

# HOUSE COMMITTEE ON TRANSPORTATION

April 11, 2001  
8:30 A.M.

Hearing Room D  
Tapes 88 - 89

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

**MEMBER EXCUSED:**

**STAFF PRESENT:** John Leon, Committee Administrator  
Kevin Wells, Committee Assistant

**MEASURE/ISSUES HEARD:** SB 298 Public Hearing  
HB 3071 Public Hearing  
HB 3064 Public Hearing

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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 88, A</b>		
003	Chair Starr	Calls meeting to order at 8:35 a.m. Opens a public hearing on SB 298.
<b><u>SB 298 PUBLIC HEARING</u></b>		
009	John Leon	Committee Administrator. Reviews SB 298. Notes that the measure does not need to be heard by Ways and Means.
020	Chair Starr	Closes the public hearing on SB 298. Opens a work session on SB 298.
<b><u>SB 298 WORK SESSION</u></b>		
023	Rep. Brown	<b>MOTION: Moves SB 298 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</b>
030	Rep. Verger	Comments that SB 298 creates additional staff positions.
037	Kelly Taylor	Oregon Department of Transportation (ODOT). Explains that restructuring of programs will result in more teens in driver improvement programs. Notes this is in the Governor's budget.
050		<b>VOTE: 8-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Kropf</b> <b>The motion CARRIES.</b> <b>ROSENBAUM will lead discussion on the floor.</b>
	Chair Starr	
058	Rep. Devlin	Suggests that SB 298 not be put on the consent calendar.
059	Chair Starr	Asks the committee if SB 298 should be put on the consent

		calendar.
060	Rep. Devlin	Comments that the fiscal impact may create opposition.
064	Chair Starr	Closes the work session on SB 298. Opens a public hearing on HB 3071.
<b><u>HB 3071 PUBLIC HEARING</u></b>		
068	Leon	Reviews HB 3071 and the –1 amendments ( <b>EXHIBIT A</b> ).
085	Irene Hobson	AARP Oregon. Supports HB 3071 ( <b>EXHIBIT B</b> ). Expresses concerns about the measure as regards medical examinations.
145	Phyllis Rand	Legislative Coordinator, Governor’s Commission on Senior Services. Supports HB 3071 ( <b>EXHIBIT C</b> ). Offers background information.
200	Andi Miller	Alzheimer Association Oregon. Supports HB 3071 ( <b>EXHIBIT D</b> ). Outlines concerns about doctors’ role in reporting medical diagnoses.
225	Chair Starr	Asks the panel if the –1 amendments satisfy their concerns.
226	Miller	Answers that those amendments do address their concerns.
229	Rep. Nelson	Asks who will make recommendations on a driver’s ability to drive. Wants to know who selects the medical experts.
247	Miller	Defers to ODOT.
253	Rep. Merkley	Asks Ms. Miller about doctors reporting medical conditions.
264	Miller	Clarifies that naming of medical conditions is her concern. Explains that a diagnosis of Alzheimer does not mean that one cannot drive. Agrees that doctors can help get unsafe drivers from the road.
292	Rep. Merkley	Asks if the –1 amendments satisfies her concerns about doctors reporting specific medical conditions.
307	Miller	States that the requirement for doctors to name a disease is the problem. Adds that doctors having the option to do so is not a problem.
322	Rep. Merkley	Asks if this will prevent patients from going to their doctors.
332	Miller	Discloses that HB 3071 is part of a package that addresses Rep. Merkley’s concern.
351	Rep. Merkley	Asks Ms. Hobson if further amendments are needed.
357	Hobson	Suggests that an amendment be drafted. Outlines the proposed amendment. Comments on the –1 amendments.
380	Chair Starr	Agrees with her points. Asks ODOT to clarify the language.
385	Rep. Nelson	Inquires if an amendment is needed to create an appeals process.
<b>TAPE 89, A</b>		
004	Hobson	States she does not know.
007	Rep. Merkley	Asks who will be required to report.
015	Miller	Defers to ODOT. Opines that every citizen has a responsibility to report unsafe drivers.
025	Mari Miller	Manager, Program Services at the Department of Motor Vehicles (DMV). Supports HB 3071 ( <b>EXHIBIT E</b> ). Outlines the need to have mechanisms to remove unsafe drivers from Oregon’s road. Stresses that vision testing for seniors is neither sufficient nor appropriate.
075	Miller	Notes that HB 3071 does not change reporting requirement for doctors, though it expands the scope of what should be reported. Explains that DMV makes the determination that someone cannot drive not doctors.
130	Miller	Suggests that DMV will work closely with the medical community. Recalls the long effort that created HB 3071.
155	Rep. Nelson	Asks about the definition of “medical expert.”

161	Miller	States that will be determined through the administrative rules process.
176	Rep. Nelson	Seeks further clarification.
178	Miller	Points out the process stated in HB 3071.
188	Rep. Nelson	Maintains her concern that “medical expert” is not defined. Asks if there is any liability for someone who should report but does not.
195	Miller	States that there is no liability such individuals.
197	Rep. Nelson	Asks if there is an appeal process.
205	Miller	Indicates that there is a current appeal process that would apply.
219	Rep. Nelson	Asks if there are medical experts employed at DMV.
221	Miller	Answers that DMV partners with Department of Health on these issues.
229	Rep. Merkley	Asks if anything in HB 3071 narrows the scope of who is required to report unsafe drivers. Asks if families are required to report.
238	Miller	Replies that the intent is to require those with appropriate medical knowledge of drivers to report conditions that impact driving ability.
247	Rep. Merkley	Asks for statistics, which demonstrate scope of this problem.
253	Miller	Explains that the statistics for Oregon are not reliable. Provides available statistics.
305	Miller	Continues to provide statistics on senior drivers’ accidents. Explains why legislative action is needed.
336	Rep. Merkley	Notes that age is not related to driving ability. Asks if drivers should be tested to determine driving ability.
360	Miller	Answers that driving tests do not relate to medical conditions. Adds that some medical conditions are severe enough to warrant immediate revocation of driving privileges.
385	Rep. Merkley	Asks if individuals are entitled to a driving test to demonstrate driving ability.
394	Miller	Agrees that drivers are not entitled to a test if they are not safe drivers.
397	Rep. Verger	Comments on problems with HB 3071. Asks if there is a double standard with young drivers and senior drivers. Asks Ms. Taylor what is a driver improvement counselor.
<b>TAPE 88, B</b>		
011	Taylor	Explains what a driver improvement counselor is and what they do. Reads ORS language to clarify several questions.
034	Rep. Merkley	Asks if testing an individual’s driving ability is at DMV’s discretion.
036	Taylor	Stresses that unless there is a clear danger from someone driving, driving tests are available for people to demonstrate their ability.
049	Rep. Verger	Asks if driver improvement counselors exist today.
051	Taylor	Indicates that there are driver improvement counselors at DMV.
052	Rep. Verger	Asks if the driver improvement counselors operate statewide.
054	Taylor	Replies that they do service everyone around the state.
060	Miller	Provides further statistics.
070	Rep. Devlin	Discusses previous legislative efforts to address this issue. Emphasizes that this is an ability-based approach to the problem not age-based. Points out that physicians are required to report for many other reasons.
111	Rep. Zauner	Asks how the appeal process works.
115	Miller	Explains the appeal process.

128	Chair Starr	Comments on the Centralized Hearing Panel, which hears all appeals.
129	Rep. Devlin	Explains the basis for the Centralized Hearing Panel.
134	Rep. Nelson	Asks about vision testing for drivers.
141	Taylor	Explains vision testing.
144	Rep. Nelson	Inquires if there is an advocate for the driver. Contends that DMV should not be put in a position to make medical decision.
174	Taylor	Clarifies that DMV works with health officials to make medical determinations. Explains how drivers, medical professionals and DMV all work together in determining one's ability to drive.
202	Rep. Merkley	Proposes an alternative to the reporting requirement for doctors by using advanced technology to test driving ability. Asks if ODOT has considered such alternatives.
217	Miller	Replies that existing technology is not adequate. Explains that further or more frequent testing makes this age-based rather than ability-based. Stresses that the recommending committee decided not to use an age-based solution. Mentions a cognitive test that is used.
260	John McCulley	Oregon Psychiatric Association (OPA). Supports HB 3071. Discusses the history of the issue. Stresses the need for a performance-based evaluation. Outlines concerns with HB 3071. Offers that OPA would partner with DMV as medical experts.
304	Rep. Nelson	Asks if there should be a time requirement for reporting.
310	McCulley	Replies that the current requirement says that one has to report conditions, which impair driving ability immediately.
319	Chair Starr	Closes the public hearing on HB 3071. Opens a public hearing on HB 3064.

**HB 3064 PUBLIC HEARING**

340	Leon	Reviews HB 3064. Discusses the fiscal impact.
352	Chair Starr	Discusses the funding issues for HB 3064.
363	Rep. Rosenbaum	Asks if it is necessary to stop collecting the motor vehicle accident fee.
376	Chair Starr	Explains why the fee language needs to be deleted from statute.

**TAPE 89, B**

001	Rep. Rosenbaum	Asks if HB 3064 is retroactive.
003	Taylor	Answers that it is not retroactive.
006	Rep. Zauner	Comments on HB 3064 and the motor vehicle accident fee.
011	Rep. Nelson	Asks if an amendment is needed.
015	Chair Starr	States that no amendment is needed. Closes the public hearing on HB 3064. Opens a work session on HB 3064.

**HB 3064 WORK SESSION**

<b>020</b>	<b>Rep. Zauner</b>	<b>MOTION: Moves HB 3064 to the floor with a DO PASS recommendation.</b>
<b>024</b>		<b>VOTE: 8-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 1 - Devlin</b>
	<b>Chair Starr</b>	<b>The motion CARRIES.</b>
		<b>REP. ZAUNER will lead discussion on the floor.</b>
035	Chair Starr	Closes the work session on HB 3064. Adjourns at 10:00 a.m.

Submitted By,

Reviewed By,

Kevin Wells,  
Committee Assistant

John Leon,  
Committee Administrator

**EXHIBIT SUMMARY**

- A – HB 3071, LC amendments (4/4/01), staff, 1 p.**
- B – HB 3071, written testimony, Irene Hobson, 1 p.**
- C -- HB 3071, written testimony, Phyllis Rand, 1 p.**
- D -- HB 3071, written testimony, Andi Miller, 1 p.**
- E – HB 3071, written testimony, Mari Miller, 1 p.**