOUSE COMMITTEE ON TRANSPORTATION

February 14, 2003 Hearing Room 357
9:00 a.m. Tapes 23 - 24

MEMBERS PRESENT: Rep. Alan Brown, Chair
 Rep. Elizabeth Beyer, Vice-Chair
 Rep. John Mabrey Vice-Chair
 Rep. Jackie Dingfelder
 Rep. George Gilman
 Rep. Mitch Greenlick
 Rep. Cliff Zauner

STAFF PRESENT: Janet Adkins, Administrator
 Ryan Sherlock, Assistant

MEASURE/ISSUES HEARD: **HB 2393 – Public Hearing**
 HB 2338 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
Tape 23, A		
003	Chair Brown	Calls the meeting to order at 9:01 a.m., and opens a public hearing on HB 2393.
<u>HB 2393 – PUBLIC HEARING</u>		
010	Janet Adkins	Committee Administrator. Offers a description of HB 2393.
040	Rep. Vicki Berger	Offers testimony in support of HB 2393.
045	Rep. Vic Backlund	Offers testimony in support of HB 2393.
070	Matt Hobson	Offers written testimony (EXHIBIT A) in support of HB 2393.
095	Chair Brown	Thanks Mr. Hobson for his testimony.
100	Joe Hobson Jr.	Offers written testimony (EXHIBIT B) in support of HB 2393. Makes reference to specific changes proposed by HB 2393, and offers reasoning for these changes.
150	Rep. Zauner	Asks about Matt Hobson's initial reaction to being denied a drivers license.
152	M. Hobson	Explains that he talked to his father and grandfather, and then they all talked to Representatives Berger and Backlund.
160	Rep. Beyer	Asks Matt Hobson if he considered any differences in driving conditions and laws between Arkansas and Oregon.
165	M. Hobson	Discusses the similarities in driving conditions and laws between the two states.
185	Rep. Beyer	Asks whether there should be any recognition given to local driving conditions that a young driver from outside the state might not have experienced.
190	M. Hobson	Observes that someone learning to drive in Oregon would not necessarily have experienced every Oregon driving condition in the six months of the initial driving permit period.
200	Joe Hobson Jr.	Offers testimony in support of HB 2393.

235	Chair Brown	Explains personal experience about Arkansas, asks about specific permit requirements in Arkansas.
240	M. Hobson	Recalls that Arkansas is attempting to pass a graduated drivers license, and further discusses Arkansas requirements.
255	J. Hobson Jr.	Further explains the requirements in Arkansas.
265	J. Hobson Sr.	Addresses Rep. Beyer's concerns regarding driving conditions and training from state to state.
275	Rep. Greenlick	Discusses the lesson to be learned from Mr. Hobson's experience.
300	Troy Costales	Oregon Department of Transportation, Safety Division. Offers written testimony (EXHIBIT C) regarding HB 2393. Discusses the difference between driving rules between states.
400	Rep. Greenlick	References page three of Mr. Costales' presented exhibit, clarifying that the changes expressed in HB 2393 would only affect the first requirement listed on the page.
405	Costales	Acknowledges that the proposed bill affects only that line.
415	Rep. Greenlick	Asks if the Oregon Department of Transportation (ODOT) is in opposition to HB 2393.
425	Costales	Explains that the Transportation Commission has not voted on the particular bill, but expresses the departments concerns with the bill.
435	Rep. Dingfelder	Asks how many applicants this bill would affect each year, and clarifies that currently those affected are required to obtain an Oregon drivers permit and wait the obligatory six months.
450	Costales	Offers a guess of about 200 applicants a year. Elaborates on the Division of Motor Vehicles policy regarding these situations.
TAPE 24, A		
040	Rep. Beyer	Asks if the changes proposed by HB 2393 are currently apart of any other state laws.
045	Costales	Explains that he does not know the answer to the question at this time.
050	Rep. Greenlick	Clarifies that in order to get a learners permit in Oregon it is required to pass a written test, and one of the concerns of ODOT is that those coming with learners permits from out-of-state circumvent this requirement.
055	Costales	Concurs.
057	Rep. Greenlick	Asks if ODOT would be more supportive of the bill if there was an amendment fixing this problem.
060	Costales	Discusses the requirements and process concerns regarding the bill; the circumvention of the written test, the amount of time required to have a permit either from Oregon or Arkansas, and that HB 2393 would require Oregon to recognize drivers permits from Canada and Mexico.
070	Rep. Zauner	Discusses the demand for drivers education, and questions how individuals in rural areas are able to access the tests required by the state.
075	Costales	Explains the requirements to move from the drivers permit to a drivers license.
085	Rep. Zauner	Asks how the number of hours driven is verified.
087	Costales	Explains that there is a verification which his signed by the parent or guardian.
090	Rep. Zauner	Clarifies that if this information is falsified there are repercussions.
092	Costales	Acknowledges that there are penalties for giving false

		information.
095	Rep. Mabrey	Clarifies that a young person from another state (where requirements are less stringent), who has had their drivers license for only two weeks, can freely obtain an Oregon drivers license.
105	Costales	Acknowledges the point, and discusses the requirements such an individual would need to pass in Oregon.
110	Rep. Mabrey	Points out that an individual in such a circumstance would not have prior knowledge of Oregon driving laws, while a young person with a drivers permit may be denied a license.
115	Costales	Acknowledges the point.
117	Rep. Greenlick	Refers to specific wording in the current statute which indicates that an individual from out of state would be required to take a written test.
125	Costales	Explains that there are two tests a driver must pass, and only one is avoided when a person comes from out of state with a drivers permit.
135	Rep. Greenlick	Asks which test this situation would avoid.
137	Costales	Explains which test is avoided, indicating that it would be the initial test.
140	Rep. Greenlick	Clarifies that those applying for a permit take a test not covered by statute.
145	Chair Brown	Points out that the bill is only scheduled for a public hearing for the current meeting, and that Kelly Taylor from the Oregon Department of Transportation, Division of Motor Vehicles, could be called upon at a future meeting to better qualify.
146	Costales	Concurs with the Chair, recommending the committee obtain specifics from Ms. Taylor.
150	Chair Brown	Thanks Mr. Costales for his testimony, and reiterates that the bill will have a later work session.
155	Rep. Greenlick	Addresses his concern regarding the bill, and the possibility of an amendment to address those concerns.
160	Chair Brown	Closes the public hearing on HB 2393, and opens a public hearing on HB 2338.

HB 2338 – PUBLIC HEARING

170	Janet Adkins	Committee Administrator. Offers description of HB 2338, and clarifies specific language in the bill.
195	Rep. Greenlick	Asks who ruled that the open bed of a pickup truck is not an external part of that vehicle.
200	Adkins	Explains that she does not know who ruled the point, but indicates she will find out and get back to the members.
205	Rep. Shetterly	Offers written testimony (EXHIBIT D) in support of HB 2338, with reference to submitted written testimony from Albert Kreitz (EXHIBIT E) and the proposed -2 Amendment (EXHIBIT F).
430	Chair Brown	Points out his support for the bill, and appreciation for Rep. Shetterly's efforts regarding the topic.

TAPE 23, B

005	Rep. Greenlick	Asks how the open bed of a pickup could not be considered an external part of a vehicle.
010	Rep. Shetterly	Recalls opinions from Legislative Counsel and Oregon Department of Transportation identifying the truck bed as internal, while offering an explanation for what is considered external.

025	Rep. Dingfelder	Clarifies line 14 of the proposed bill still allows for minors in the back of a pickup.
030	Rep. Shetterly	Offers further explanation of the exemptions, and the -2 amendment.
060	Rep. Zauner	Asks if anyone is opposed to the bill as currently written.
065	Rep. Shetterly	Discusses opposition to the bill as currently written and subsequent reasoning for the -2 amendment.
080	James Lace M.D.	Oregon Medical Association. Offers written testimony (EXHIBIT G) in support of HB 2338.
135	Rep. Beyer	Asks Rep. Shetterly whether the proposed bill affects pickups with canopies.
140	Rep. Shetterly	Explains that he does not think a canopy is considered an open bed.
150	Lisa Millet	Oregon Department of Human Services, Health Services. Offers written testimony (EXHIBIT H) in support of HB 2338.
200	Al Elkins	Oregon Hunters Association. Offers testimony regarding HB 2338, and asks for clarification of specific wording in the bill, line 14.
	Rep. Shetterly	Explains the intent of language questioned by Mr. Elkins, line 14 intends to give priority seatbelt seating to minors.
235	Elkins	Indicates his group's problems with line 21 of the bill, and line 23 of the bill, and expresses some of the concerns fishing groups might have with the bill.
270	Chair Brown	Points out the intent to only hold a public hearing, with a work session to be scheduled.
290	Carla Levinski	Oregon Department of Transportation, Safety Belt Program Manager. Offers written testimony (EXHIBIT I) in support of HB 2338.
365	Chair Brown	Asks if there are workplace rules pertaining to agriculture which prohibit this type of activity.
370	Levinski	Defers the question to Rep. Shetterly.
375	Rep. Shetterly	Refers to presented Exhibit D, which outlines such rules.
390	Chair Brown	Clarifies that with such rules the proposed issue is enforcement.
395	Rep. Shetterly	Agrees with further discussion.
410	Rep. Dingfelder	Clarifies that the proposed bill applies only to the highway.
415	Rep. Shetterly	Explains that the proposed bill applies to all publicly accessed roads, but does not apply to private roads and property.
420	Rep. Dingfelder	Clarifies then that the amendment does not apply to private land.
425	Rep. Shetterly	Concurs.
430	Rep. Greenlick	Clarifies Ms. Levinski's earlier statement that three of four who are thrown from the vehicle during an accident die.
435	Levinski	Concurs.
440	Chair Brown	Asks if the -1 amendment (EXHIBIT J) is from her office or Rep. Shetterly.
445	Rep. Shetterly	Explains that the -1 amendment is from his office at the request of the Oregon Department of Transportation.
TAPE 24, B		
050	Joanne Fairchild	Trauma Nurse Coordinator/Injury Prevention. Offers written testimony (EXHIBIT K) in support of HB 2338.
080	Rep. Greenlick	Comments that while sympathetic to the issue, he is skeptic of the earlier mentioned statistic of three in four.
085	Fairchild	Indicates she will provide further evidence of this statistic.
090	Rep. Beyer	Asks how many states have laws against riding in the back of a pickup.

092	Levinski	Refers to handout (EXHIBIT L) detailing which states currently have such laws.
100	Dale Staib	Philomath Fire and Rescue, Fire Chief. Offers testimony in support of HB 2338, including personal experience responding to car accidents involving children riding in the bed of a pickup.
145	Chair Brown	Commends Mr. Staib for his testimony, and for his volunteer efforts with the fire department.
155	Adkins	Points out the State Pickup Truck Laws handout from the National Conference of State Legislatures.
160	Katie Fast	Offers testimony regarding the -2 amendment, questioning who is covered by the amendment.
175	Rep. Dingfelder	Clarifies that Ms. Fast prefers the existing language of the measure.
180	Fast	Elaborates on her concerns.
195	Rep. Beyer	Asks for statistics regarding injuries involving farm related accidents.
200	Fast	States that she does not currently have those statistics, but will attempt to obtain them for the committee.
205	Jean Wilkinson	Oregon Farm Bureau. Offers testimony regarding HB 2338. Indicates her interest in working with Rep. Shetterly regarding the bill, and expresses her concerns regarding the adoption of the bill. Discusses her personal experience with having children in the back of pickups.
240	Rep. Greenlick	Questions Ms. Wilkinson's differentiation, regarding the safety of children riding in the back of pickups in different situations.
250	Wilkinson	Explains her perception of the difference in safety.
260	Rep. Greenlick	Refers to testimony indicating that more accidents occur on secondary roads than on highways, asks if Ms. Wilkinson would change her perception of safety if presented with such statistics.
265	Wilkinson	Observes that she would have to see the statistics and think about the issue before changing her current views, but indicates her support for a distance standard, or limitation on speed of the vehicle.
280	Chair Brown	Clarifies that she then would support the -1 amendment with such provision.
285	Wilkinson	Indicates that she would need to see how the amendment affects the current bill.
290	Chair Brown	Closes the public hearing on HB 2338, and adjourns the meeting at 10:42 a.m.

EXHIBIT SUMMARY

A – HB 2393, written testimony, Matt Hobson, 1 p.

B – HB 2393, written testimony, Joe Hobson Sr., 1 p.

C – HB 2393, written testimony, Troy Costales, 4 pp.

D – HB 2338, written testimony, Rep. Lane Shetterly, 10 pp.

E – HB 2338, written testimony, Albert Kreitz, 1 p.

F – HB 2338, -2 amendment, Rep. Lane Shetterly, 1 p.

G – HB 2338, written testimony, James Lace, 2 pp.

H – HB 2338, written testimony, Lisa Millet, 2 pp.

I – HB 2338, written testimony, Troy Costales, 2 pp.

J – HB 2338, -1 amendment, Rep. Lane Shetterly, 1 p.
K – HB 2338, written testimony, Joanne, Fairchild, 3 pp.
L – HB 2338, State Pickup Truck Laws, Staff, 4 pp.