

HOUSE COMMITTEE ON TRANSPORTATION

January 29, 2001
9:00 AM

Hearing Room D
Tapes 18 - 19

MEMBERS PRESENT: **Rep. Bruce Starr, Chair**
 Rep. Alan Brown, Vice-Chair
 Rep. Jeff Merkley, Vice-Chair
 Rep. Richard Devlin
 Rep. Jeff Knopf
 Rep. Donna Nelson
 Rep. Diane Rosenbaum
 Rep. Joanne Verger
 Rep. Cliff Zauner

MEMBER EXCUSED:

STAFF PRESENT: **John Leon, Committee Administrator**
 Kate Campeau, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2138 Public Hearing and Possible Work Session**
 HB 2132 Public Hearing and Possible Work Session

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 18, A		
001	Chair Starr	Calls meeting to order at 9:04 a.m.
<u>OLDER DRIVERS ADVISORY COMMITTEE REPORT</u>		
010	Mari Miller	Program Services Manager, Oregon Department of Transportation, who gives an overview of the Report on Older Driver Study.
227	Rep. Merkley	Asks about medical profession representation in this study and the implication of having one's health care provider become a reporting mechanism to the state.
245	Miller	Responds that the medical community served as consultants and presented expert testimony on several occasions.
280	Rep. Merkley	Asks about loss of strength, eye impairment, and inability to concentrate and whether there is any concern that citizens would become reluctant to visit physician if medical provider would be reporting to the state.
300	Miller	Responds that rules would be narrow enough so as not to interfere with doctor/patient relationship.
307	Rep. Rosenbaum	States that this is a very controversial report. Asks about other states involvement in this type of study.
350	Miller	Answers that Oregon is actually the leader in elder driver research.
357	Rep. Rosenbaum	Asks how other states handle retesting.
400	Miller	Answers that age-based requirements are not predictive or helpful.

419 Rep. Nelson Expresses appreciation for this study. Request numbers attached to percentages.

430 Miller States that this information can be provided.

440 Rep. Nelson Asks what role the insurance industry played in this study.

450 Miller Answers that the insurance industry was represented in the stakeholders group.

470 Rep. Nelson Asks what impact the insurance industry will have on seniors as far as renewing policies, cost of premiums, etc.

499 Miller Answers that this information is not available and that the insurance industry would need to contact Rep. Nelson.

500 Rep. Verger Affirms the usefulness of report. Expresses concern about the budgetary request and the closing of DMV offices, thus, in many cases, putting seniors at risk.

TAPE 19, A

070 Miller Responds that the funding request would not be used for keeping offices open.

080 Rep. Verger Restates that senior citizens might have to drive in hazardous conditions because of the closure of DMV offices.

085 Chair Starr Asks if requested \$1 million is in the Governor's budget.

088 Miller Affirms that it is in Governor's budget.

HOUSE BILL 2138

099 Chair Starr Opens a public hearing on HB 2138.

100 John Leon Committee Administrator. Reads synopsis of HB 2138 which prohibits disclosure of personal information by ODOT to bulk distributors unless by permission of individuals.

111 Bill Seely DMV Services, Department of Transportation, Submits written testimony (EXHIBIT B) and explains HB 2138. Notes that the bill is intended to bring Oregon into compliance with new federal law.

160 Rep. Nelson Inquires as to the efficacy of ODOT's practice of selling information.

166 Seely Answers that DMV records are subject to public record laws, making information available for any purpose. Notes that the 1997 Driver Privacy Protection Act made it impossible to get information on individuals through DMV.

196 Rep. Zauner Asks if money was involved in selling the mailing lists.

200 Seely Answers that all records were available for a fee to cover the cost of production, administrative fees, etc.

206 Rep. Nelson Asks who authorized this practice.

215 Seely Answers that this is not a profit maker, but rather the cost of recovery, and it came about because of a public records law and a change that occurred in the Oregon Constitution in 1989 that identified this as not appropriate use for highway costs.

234 Chair Starr Weighs in on the discussion by explaining that current federal statute requires that the information DMV collects is public information authorized by legislature. Notes that HB 2138 would bring Oregon into compliance with federal statutes.

245 Rep. Nelson Expresses her concern that DMV was involved in this practice.

250 Seely Comments that prior to 1989 Oregon did not have an "opt-out" law and everyone's record information was available.

263 Rep. Merkley Comments that opt-in is a much firmer foundation for personal privacy than opt-out designation.

Asks if loss of revenues should be reflected in equivalent savings

and expenditures.

274 Seely Answers that though this is *cost recovery*, many resources that are used to produce records are used broadly across record spectrum and don't necessarily have linear relationship.

290 Rep. Merkley Comments that what public was being charged is a share of the overhead needed to produce it, not a marginal cost so there are no marginal savings.

300 Seely Agrees that most of the overhead is direct charges that are spread across many activities.

304 Rep. Nelson Asks how much *revenue* or *costs* are collected in a year.

307 Chair Starr Points out fiscal analysis of HB 2138.

317 Leon Reviews fiscal impact of the bill.

364 Chair Starr Closes the public hearing and opens a work session on HB 2138.

370 Rep. Devlin **MOTION: Moves HB 2138 to the floor with a DO PASS recommendation.**

388 Rep. Rosenbaum Brings up public record law and asks if DMV will be required to release information or can this practice be legally stopped.

408 Chair Starr Responds that opt-in option would authorize ODOT to release information.

412 Rep. Rosenbaum Clarifies that individuals must contact ODOT and consent to information being made public before any information will be released.

417 Rep. Devlin Concurs that as it would be opt-in only, the number of vendors would be severely diminished. States that the public records law greatly changes the dynamics of this discussion.

420 Rep. Nelson Asks why this practice cannot simply be stopped.

453 Chair Starr Affirms that HB 2138 will successfully curtail this objectionable practice once and for all.

467 Rep. Kropf Concurs with Rep. Nelson's concerns.

491 Seely Comments on the way the bill was worded.

493 Rep. Merkley Notes that under current statutes, specifically Section 14, and public record laws, legislative authority is obliged to make this information available.

495 Seely Concurs with Rep. Merkley.

497 Rep. Nelson Asks procedure for amending this bill.

501 Chair Starr Explains that the process would be to have Legislative Council draft amendment and bring it back to the committee for consideration.

503 Chair Starr Calls for vote on HB 2138.

TAPE 18, B

VOTE: 9-0

045 Chair Starr **AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

048 Chair Starr **REP. DEVLIN will lead discussion on the floor.**

States that there is a request that the bill actually not be put on the consent calendar because of the substance of the issue. Closes the work session on HB 2138 and opens a public hearing on HB 2132.

HB 2132 PUBLIC HEARING

060 Chair Starr Explains that HB 2132 authorizes ODOT to issue an initial four-year registration only on new types of vehicles. Notes that vehicle owners will pay the same amount of fees and the fees are scheduled in one payment.

Revenue impact statement on HB 2132 submitted by staff for the record (**EXHIBIT D**).

075	Rep. Kropf	Asks about the difference in revenue.
084	Kelly Taylor	Government Liaison, Department of Transportation, Submits written testimony (EXHIBIT C) and explains that the difference in revenue is not how much is collected but rather when. Notes that most of the bill will become operative in January 2002.
118	Rep. Kropf	Asks about the closure of DMV offices.
120	Taylor	Responds that the closures will be discussed in the near future, and conveys willingness of ODOT to work cooperatively with legislators.
128	Rep. Devlin	Asks about emission testing.
	Taylor	Affirms that Rep. Devlin's assessment is correct and that the four-year registration would relinquish an individual from obligation with DMV or DEQ.
133	Rep. Devlin	Asks for clarification that there will be a reduction in revenue or expenditures to DEQ because of a reduction in screening vehicles each year.
145	Taylor	Comments that Rep. Devlin's assessment seems reasonable but cannot offer any clarification due to the lack of expertise on DMV policies.
150	Rep. Devlin	Offers that DMV will experience diminished growth in expenditures.
153	Rep. Zauner	Asks what is the difference in making registration four years instead of just two years.
158	Taylor	Answers that typically a fee of \$30 is assessed every two years, and now a new car buyer would pay \$60 for four years.
162	Rep. Zauner	Asks what that would amount to in revenue per year.
166	Taylor	Answers that it changes the flow and increases revenue coming in at about \$5.5 million statewide. Clarifies that it changes flow, but does not change the total amount collected.
170	Rep. Nelson	Asks for the definition of a new vehicle.
175	Taylor	Responds that new means having never been registered.
179	Rep. Nelson	Asks for further clarification.
185	Taylor	Responds that if a vehicle has been registered anywhere it would not be considered new.
188	Rep. Nelson	Asks why all counties are not included.
190	Taylor	Answers that all counties will be included by 2002, except Portland DEQ related areas which will be included in 2004.
200	Rep. Nelson	Asks for clarification.
204	Taylor	Responds that DEQ must be able to maintain air quality standards.
222	Rep. Nelson	Asks for clarification of testing procedures.
235	Taylor	Responds that the testing of cars is tied to registration of vehicles.
267	Rep. Merkley	Asks if the number of cars turned over in less than two years would impact revenue figures.
269	Taylor	Responds that figures are derived from how many new cars come into the system each year. States that four-year registration is good regardless of whether there is a change of owner.
270	Rep. Merkley	Asks about the effect this registration change would have on specialty license plates such as the salmon specialty plates, for example.
300	Taylor	Speculates that this would not adversely impact specialty plates.
305	Rep. Devlin	Comments on the need to revise the attainment plan for the

Portland Metro area. States that previous administrations have been relatively slow in approving changes. Notes that four-year period will save a car owner money because of the low turnover of new cars in less than four years and so the savings will be passed on to the public, unless the air quality emission test were to double in cost.

321 Rep. Nelson
340 Taylor
347 Chair Starr
357 Rep. Devlin
357 **Rep. Devlin**

Asks if an exemption on behalf of Yamhill County is possible.

Answers that exemption would jeopardize the bill.

Closes the public hearing and opens a work session on HB 2132.

Moves HB 2132 to the floor with a do pass recommendation.

MOTION: Moves HB 2132 to the floor with a DO PASS recommendation.

361

VOTE: 9-0

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

Chair Starr

The motion CARRIES.

REP. DEVLIN will lead discussion on the floor.

376 Rep. Devlin

States that the measure should not be put on the consent calendar because it has a revenue impact.

379 Chair Starr

Closes the work session on HB 2132 and adjourns the committee meeting at 10:45 a.m.

Submitted By,

Reviewed By,

Kate Campeau,
Committee Assistant

John Leon,
Committee Administrator

EXHIBIT SUMMARY

A – Older Drivers Advisory Committee Report, written material, Mari Miller, 81 pp.

B – HB 2138. Written testimony, Bill Seely, 1 p.

C – HB 2132, written testimony, Kelly Taylor, 1 p.

D –HB 2132, revenue impact statement, staff 1 p.