



131	Troy Buzalsky	open to the public not private roads or private property.
182	Buzalsky	Clackamas County Fire District 1. Presents a video presentation.
234	Buzalsky	Presents written testimony in favor of HB 2411 ( <b>EXHIBIT A</b> ). Comments that HB 2411 should be used to educate the body of Oregon and help make Oregon a little bit safer for the children whom sometimes don't have that choice.
245	Patrick Wills	Firefighter, and Member, Philomath Fire Board. Details the tragedy of an accident involving teens and an open bed vehicle.
271	Dale Stiab	Fire Chief, Philomath Rural Fire District. Discusses the anguish of loss not only for the people directly involved in the accidents but of those of his crew who have to deal with the emotional conflict and emotional trauma of this type of incident.
301	Stiab	Sites some decreases in fatalities due to safety standards but not in the deaths of passengers riding in the cargo areas of pick up trucks. States that some actions have been undertaken through the National Highway Transportation to enact a regulation requiring that warnings be placed on the cargo bed pick ups to eliminate passengers from riding in them.
311	Stiab	Comments some major auto manufacturers are willing to put notification in their owner manuals that it was hazardous to have passengers ride in open bed pick up trucks.
339	Rep. Jeff Kropf	House District 37. Testifies in favor of HB 2411. Details a personal tragedy from someone riding in an open bed pick-up.
354	Rep. Kropf	Relates to personal observations of passengers in open bed pick-ups. References legislation changing teen driving rules and how much improved that situation has become through the reduction in fatalities.
385	Chair Starr	Ask if seatbelt laws protect everyone, not just minors.
<b><u>TAPE 38, A</u></b>		
004	Kelly Taylor	Legislative Liaison, Oregon Department of Transportation. Presents written testimony on HB 2411( <b>EXHIBIT B</b> ). Comments that there is conflicting interpretations as to whether a pickup bed is external or internal to the vehicle, and that the uncertainty confuses the public and deters enforcement of the law.
016	Taylor	Continues that during the past six years, 29 people were killed or injured while riding in the bed of pickup trucks in Oregon. Sixteen of those injured were 19 years of age or younger, and the three became fatalities.
022	Chair Starr	Closes the public hearing on HB 2411 and opens a public hearing on HB 2681.
<b><u>HB 2681 PUBLIC HEARING</u></b>		
028	Leon	Explains the provisions of HB 2681.
037	Rep. Bill Witt	House District 7. Testifies in support of HB 2681. Believes HB 2681 promotes safety for the public. States the reality of dogs or other animals falling out of the back of pickups particularly on busy highways at high rates of speed poses a very serious risk to motorist as well as the animals.
048	Rep. Witt	Comments this bill protects animals in a responsible way, yet still addresses the exemption for agricultural purposes.
064	Chair Starr	Closes the public hearing on HB 2681 and reopens the public hearing on HB 2411.
<b><u>HB 2411 PUBLIC HEARING (CONTINUED)</u></b>		
066	Taylor	Continues testimony. Sites a study done at the University of

		California in 1993 looking at children involved in accidents while riding in pickup beds accounted for 43% of the total of pickup related deaths nationwide.
089	Taylor	States as of January 1, 2001 there are 30 states that have this type of law on the books prohibiting passengers from riding on any part of a pickup that is not designed to carry passengers including the bed of a pickup. Adds that with this law Oregon could undoubtedly save lives, reduce injuries and protect Oregonians from hundreds of thousands of dollars in medical expenses in relation to these types of accidents.
103	Rep. Devlin	Asks at what age can a child be in the bed of a pickup without any sort of protection.
112	Taylor	Answers at the age of 4.
114	Rep. Rosenbaum	Asks how many pickups in Oregon per capita compared to other vehicles.
122	Taylor	States she will locate that information and forward it onto the committee.
125	Rep. Rosenbaum	Comments that if there are more pickups in Oregon that it is a much bigger problem here than other states.
131	Rep. Merkley	Asks does it reduce the risk to have a canopy over the pickup.
133	Taylor	Comments that she doesn't have that information but you can still receive substantial injury from being unrestrained in the back of a pickup with or without a canopy.
142	Rep. Merkley	States that the written information says that the cargo area of a pickup truck with or without a canopy has proven to be a source of injuries and death to children and adults. Notes in addition to the possibility to being ejected from the beds that covered beds also expose passengers to carbon monoxide from exhaust fumes possibly increasing that number of fatalities.
147	Taylor	Responds that she will look into this issue further and get back to the committee.
149	Rep. Brown	Relates to personal anecdote. Asks if this law would cover a boat being towed.
156	Taylor	Comments that if it is considered a vehicle yes it would.
165	Rep. Nelson	Asks if there is a law for school buses and travel trailer.
174	Taylor	States school buses are exempt, there has been legislation addressing this issue in the last couple of sessions.
176	Rep. Nelson	Asks what about vans for daycare facilities.
183	Taylor	Responds that she can look into all the questions and get the information back to the committee.
190	Glenn Chastain	Sergeant with the Oregon State Police Patrol Division. Testifies in support of HB 2411. Presents written testimony ( <b>EXHIBIT C</b> ).
211	Chair Starr	Asks to address the question regarding passengers riding in an open boat being towed.
212	Chastain	Responds that it is prohibited based on the laws governing the trailer. States there is an exemption for a fifth wheel trailer if it has an intercom system.
224	Jean Underhill-Wilkinson	Associate Director, Oregon Farm Bureau Federation. Testifies in opposition to HB 2411. Submits and refers to written testimony ( <b>EXHIBIT D</b> ). States it decreases the flexibility of the farmers need to transport farm workers and equipment in the cargo areas of pickups when necessary.
279	Jim Welsh	Speaking for the Oregon Family Farm Association. Testifies in

opposition to HB 2411. Points out that a pickup in the farming industry is a multi-use business tool. States that some exceptions need to be made for the farming community.

319 Katie Cate Representing the Oregon Cattlemen’s Association. Testifies in opposition to HB 2411. Discusses the need to transport family or employees in the bed of a pickup.

350 Rep. Kropf Asks if what type of amendment could be added to HB 2411 to support the agricultural community.

356 Jean Underhill- Wilkinon Comments that they are willing to work with the committee to come up with acceptable language.

362 Chair Starr Asks if an exemption for minors involved in agricultural activities would suffice.

364 Underhill-Wilkinon Would like to discuss this suggestion with her transportation committee. States tentatively that it could be a viable solution.

380 Rep. Devlin States there is another bill before the committee asking for an exemption to the graduated licensing program. If that exemption were in place would she be willing to concede on this bill.

396 Underhill-Wilkinon Comments that if there could be something worked out with the provisional drivers license bill that would be a possible option.

**TAPE 37, B**

002 Joanne Fairchild Trauma Nurse Coordinator, Legacy Emanuel Hospital. Submits written testimony in support of HB 2411 (**EXHIBIT E**).

013 Alice Lasher Representing Oregon Safe Kids Coalition and Sandy Fire District. Comments that her community is made up mostly of nursing and farming facilities. Testifies in support of HB 2411.

030 Lasher Refers to Representative Merkley’s question regarding carbon monoxide poisoning. States she previously worked for the Portland Fire District and she was on a call that involved a family moving from California to Oregon, they thought the 3 children were sleeping, but in fact had died from carbon monoxide poisoning in the back of the pickup covered by a canopy.

042 Mike Dewey Representing Oregon Wheat Growers League and Potato Growers of Oregon. Testifies in opposition of HB 2411. States that farmers and ranchers are growing in number and need to use this type of vehicle in transporting large numbers of people. States they like to see an exemption for firefighters in emergency situations.

072 Rep. Rosenbaum Asks what is the prevalence of minors are used to fight fires.  
074 Dewey Comments that he is speaking of wheat fires and states it needs to put out as quickly as possible to save the crop. States that people are moved from all locations and all ages to get the fire put out.

090 Rep. Rosenbaum Asks for clarification.  
096 Dewey States that fires are fought with pickups and individuals in the backs of those pickups their main use is getting firefighters from other locations to the area of the fire.

101 Chair Starr Asks how do they fight a wheat fire.  
102 Dewey Comments that you have a water pickup, but the fire needs to be contained prior to getting that truck in place.

115 Chair Starr Closes the public hearing on HB 2411 and reopens the public hearing on HB 2681.

**HB 2681 PUBLIC HEARING (CONTINUED)**

120	Rep. Richard Devlin	House District 24. Testifies in support of HB 2681. Details the interpretations of previous bills. Presents and refers to written testimony <b>(EXHIBIT F)</b> .
171	Rep. Devlin	Comments that the bill will establish reasonable care and welfare of the animals in open bed pickups.
194	Rep. Devlin	States the history of this bill. Explains that the proponents worked with the agricultural community to improve the language. Comments in addition, prior to the bill being introduced they again worked with the agricultural community to improve exemptions. Explains that if the bill comes back for a work session that they do have language that may better address those exemptions beyond last session.
208	Rep. Devlin	Comments that HB 2411 and HB 2681 are common sense bills. States both have been addressed by previous legislators trying to save lives. Says that the fundamentals of both bills are to protect public safety and urges committee to vote yes for both bills.
217	Rep. Merkley	Asks if the external part of the vehicle was interpreted not to include the bed of a pickup.
224	Rep. Devlin	Comments that the interpretation is unclear. States this will help to clearly define what the external part of a vehicle is.
238	Rep. Nelson	Relates personal anecdote. Asks that a medical exemption for stray animals be included in this bill.
252	Rep. Devlin	Comments they would be happy to address those issues as well as others.
264	Chair Starr	Explains written amendments to the bills.
270	Randy Corey	Lieutenant, Law Enforcement Division, Oregon Humane Society. Testifies in support of HB 2681. Submits and refers to written testimony <b>(EXHIBIT G)</b> .
345	Corey	Refers to Representative Devlin's testimony that the interpretation of the law allows the animal to be free in the back of a pick up under the premise that the framework of the bed will keep them from falling out.
353	Rep. Devlin	States that this bill will provide clarity to the current laws, which does not require animals to be restrained. Agrees that with a work session could come to an agreement with language that would address any concerns outstanding.
375	Rep. Kurt Schrader	House District 23. Testifies in support of HB 2681. Comments that he is a veterinarian and from his standpoint feels the bill is fair to the animals it protects and the agricultural community.
403	Chair Starr	Closes public hearing on HB 2681 and adjourns meeting.

Submitted By,

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**EXHIBIT SUMMARY**

- A – HB 2411, written testimony, Troy Buzalsky, 28 pp.**
- B – HB 2411, written testimony, Kelly Taylor, 4 pp.**
- C – HB 2411, written testimony, Glen Chastain, 1 p**
- D – HB 2411, written testimony, Jean Underhill-Wilkinson, 1 p**
- E – HB 2411, written testimony, Joanne Fairchild, 1 p**
- F – HB 2681, written testimony, Rep. Richard Devlin, 1 p**
- G – HB 2681, written testimony, Randy Corey, 1 p**