

# HOUSE COMMITTEE ON TRANSPORTATION

May 05, 2003 Hearing Room 357

8:30 AM Tapes 98 – 100

**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:**       SB 289A – Public Hearing and Work Session  
                                  SB 471A – Public Hearing  
                                  SB 183 – Work Session

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>Tape 98, A</b>		
003	Chair Brown	Calls meeting to order at 8:37 a.m., and opens a public hearing on SB 289A.
<b><u>SB 289A – PUBLIC HEARING</u></b>		
005	Sen. Atkinson	Senate District 2. Introduces himself and offers a brief history of the bill, indicating his support for the bill.
020	Sen. Courtney	Senate District 11. Introduces himself, indicates his support for the bill, and defers to Mr. Mathews.
030	Aaron Mathews	Grants Pass, Oregon. Offers a brief history of himself and his condition. Offers testimony in support of SB 289 A.
110	Sen. Courtney	Enters into record written testimony ( <b>EXHIBIT A</b> ) from Marla Runyan, in support of SB 289 with reference to news article ( <b>EXHIBIT B</b> ).
160	Sen. Atkinson	Offers further testimony in support of SB 289.
205	Rep. Greenlick	Asks Mr. Mathews about the bi-optic lenses used for driving.
210	Mathews	Describes the use of the lenses during driving.
215	Rep. Greenlick	Asks about Mr. Mathews' ability to play basketball with his condition.
220	Mathews	Comments on his ability to play without any problems.
225	Sen. Atkinson	Offers analogy for the use of the bi-optic lenses.
235	Rep. Beyer	Asks whether the insurance companies have had any input into the issue.
240	Sen. Courtney	Indicates that he does not recall whether the insurance companies have been involved.
245	Rep. Zauner	Asks about the forty five mph speed limit.
250	Mathews	Explains that the speed limitation would just provide an extra

		layer of safety.
255	Sen. Courtney	Points out the example of Ms. Runyan, and similar speed limits in other states.
265	Rep. Mabrey	Asks about the use of peripheral vision.
270	Mathews	Describes his use of peripheral vision.
275	Rep. Mabrey	Asks whether the use of the bi-optic lens improves Mr. Mathews vision to 20-70.
280	Mathews	Explains that the corrective lens improves his vision to 20-40.
285	Chair Brown	Asks whether Mr. Mathews wears contacts.
286	Mathews	Explains that he does not because his condition is a non-corrective disease.
290	Rep. Dingfelder	Asks why there would be a restriction for driving at night.
295	Mathews	Explains that they were attempting to avoid possible loss of visibility due to darkness.
300	Wayne Schumacker	Oregon Optometric Physicians Association. Offers written testimony ( <b>EXHIBIT C</b> ) in support of SB 289 A.
395	Rep. Zauner	Asks how many people in Oregon would utilize this law.
400	Schumacker	Explains that there could be anywhere from 100 to 200 people.
405	Rep. Greenlick	Clarifies the contribution to society from those with vision impairments.
<b>TAPE 99, A</b>		
005	Kelly Taylor	Oregon Department of Transportation, Division of Motor Vehicles. Offers written testimony ( <b>EXHIBIT D</b> ) regarding SB 289 A.
040	Janet Adkins	Committee Administrator. Asks about the process for obtaining the license.
045	Taylor	Discusses the process for obtaining the license.
085	Rep. Dingfelder	Asks what the cost of the program would be, and who bears the cost.
090	Taylor	Explains that the extra charge would assessed by the provider of the screening.
095	Rep. Dingfelder	Asks about those who would be able to provide the service.
096	Taylor	Discusses those who would provide the service.
100	Rep. Greenlick	Clarifies those who would be able to utilize the law.
105	Schumacker	Comments on who would be able to use the law.
110	Rep. Greenlick	Comments on the difference between those with differing optical problems.
115	Schumacker	Discusses those differences in conditions, and clarifies the use of the bi-optic device.
135	Rep. Gilman	Clarifies how the corrective device operates.
145	Schumacker	Further discusses the operation of the corrective device.
155	Taylor	Expresses ODOT's concern regarding the use and function of the device.
160	Rep. Gilman	Asks why the bar has been raised so high.
165	Schumacker	Discusses the vision test and the requirements for passing such a test.
170	Chair Brown	Asks how those with 22/100 vision see objects.
175	Schumacker	Discusses and attempts to offer an example for how those individuals view objects.
195	Rep. Mabrey	Refers to earlier testimony, clarifies the peripheral vision issue.
210	Schumacker	Discusses Mr. Mathews particular condition, and further discusses the use of peripheral vision.
225	Rep. Greenlick	Points out that Mr. Mathews is able to compensate, but asks why those like Mr. Mathews are not separated from those with worse

		vision.
240	Schumacker	Discusses the process which these individuals must go through to ensure that they are a safe driver.
245	Rep. Greenlick	Clarifies that this would mean professional certification.
250	Schumacker	Acknowledges.
255	Chair Brown	Clarifies that these individuals, due to the 45 mph speed limit, would be largely limited to urban areas.
256	Taylor	Acknowledges.
260	Rep. Beyer	Asks about the example of Marla Runyan, and the similar law in California.
265	Taylor	Discusses the restrictions in other states.
275	Chair Brown	Closes the public hearing on SB 289A, and opens a work session on SB 289A.

**SB 289A – WORK SESSION**

<b>280</b>	<b>Rep. Greenlick</b>	<b>MOTION: Moves SB 289A to the floor with a DO PASS recommendation.</b>
285	Rep. Beyer	Expresses her concerns regarding, and intent to vote No on, the bill.
290	Rep. Gilman	Points out his concerns but intent to vote Aye on the bill.
295	Chair Brown	Discusses his initial concerns for the bill, but how his concerns have been alleviated.
300	Rep. Greenlick	Expresses the need to allow those like Mr. Mathews to have opportunity to operate normally in society, points out the need to rely on the vision specialists to help screen those that might utilize the law.
<b>305</b>		<b>VOTE: 6-1</b>
		<b>AYE: 6 - Dingfelder, Gilman, Greenlick, Mabrey, Zauner, Brown</b>
		<b>NAY: 1 - Beyer</b>
	<b>Chair Brown</b>	<b>The motion CARRIES.</b>
		<b>REP. GREENLICK will lead discussion on the floor.</b>
310	Chair Brown	Closes the work session on SB 289A, and opens a public hearing on SB 471A.

**SB 471A – PUBLIC HEARING**

315	Janet Adkins	Committee Administrator. Offers a description of SB 471A.
325	Bob Russell	Oregon Trucking Association. Introduces a video; “Bad Movers,” (Nightline, NBC, 10:00 p.m. January 17 <sup>th</sup> 2003).

**TAPE 98, B**

060	Russell	Introduces Mr. Reynolds.
070	Jason Reynolds	Oregon Consumer League. Offers written testimony ( <b>EXHIBIT E</b> ) in support of SB 471 A.
090	Bob Russell	Offers written testimony ( <b>EXHIBIT F</b> ) in support of SB 471 A.
170	Rep. Mabrey	Clarifies that the bill would not correct the problem used as an example in Mr. Russell’s written testimony because it dealt with interstate commerce.
175	Russell	Refers to an Attorney General (AG) decision regarding that example, which gives the state jurisdiction.
180	Rep. Mabrey	Clarifies that while the bill would only regulate pack-and-loaders.
185	Russell	Points out there are already regulations which deal with the haulers.
187	Rep. Mabrey	Asks for a clarification regarding the Senate vote on this issue.
190	Russell	Discusses the vote on the Senate side, and points out that the

		committee vote was unanimous. Further discusses the issues resolved on the Senate side.
210	Rep. Dingfelder	Asks for a clarification of the fee structure.
220	Russell	Explains that the fee has a cap of \$100 for pack and loaders, and further discusses the fee structure.
235	Rep. Dingfelder	Asks for a clarification of specific wording in the bill.
240	Russell	Discusses the wording in question.
242	Rep. Dingfelder	Asks whether Mr. Russell's group would have to pay the proposed fees.
245	Russell	Explains that some of his group operated pack-and-load businesses, and they would be responsible for paying the fee.
250	Rep. Dingfelder	Clarifies the process for deciding on the registration fee.
255	Russell	Explains that initially there will be more costs associated with registration.
260	Janet Adkins	Committee Administrator. Asks what options there are for customers of licensed and unlicensed pack-and-loaders.
265	Reynolds	Addresses the example offered by Ms. Adkins.
280	Rep. Zauner	Asks where the company in the video weighed their trucks.
285	Russell	Comments on the various ways he has seen weighing tickets forged.
305	Reynolds	Points out that weight always seems to double or triple the bill.
310	Adkins	Asks how the bill excludes regulating friends who might help an individual move.
315	Russell	Indicates the language in the bill which defines pack-and-load operations as those which "are in the business."
330	Richard Burke	Libertarian Party of Oregon, Executive Party of Oregon. Offers testimony in opposition to SB 471A.
390	Rep. Greenlick	Clarifies where Mr. Burke's presented figures come from.
395	Burke	Indicates the location in the bill where the figures come from.
<b>TAPE 99, B</b>		
030	Rep. Dingfelder	Asks what Mr. Burke's suggestion would be for closing the possible loophole.
035	Burke	Indicates his request for an amendment to be drafted regarding this issue. Continues with testimony in opposition to SB 471 A.
080	Rep. Beyer	Asks about the regulations currently imposed on the small packing companies.
085	Burke	Discusses the regulation issues.
090	Rep. Beyer	Asks what kinds of consumer protections the state of Washington currently implements.
095	Burke	Indicates that he does not know the specific protections.
100	Rep. Beyer	Asks whether in the amendment there is a requirement for a written contract.
1025	Burke	Indicates that if there is not such a requirement, he would be happy to insert one into his amendment.
107	Rep. Beyer	Asks whether under current law, there is a requirement for a written contract.
110	Burke	Indicates that he does not know.
115	Rep. Dingfelder	Asks that Mr. Russell be able to address a question of hers, asks Mr. Russell to comment on the proposal of Mr. Burke.
120	Russell	Discusses his perception of the proposals put forth by Mr. Burke.
140	Rep. Greenlick	Asks about the possible exemption for small movers.
150	Russell	Discusses the exemption issues.
155	Rep. Greenlick	Clarifies the definition of the small movers.
160	Russell	Acknowledges.

165	Rep. Greenlick	Further clarifies the definition of small movers and the exemption for these businesses.
170	Russell	Acknowledges.
172	Rep. Beyer	Asks if Mr. Russell could discuss the regulations in Washington state.
175	Russell	Discusses those regulations in Washington state.
185	Rep. Beyer	Asks about Mr. Burkes' testimony under this added regulation, some small movers would relocate to Washington state in order to avoid the regulations.
190	Russell	Explains that no matter where the company is located, they would still be held to the regulation if they operated in the state of Oregon.
195	Chair Brown	Closes the public hearing on SB 471A, and opens a work session on SB 183.

**SB 183 – WORK SESSION**

200	Rep. Miller	House District 37. Offers written testimony ( <b>EXHIBIT G</b> ) in support of SB 183, and the proposed -3 amendments ( <b>EXHIBIT H</b> ).
245	Rep. Greenlick	Asks Rep. Miller to discuss the reasoning behind the “Basic Rule.”
250	Rep. Miller	Comments on the reasoning for the “Basic Rule.”
300	Rep. Greenlick	Indicates his continued concern for the “Basic Rule.”
305	Rep. Miller	Discusses the common sense function of the bill.
330	Rep. Dingfelder	Comments on the differing perceptions of “reasonability,” and asks how “reasonable” is to be defined.
365	Rep. Miller	Comments on the issue of perception and “reasonable.” Comments on the reasonability in reference to traffic regulations and the basic rule.

**TAPE 100, A**

010	Rep. Mabrey	Clarifies that the police officer would still be able to determine what speed the conditions allow.
015	Rep. Miller	Concurs with Rep. Mabrey. Points out that the “Basic Rule” works in both ways, and can limit the “reasonable” speed to below the posted limit.
025	Rep. Mabrey	Points out that in the past there was a lot of credence given to the opinion of the ticket issuing officer. Asks whether the same credence would still be allowed.
035	Rep. Miller	Discusses the issues regarding “reasonability.”
045	Rep. Beyer	Refers to complaints from Judges regarding those laws which limit their ability to do their jobs.
055	Rep. Miller	Points out that not many citations are argued in court, and expresses doubt that this bill would increase that number.
070	Rep. Greenlick	Points out that the issue regards human psychology, and those who are driving unsafely are under the impression that they are driving safely. Further discusses the issues regarding the “Basic Rule.”
130	Rep. Miller	Comments on the issues raised by Rep. Greenlick, pointing out the ability of individuals to decide what is safe.
160	Rep. Greenlick	Clarifies the effects of the amendments, asks whether Rep. Miller is OK with speed limits in cities.
165	Rep. Miller	Comments on the limits in cities and the use of the basic rule within cities.
180	Rep. Greenlick	Further clarifies the intent of the amendments.
185	Janet Adkins	Discusses the speed limit jurisdictions.

190	Rep. Greenlick	Comments on the debate at hand.
<b>195</b>	<b>Rep. Mabrey</b>	<b>MOTION: Moves to ADOPT SB 183-3 amendments dated 05/05/03.</b>
200	Rep. Beyer	Expresses her support for the bill as written, and intent to vote No on adopting the -3 amendments.
205	Committee	Discusses the debate over the -3 amendments.
<b>215</b>	<b>Rep. Mabrey</b>	<b>WITHDRAWS the motion to adopt the -3 amendments to SB 183.</b>
225	Rep. Greenlick	Clarifies his concerns regarding the “Basic Rule.”
240	Gary Miller	Oregon State Police. Discusses the issue of the “Basic Rule” on the interstate.
245	Rep. Beyer	Asks Mr. Costales to address the -3 amendments.
250	Troy Costales	Oregon Department of Transportation. Explains that he has not seen the -3 amendments.
255	Rep. Beyer	Clarifies that she would like Mr. Costales to address the -3 amendments after he has had the chance to review the amendments.
260	Richard Burke	Libertarian Party of Oregon. Offers testimony in support of the -3 amendments to SB 183.
310	Chair Brown	Expresses his intention to wait for the conflict amendments before taking action on the bill. Closes the work session on SB 183.
315	Rep. Dingfelder	Offers into the record submitted news article ( <b>EXHIBIT I</b> ) which deals with the issue of handicap parking abuse.
320	Chair Brown	Adjourns the meeting at 10:47 a.m.

## **EXHIBIT SUMMARY**

- A – SB 289 A, written testimony, Marla Runyan, 4 pp.**
- B – SB 289 A, news article, Sen. Courtney, 2 pp.**
- C – SB 289 A, written testimony, Wayne Schumacher, 2 pp.**
- D – SB 289 A, written testimony, Kelly Taylor, 1 p.**
- E – SB 471 A, written testimony, Jason Reynolds, 4 pp.**
- F – SB 471 A, written testimony, Bob Russell, 2 pp.**
- G – SB 183, Legislative Counsel decision, Rep. Miller, 1 p.**
- H – SB 183, -3 amendments, Rep. Miller, 27 pp.**
- I – Informational, news article, Rep. Dingfelder, 1 p.**