

HOUSE COMMITTEE ON TRANSPORTATION

February 19, 2003 Hearing Room 357
8:30 a.m. Tapes 25 - 27

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 2398 – Public Hearing**
 HB 2419 – PUBLIC HEARING
 HB 2432 – PUBLIC HEARING
 HB 2579 – 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 25, A | | |
| 003 | Chair Brown | Calls meeting to order at 8:37 a.m., and opens a public hearing on HB 2398. |
| <u>HB 2398 – PUBLIC HEARING</u> | | |
| 005 | Janet Adkins | Committee Administrator. Offers description of HB 2398. |
| 035 | Bob Merritt | Corvallis, Oregon. Offers testimony in support of HB 2398, with reference to presented pictures (EXHIBIT A). |
| 075 | Ken Ray | BikePac of Oregon. Announces his organization's support of HB 2398. |
| 080 | Rep. Mabrey | Ask whether either witness knows why there currently is a restriction on three headlights for motorbikes. |
| 085 | Merritt | Illustrates his belief that the current law possibly had reason in the past, but has no reason currently. |
| 095 | Rep. Zauner | Asks whether other states allow three lights. |
| 100 | Ray | Indicates that he does not have the figures, but knows that some states allow both three lights and the blue insert into taillights. |
| 105 | Merritt | Observes that the laws vary by state. |
| 110 | Rep. Greenlick | Clarifies that there is nothing in the bill restricting what type of lights can be used. |
| 115 | Merritt | Explains that he is under the impression that there are no type limits currently in the bill. |
| 120 | Rep. Zauner | Asks whether motorcycles have lights which can be switched between high-beam and low-beam. |
| 125 | Merritt | Explains that he does not think most bikes have dual lights. |
| 135 | Rep. Beyer | Clarifies that the insert being asked about if primarily aesthetic in |

| | | |
|-------------------|----------------------|---|
| | | nature. |
| 137 | Merritt | Concurs. |
| 145 | Jim Leshuk | Salem, Oregon. Offers testimony in support of HB 2398. |
| 165 | Sen. Bill Fisher | Senate District 1. Offers testimony in support of HB 2398. |
| 175 | Chair Brown | Asks whether the three light configuration applies primarily to older motorcycles. |
| 180 | Sen. Fisher | Explains that some models of both old and new motorbikes come with the three headlight configuration, and kits can be purchased to install the three-light configuration on other bikes. |
| 185 | Chair Brown | Provides past personal experience having blue-light inserts on cars. |
| 190 | Sen. Fisher | Recalls that he never saw any problem with the inserts in the past when they were legal. |
| 195 | Rep. Beyer | Asks whether the three headlights are independent of each other. |
| 200 | Sen. Fisher | Explains that his motorcycle has a switch that controls the two outside lights, and another that controls the third light. |
| 210 | Chair Brown | Ask whether these lights function like driving lights on cars. |
| 225 | Sen. Fisher | Details the function of motorcycle lights. |
| 255 | Rep. Mabrey | Describes past personal experience regarding the benefit of motorcycle headlights and the possible danger of blue insert lights. Asks if Sen. Fisher has any comments. |
| 275 | Sen. Fisher | Explains that he cannot recall any problems with blue-light inserts. |
| 280 | Rep. Zauner | Asks why HB 2398 excludes mopeds. |
| 285 | Sen. Fisher | Admits that he is unsure why mopeds are excluded, and defers to Rep. Close. |
| 290 | Sergeant Curt Curtis | Department of State Police. Offers written testimony (EXHIBIT B) regarding HB 2398, indicating the State Police are in support of the provision allowing three headlights, but have issues with the inclusion of blue-light inserts. |
| 380 | Rep. Greenlick | Asks whether there are specific statutes which describe headlights and specific candlepower restrictions. |
| 385 | Stan Porter | Oregon Department of Transportation, Transportation Safety Division. Discusses the Federal standards for headlight power and brightness, which Oregon follows for lack of relevant state statute. Offers written testimony (EXHIBIT C) in opposition to HB 2398. |
| 395 | Rep. Greenlick | Clarifies that these statutes address headlights and not auxiliary lights. |
| 397 | Porter | Concurs. |
| 400 | Rep. Greenlick | Clarifies that the lights in questions are headlights and not turning lights. |
| 405 | Rep. Greenlick | Clarifies that the bill as written does not apply to some of the lights in question. |
| 410 | Porter | Details which lights are affected by the bill and which are not, indicating the measure would need to be amended to address those other lights. |
| TAPE 26, A | | |
| 030 | Chair Brown | Asks Sergeant Lorimor if he has any testimony to present. |
| 035 | Scott Lorimor | Department of State Police, Patrol Division. Explains that he is there to answer any questions the committee might have. |
| 040 | Chair Brown | Asks whether motorcyclists are being cited currently for having |

| | | |
|-----|----------------|--|
| | | these lights. |
| 041 | Lorimor | Explains he observes violations, but does not enforce often. |
| 045 | Chair Brown | Clarifies Sgt. Curtis earlier testimony on which lights are not problems. |
| 050 | Curtis | Agrees and observes that the State Police were unsure which form of lights the proponents of the bill were attempting to get exempt. |
| 052 | Rep. Greenlick | Clarifies that the lights in question are not exempt through HB 2398. |
| 053 | Curtis | Agrees. |
| 055 | Chair Brown | Clarifies the Turing lights are not auxiliary lights. |
| 057 | Curtis | Details the operation and classification of Turing lights. |
| 060 | Rep. Zauner | Clarifies that motorcycles made before 1959 are currently exempt from the laws limiting blue-light inserts, and asks why if these bikes are allowed the lights, why there is a problem with newer bikes having these lights. |
| 063 | Curtis | Explains that most of those bikes manufactured before 1959 are show bikes and seldom on the road, so therefore not a problem. |
| 070 | Rep. Zauner | Asks if it is easy to tell the year with motorcycles. |
| 075 | Curtis | Defers to Sergeant Lorimor. |
| 080 | Lorimor | Indicates that he is able to tell the difference between bike models and years. |
| 085 | Rep. Greenlick | Asks whether state patrol vehicles have more than one light. |
| 090 | Lorimor | Explains that the state patrol bikes have only one light. |
| 095 | Rep. Greenlick | Asks if HB 2398 passed, would the department switch their bikes to three-lights. |
| 097 | Lorimor | Remarks that given the funding and ability, he would recommend that change. |
| 100 | Chair Brown | Asks Mr. Merritt and Mr. Porter if they would be willing to work on the bill to make it accomplish better each side's goals. |
| 105 | Rep. Greenlick | Explains that he would be happy to work on a compromise, but asks Mr. Merritt if he were under the impression that the bill as currently written would allow his three light configuration. |
| 110 | Merritt | Explains that he was under the impression that the bill would affect his motorbike, and states his perception of the bill. |
| 115 | Porter | Indicates his willingness to work on a compromise. |
| 120 | Merritt | Discusses the legal limits as to the wattage allowed for lights. |
| 125 | Chair Brown | Closes the public hearing on HB 2398, and opens a public hearing on HB 2419. |

HB 2419 – PUBLIC HEARING

| | | |
|-----|----------------|--|
| 150 | Janet Adkins | Offers a description of HB 2419. |
| 170 | Sen. Fisher | Senate District 1. Offers testimony in support of HB 2419. |
| 210 | Rep. Greenlick | Clarifies and questions the language of the bill as currently written. |
| 225 | Sen. Fisher | Expresses his assumption that the limited lights were only those which blinked. |
| 230 | Rep. Greenlick | Identifies those blinking lights as being the legal definition of headlights. Indicates the need for Legislative Council verification. |
| 235 | Chair Brown | Points out his perception of the language. |
| 240 | Adkins | Explains that the modulating headlight is one which blinks between two brightness's. |
| 245 | Sen. Fisher | Offers his perception of the wording of the bill. |
| 255 | Adkins | Explains how the lights pulse. |

| | | |
|-------------------|----------------|--|
| 265 | Randy Phipps | BikePac of Oregon. Offers an explanation of differing headlights. |
| 290 | Rep. Zauner | Expresses concern for the blinking lights in fog. |
| 295 | Rep. Mabrey | Asks how HB 2419 is consistent with the arguments for HB 2398. |
| 305 | Phipps | Discusses the language of HB 2419. |
| 330 | Rep. Mabrey | Indicates his perception that motorcycle visibility is supported by having multiple headlights as well the requirement to have lights on during the day. |
| 350 | Phipps | Explains his problem with the penalties which are repealed by HB 2419. |
| 365 | Sen. Fisher | Indicates his concern that motorcyclists be held to the same standards as other motorists. |
| 370 | Rep. Greenlick | Discusses the intent of the statute, and the confusion regarding the wording. |
| 380 | Melvin Yeager | BikePac of Oregon. Offers written testimony (EXHIBIT D) in support of HB 2419. |
| TAPE 25, B | | |
| 035 | Rep. Greenlick | Asks if a requirement that all motorists have headlights on at all times would satisfy Mr. Yeager's fairness concerns, and whether Mr. Yeager's concerns with the penalty would be alleviated if the penalty were repealed keeping the law intact. |
| 040 | Yeager | Discusses his group's perception that only a repeal of the entire law would adequately address their concerns. |
| 050 | Rep. Greenlick | Details Mr. Yeager's groups two primary concerns, and again asks why a complete repeal of the law is the only answer to these concerns. |
| 065 | Yeager | Explains his concerns with requiring all vehicles to have headlights on at all times. |
| 080 | Rep. Mabrey | Points out the importance of visibility, and discusses his view that the arguments presented by Mr. Yeager lack validity. |
| 110 | Rep. Beyer | Points out that each witness in favor of HB 2419 expresses their devotion to using headlights during the day, while simultaneously expressing their distaste for requirement of using headlights. |
| 125 | Yeager | Offers an explanation of how his organization feels that headlights are important, but they do not want to be required to use them. |
| 140 | Phipps | Offers written testimony (EXHIBIT E) in support of HB 2419, addressing the mechanical concerns with running headlights at all times. |
| 185 | Rep. Zauner | Expresses his concern with keeping the law intact while removing the fine. |
| 195 | Ken Ray | BikePac of Oregon, Executive Director. Offers testimony in support of HB 2419. |
| 210 | Jim Leshuk | Salem, Oregon. Offers testimony in support of HB 2419. |
| 260 | Rep. Greenlick | Points out his past work with BikePac of Oregon, but expresses his concern with these issues being clouded. Asking for delineation between technical concerns of the motorcycle community, and the concerns with lack of freedom. |
| 295 | Ray | Explains that those issues are for the most part intertwined, and that it would be difficult to separate the two. |
| 315 | Stan Porter | Oregon Department of Transportation, Transportation Safety Division. Offers written testimony (EXHIBIT F) regarding HB 2419 with reference to (EXHIBIT G). |

| | | |
|---------------------------------|-----------------|---|
| 380 | Adkins | Enters into the record written testimony (EXHIBIT H) from Sergeant Curtis of the Oregon State Police regarding HB 2419 and HB 2432. |
| 385 | Chair Brown | Closes the public hearing on HB 2419, and stands the meeting at ease. |
| Meeting Recessed | | |
| 386 | Chair Brown | Calls the meeting back to order and opens a public hearing on HB 2432. |
| HB 2432 – PUBLIC HEARING | | |
| 390 | Rep. Jeff Kropf | Offers testimony in support of HB 2432, with reference to his personal experience when riding motorcycles, and when operating as a volunteer firefighter. |
| TAPE 26, B | | |
| 001 | Rep. Kropf | Continues with testimony in support of HB 2432. |
| 050 | Sen. Fisher | Offers testimony in support of HB 2432. |
| 075 | Rep. Greenlick | Asks if either Sen. Fisher or Rep. Kropf support assisted suicide, and if there were convincing evidence to increased mortality due to the passage of HB 2432 would that change their stance on the issue. |
| 085 | Sen. Fisher | Discusses his experience in regards to the requirement of wearing a helmet, and his view that helmets should not be required. |
| 120 | Rep. Kropf | Expresses his opposition to assisted suicide, and points out that such data would not affect his support for HB 2432. |
| 135 | Chair Brown | Points out that the motorcycle helmet laws were passed by the people of Oregon in 1988, and that 27 other states have similar such laws. |
| 160 | Bob Avery | BikePac of Oregon. Offers written testimony (EXHIBIT I) in support of HB 2432. |
| 220 | Ken Ray | BikePac of Oregon. Offers written testimony (EXHIBIT J) in support of HB 2432 with reference to (EXHIBIT K). |
| 305 | Rep. Greenlick | Refers to the Oregon Health Policy Institute (OHPI) study aforementioned by Mr. Ray, which he directed, and points out aspects of that study. |
| 335 | Ray | Suggests that different studies point to different “facts.” |
| 340 | Rep. Greenlick | Clarifies Mr. Ray’s point that motorcycle ridership drops with mandatory helmet laws, and asks if Oregon’s riding population has decreased since the passage of such laws. |
| 345 | Ray | Explains that the ridership in Oregon has increased in recent years, but that there was a drop off in new vehicle registration, and indicates that he does not have the numbers involving vehicle-miles traveled. |
| 355 | Rep. Greenlick | Asks whether the witness, in lieu of compelling data that repealing mandatory helmet laws means more deaths would occur, would change his stance on HB 2432. |
| 370 | Avery | Responds indicating that he believes the compelling freedom issue is the most important, so therefore he would not change his support of HB 2432. Points out that he has seen data which indicates mandatory helmet laws do not increase safety, and might even cause more accidents. |
| 380 | Rep. Greenlick | Expresses his concerns in passing a bill which would indirectly cause six to seven more deaths each year. |
| 405 | Avery | Restates that the freedom issue is the primary concern as he sees it, and clarifies his earlier statement regarding the OHPI study. |

TAPE 27, A

| | | |
|-----|----------------|---|
| 020 | Ray | Addresses his views that additional deaths would most likely go up due to increased ridership, and those who choose to ride motorcycles inherently take the risk. |
| 065 | Lisa Millet | Oregon Department of Human Services. Offers written testimony (EXHIBIT L) in opposition to HB 2432. |
| 125 | Tim Duerfeltt | McMinnville, Oregon. Offers testimony in support of HB 2432. |
| 155 | Troy Costales | Oregon Department of Transportation, Transportation Safety Division. Offers written testimony (EXHIBIT M) in opposition to HB 2432. |
| 190 | Rep. Greenlick | Clarifies that the helmeted rider fatalities have remained relatively constant. |
| 195 | Costales | Concurs and continues with testimony. |
| 225 | Beyer | Asks what the requirements are in Oregon for personal injury insurance for motorcycles. |
| 230 | Costales | Indicates that he does not know, but can get the information for the committee. |
| 235 | Duerfeltt | Explains that it is the same as for an automobile. |
| 240 | Adkins | Explains that motorcycle policies are not required to have personal injury protection, while vehicles are required. |
| 260 | Rep. Mabrey | Asks whether there are any statistics on how the use of helmets lessens the amount of injury. |
| 270 | Costales | Refers to an article done by the Motorcycle Rider Foundation (EXHIBIT N) , which contains a study addressing this issue. |
| 280 | Zauner | Asks whether Hawaii and its use of mopeds would skew the national statistics at all. |
| 285 | Costales | Discusses the article and what it addresses. |
| 290 | Chair Brown | Closes the public hearing on HB 2432, and opens a public hearing on HB 2579. |

HB 2579 – PUBLIC HEARING

| | | |
|-----|-----------------|--|
| 300 | Janet Adkins | Committee Administrator. Offers a description of HB 2579. |
| 310 | Keith Underdahl | Albany, Oregon. Offers written testimony (EXHIBIT O) in support of HB 2579. |
| 380 | Chair Brown | Closes the public hearing on HB 2579, and adjourns the meeting at 10:54 a.m. |

The following prepared testimony is submitted for the record without public testimony.

| | |
|---------------|---|
| Staff | Submits current statute (EXHIBIT P) regarding HB 2419. |
| Staff | Submits proposed amendments to HB 2579 (EXHIBIT Q) . |
| | Submits Motorcycle Helmet Use Requirements (EXHIBIT R) regarding HB 2432. |
| Jim Leshuk | Submits State Motorcycle Equipment Requirements (EXHIBIT S) regarding HB 2419. |
| Vincent Adams | Submits written testimony (EXHIBIT T) regarding HB 2432. |
| Mitch Putman | Submits written testimony (EXHIBIT U) regarding HB 2432. |

EXHIBIT SUMMARY

- A – HB 2398, illustrative photos, Bob Merritt, 3 pp.**
- B – HB 2398, written testimony, Curt Curtis, 2 pp.**
- C – HB 2398, written testimony, Troy Costales, 1 p.**
- D – HB 2419, written testimony, Melvin Yeager, 1 p.**

- E – HB 2419, written testimony, R.M. Phipps, 3 pp.**
- F – HB 2419, written testimony, Troy Costales, 1 p.**
- G – HB 2419, Motorcycle Laws of the United States, Troy Costales, 2 pp.**
- H – HB 2419/2432, written testimony, Curt Curtis, 2 pp.**
- I – HB 2432, written testimony, Bob Avery, 3 pp.**
- J – HB 2432, written testimony, Ken Ray, 4 pp.**
- K – HB 2432, AMA Position in Support of Voluntary Helmet Use, Ken Ray, 4 pp.**
- L – HB 2432, written testimony, Lisa Millet, 4 pp.**
- M – HB 2432, written testimony, Troy Costales, 6 pp.**
- N – HB 2432, Safe Cycling 1998 Helmet Guide, Troy Costales, 26 pp.**
- O – HB 2579, written testimony, Keith Underdahl, 2 pp.**

EXHIBITS PRESENTED AFTER MEETING

- P – HB 2419, Current Statute, Staff, 1 p.**
- Q – HB 2579, Proposed Amendment, Staff, 1 p.**
- R – HB 2432, Motorcycle Helmet Use Requirements, Staff, 1 p.**
- S – HB 2419, State Motorcycle Equipment Requirements, Jim Leshuk, 1 p.**
- T – HB 2432, written testimony, Vincent Adams, 1 p.**
- U – HB 2432, written testimony, Mitch Putman, 1 p.**