

HOUSE COMMITTEE ON TRANSPORTATION

April 09, 1999 Hearing Room D

8:00 a.m. Tapes 67 - 69

MEMBERS PRESENT: Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Richard Devlin

Rep. Jim Hill

Rep. Jeff Kropf

Rep. Jerry Krummel

Rep. Jackie Taylor

Rep. Vicki Walker

Rep. Larry Wells

MEMBER EXCUSED: Rep. Jane Lokan

STAFF PRESENT: Janet Adkins, Administrator

Brad Daniels, Administrative Support

MEASURE/ISSUES HEARD: HB 2440 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 67, A		

004	Rep. Devlin	Opens the meeting at 8:10 a.m. Opens the public hearing on HB 2440.
<u>HB 2440 PUBLIC HEARING</u>		
007	Larry Campbell	Triple A Oregon/Idaho. Indicates that Triple A has an almost complete graduated driver's license (GDL) program recommendation. Supports HB 2440 on behalf of Triple A. Recognizes the high crash rate for teens. Refers to the broad support for GDL programs among parents, safety organizations and insurance companies. Lists statistics that underline the prevalence of accidents involving teenagers, including fatal crashes. Refers to recent tragedies in Junction City and statistics concerning Oregon teenagers and accidents (EXHIBITS A & B).
065	Campbell	Discusses the reasons for the high rate of teen accidents: immaturity, inexperience and the number of occupants in the vehicle. States that a GDL program will help the problem. Supports different levels of licenses. Reviews the elements that would aid driving training for teenagers. Describes programs that Triple A offers to help teen drivers.
115	Campbell	Cites a Triple A poll underlining the overwhelming support for GDL programs and statistics referring to the reduction in crashes resulting from GDL programs. Urges passage of HB 2440.
138	Rep. Wells	Asks how the restrictions of HB 2440 will be enforced.
144	Campbell	Replies that law enforcement can have an effect even if a ticket is not issued. States that the message is more important than the action.
159	Rep. Hill	Asks if HB 2440 raises possible constitutional problems given the restrictions on passengers and the right to free association.
170	Campbell	Responds that the restriction is on the driver, not on the passengers. States that this type of passenger restriction is included in the laws of other states. Indicates that he does not believe this restriction has a legal ramification.
189	Rep. Hill	Asks how the restrictions will be enforced. Asks if harassment will be a problem.
207	Campbell	Replies that law enforcement would handle the law in a mature way. Emphasizes that the important aspect of the bill is requiring teens to drive under supervision in their early years.
225	Rep. Hill	Asks if there is any information about the actual amount of driving practice 15 year olds have before they obtain a driver's license. Asks how common it is for children to have a substantial amount of behind-the-wheel instruction.
248	Campbell	Replies that he does not know of any specific studies addressing this issue.

		Acknowledges that there are a number of drivers who have not had a learner's permit.
260	Rep. Taylor	Asks if restricting driving hours for teens results in imposing a curfew. States that she is trying to balance two issues: not making life overly difficult for teens and living up to her responsibility as an adult to make teens safe.
295	Campbell	Replies that parents can start being more involved if they are required to drive with children for longer. Discusses society's responsibility to prepare young people to drive safely.
331	Rep. Lehman	Asks if it is possible to legislate these type of restrictions, or does it require parental, not governmental, supervision.
342	Campbell	Answers that the law would assist and guide parents and children who are at risk.
351	Rep. Lehman	Asks if there is any statistical relationship between the nighttime restrictions in HB 2440 and the occurrence of accidents.
369	Campbell	Replies that, although most accidents are during the day, there are still many deaths during the late hours.
379	Rep. Lehman	Expresses concern about the school attendance requirement. Asks if there is a correlation between safety and keeping children in school.
397	Campbell	Answers that Triple A has no position on this issue and that it has no effect on the ability of teens to drive.
406	Chair Montgomery	Reports that the school attendance requirement is taken out of the bill.
412	Rep. Walker	Asks why insurance companies are not more active in funding driver's education.
430	Campbell	Replies that he can not provide an answer. Adds that, from Triple A's standpoint, driver's education should be provided in schools. Mentions the problem of funding.
TAPE 68, A		
009	Rep. Walker	Recommends that the license fee should be raised to subsidize driver's education. Suggests that it should be mandatory for all drivers to hold a learner's permit for one year before being eligible to obtain a license.

020	Campbell	Expresses uncertainty. Expresses concern about imposing a burden on older drivers.
025	Rep. Walker	Asks if he would support the year prohibition for teens.
026	Campbell	Replies that they would support the GDL program for teens.
031	Rep. Hill	Expresses concern about the selective exception for school events. Cites examples of other activities, like church events, that may be impacted by the curfew restrictions and not covered by the exceptions.
050	Campbell	Stresses that the objective of HB 2440 is to save teens' lives.
058	Rep. Devlin	Introduces a letter from Dr. John Tongue on HB 2440 (EXHIBIT C)
061	Randy Harnisch	Oregon Department of Education (ODE). Refers to EXHIBIT D pp. 2 . Discusses the costs of driver's education and the amount of reimbursements schools receive (EXHIBIT D).
094	Chair Montgomery	Asks about the number of sophomores in Oregon high schools and the ages of the students taking driver's education.
100	Harnisch	States that there are currently about 43,000 students in grade 9 and will be approximately 44,900 sophomores next year.
108	Rep. Lehman	Notes that mandatory training for all 10 th graders will cost \$13 million dollars and the current funding level is about \$1 million. Asks if a \$12 million gap exists.
111	Harnisch	Replies yes. Describes the costs that are not listed in the reimbursement. Reviews the current driver education requirements set by the state Board of Education (EXHIBIT D, pp. 4). Adds that the projected costs may change depending on who (ODE or the Department of Transportation (ODOT)) sets the driver's training requirements.
136	Rep. Wells	Asks who will run the driver's training programs.
137	Harnisch	Replies that ODOT is charged with developing the program in the bill.
142	Rep. Wells	Asks if ODOT currently plays any role in driver's education programs.
147	Harnish	Replies not directly.

148	Rep. Wells	Asks what role ODOT will play in driver's education.
149	Harnisch	Replies that changes by ODOT to the program requirements could change the reimbursement structure.
158	Rep. Wells	Asks why ODOT is being involved.
160	Harnisch	Expresses uncertainty.
164	Rep. Lehman	Asks if he has any statistics that show the differences in driving records between people who take driver's education and those who do not.
168	Harnisch	Replies no.
170	Rep. Wells	Asks about driver simulators.
179	Harnisch	Replies that driver simulators are approved, but their use is limited.
193	Rep. Wells	Asks about the cost and availability of simulators.
196	Harnisch	Replies that he does not know much about them. Adds that technological improvement means that they are more sophisticated.
209	Rep. Walker	Asks how many schools do not offer driver training.
220	Harnisch	Replies that approximately 90 school districts are missing. Notes that there are inter-district agreements that attempt to make driver's education more available.
226	Rep. Walker	Asks if inter-district agreements save costs.
227	Harnisch	Replies yes.
233	Rep. Wells	Asks about private driver training programs. Asks if HB 2440 will encourage these programs.
239	Harnisch	Replies that private programs are available and some schools contract with private programs. Adds that the increase in demand will probably prompt the proliferation of these private programs.
255	Naomi Nungaray	Student, Marshfield High School. Reads a letter from students of Marshfield High School, which expresses opposition to HB 2440 due to the restrictions on

		passengers, the driver's education requirement and the school attendance requirement.
305	Rep. Lehman	Asks if there are alternative modes of transportation in Coos Bay.
309	Sam Clark	Student, Marshfield High School. Replies that there is a bus to and from school.
310	Rep. Lehman	Asks if there is any public bus system
311	Clark	Replies that there is a taxi system, but he could not afford to pay the fares.
317	Nungaray	States that she is neutral on the bill. Notes that many parents have jobs and do not have the time to teach kids to drive.
334	Rep. Hill	Asks if each of the students have driver's licenses.
336	Nungaray	Replies no.
338	Clark	Replies no. Adds that he is fourteen, but will be fifteen at the end of the school year.
346	Nungaray	Indicates that she is the oldest of five children and will be expected to help out with transporting the family. Underlines the problems she has with getting rides.
363	Paige Huggins	Reads written testimony in opposition to HB 2440. Cites the problems that may occur due to HB 2440 and the negative stereotypes of teenagers. Opposes the time restrictions in the bill. Notes that kids are still going to break the curfew rules.
TAPE 67, B		
014	Clark	Opposes HB 2440. Asks if the bill will affect people who currently have their licenses.
022	Nungaray	Opposes raising the fee for permits and licenses.
031	Clark	Relates that he currently has a job and can not depend on the bus to transport him. Asks about GDL programs in other states.
040	Rep. Devlin	Replies that HB 2440 will not affect people who already have licenses and will not affect the policies of other states.

044	Rep. Hill	Indicates that he sees no language restricting the graduated periods only to newly licensed drivers.
053	Adkins	Cites Section 12, subsection 2, which indicates that the restrictions apply to provisional driver's licenses issued after a certain date.
060	Rep. Walker	Notes that raising the license fee by a dollar or two may raise enough money to subsidize driver's training without imposing a tremendous burden on families.
070	Nungaray	Asks why the fees would be raised.
071	Rep. Walker	Replies that it would generate revenue for driver's education.
074	Nungaray	Notes that raising the money will be pointless if they are out of high school.
079	Rep. Walker	Replies that everyone pays taxes and fees for everyone else. Asks Huggins if she would have gotten her permit sooner knowing that she would need to have it for a year before being eligible to obtain a license.
087	Huggins	Replies that her mom will not let her get a license unless she has driven for about a year.
092	Rep. Taylor	Emphasizes that the intent of HB 2440 is to prevent teen deaths.
119	Clark	Questions why the curfew requirement is necessary when most accidents occur during the day.
128	Mike Sherlock	Oregon Traffic Safety Education Association. Supports HB 2440. Describes the opposite reactions of kids and parents to the GDL idea. Indicates that a number of studies draw differing conclusions concerning the effectiveness of driver's education programs and their curriculums. (EXHIBITS E & F) .
181	Sherlock	Notes that the House Transportation Committee approved an increase in license fees last session. Discusses ODE's lack of interest in driver's education as opposed to ODOT's interest in the programs.
208	Chair Montgomery	Asks if the \$2 portion of the license fee for driver's training is directed to ODE administratively or legislatively.
210	Sherlock	Replies that it moves legislatively.
215	Tim Duerfeldt	Driver's education teacher. Notes that most cities already have a curfew. Cites insurance companies current support for driver's education through rate discounts. Addresses Rep. Hill's concern about curfew times. Cites a Lake

		Oswego study supporting the positive role of driver's education.
270	Duerfeldt	Outlines the GDL program and the goal of increasing teens' sense of responsibility. States that the school attendance requirement provides schools with a method of enforcement.
300	Rep. Lehman	Asks if the curfew is current state law.
305	Duerfeldt	Replies no. States that cities have their own curfews.
307	Rep. Lehman	Notes that there is a state-wide curfew and curfews in general are rarely enforced laws. Asks why the curfew is necessary.
315	Duerfeldt	Replies that time of day is important in driving safety.
320	Rep. Lehman	Asks if a permit is suspended if a driver breaks the restrictions of the permit.
325	Duerfeldt	Expresses uncertainty.
332	Rep. Wells	Expresses concern about the curfew restrictions to individuals who are almost 18 years old. Asks if the six-month driver's permit requirement should apply to individuals over 21.
360	Duerfeldt	Replies that any person needs preparation time, no matter what their age.
377	Rep. Wells	Cites page one, line 14 of HB 2440. Asks about the driving experience requirement and how certification will occur.
387	Duerfeldt	Replies that it will not be too difficult to meet this requirement.
406	Chair Montgomery	Asks how many students Duerfeldt can handle in one year.
414	Duerfeldt	Replies that he handles about 100 students.
420	Chair Montgomery	Asks how many students he could do.
426	Duerfeldt	Replies that the maximum would still be 100 students.
TAPE 68, B		
004	Rep. Walker	Asks if driver's training covers the range of automobile-related skills.

007	Duerfeldt	Replies yes.
010	Rep. Lehman	Reports that a statewide curfew is in effect from 12 a.m.-4 a.m.
018	Duerfeldt	Indicates that the state curfew is directed toward loiterers.
024	Rep. Hill	Suggests that the nighttime restriction should apply only one year after the issuance of the license. Supports restrictions on minors in the back of pickups and mandatory driver's training programs for minors who receive tickets.
050	Kelly Taylor	Driver and Motor Vehicle Services Division, ODOT. Describes the current restrictions and requirements concerning teen drivers, including an additional test, zero alcohol tolerance, increased attention to driving infractions, and an extended validity period for instruction permits. Notes that these requirements have helped to increase teen driver safety (EXHIBITS G & H).
099	Taylor	States that the new six-month permit restriction will require new computer programming.
107	Troy Costales	Transportation Safety Division, ODOT. Reports that the six-month permit requirement does have a positive impact on safety.
113	Rep. Hill	Asks if there is information on the length of time people hold a permit or how much time these people are actually behind the wheel.
119	Taylor	Replies that almost everyone who is getting a provisional driver's license has had an instruction permit. Notes that 48.6% of these individuals had the permit for more than six months.
136	Chair Montgomery	Notes that the bill indicates 12 p.m. instead of 12 a.m.
146	Costales	Explains that the required certification for 25 hours of driving experience will have a positive safety impact.
157	Taylor	Reports that about 45% of provisional licensees will not have taken driver's education previously.
170	Costales	Expresses concern that there is no standard curriculum and no standards for instructors concerning driver's education.
187	Rep. Hill	Asks if the 25 hour requirement is realistic.
199	Costales	Notes that 9 out of 10 parents support this policy, and most parents do not see the 25 hour requirement as a hardship.

212	Taylor	States that 25 hours would be about an hour a week.
219	Chair Montgomery	Asks if driving hours with parents can be used to fulfill the certified hour requirement.
229	Taylor	States that the driving practice can include any licensed driver with over three years driving experience.
232	Chair Montgomery	Asks if experience with a certified driver's education teacher is mandatory.
235	Taylor	Replies no. Notes that no direct link has been reported between school attendance and driver safety. Adds that the bulk of the fiscal impact reflects the attendance requirement, and the hour and passenger restrictions will not have a significant affect on the fiscal impact of the bill.
259	Costales	Indicates that the passenger and nighttime driving restrictions are the two most important aspects of the bill and will have a direct impact on a reduction of driving fatalities. Emphasizes that late night and early morning hours are when the severity of the crashes increases dramatically.
286	Taylor	Addresses a number of concerns, including the effect on teens who have held driver's licenses in other states and the difficulty of approving out-of-state driver's training courses.
304	Rep. Walker	Asks if out-of-state drivers or people with out-of-state permits would be required to have an Oregon permit for six months.
307	Taylor	Replies that either person would have to start with an Oregon permit. Reviews the fiscal impact of the bill.
330	Rep. Hill	Asks how many injuries and fatalities would have been prevented by the restrictions of the bill.
351	Costales	Refers to the number of crashes that occur during particular time periods. States that data on the reasons behind certain trips is not available. (EXHIBITS I & J)
388	Rep. Wells	Asks if the driving age needs to be raised.
390	Costales	Replies that, regardless of age, the privilege of driving needs to be introduced gradually.
398	Rep. Walker	Asks for an estimation of the amount license fees would have to be raised in order to subsidize driver's education.

407	Taylor	Replies that \$1 would equal \$1.3 million.
416	Chair Montgomery	Asks if young drivers who have taken driver's education and receive a ticket are more likely to become safer drivers.
426	Costales	Replies that in the Lake Oswego study, those that took driver's education did not receive repeat citations as often as those who did not. Adds that young drivers who had driver's training also received less severe citations.
TAPE 69, A		
022	Rep. Lehman	Comments on the teen fatality rates for 12 a.m. to 2 a.m. (EXHIBITS I & J).
031	Rep. Hill	Notes that there is also a high fatality rate for after-school hours. Replies that the important factor becomes maturity, not experience.
046	Taylor	Notes that approximately 190 parents revoked a child's license last year.
049	Rep. Hill	Asks how many provisional licenses are issued.
050	Taylor	Replies about 67,000 provisional licenses are issued.
053	Rep. Walker	Commends the actions of DMV in educating parents and children when they receive a license.
060	Bruce Hoffman	Oregon State Police. States that the statewide curfew has a broad exception for individuals who are engaged in an otherwise lawful activity.
075	Adkins	Asks to review possible committee amendments to the bill. Asks the members about the permit requirement length.
084	Rep. Walker	Favors a year instead of six months.
085	Rep. Hill	Favors the current language.
085	Rep. Wells	Favors the current language.
087	Adkins	Asks members if they want an amendment to address drivers from other states.
092	Rep. Wells	Favors exempting individuals from other states.

094	Rep. Hill	Favors the exemption, but argues that the same restrictions on passengers and nighttime driving should apply.
098	Rep. Wells	Indicates that individuals from other states should be exempted from the driver's education requirement.
102	Adkins	Asks about the 25 hour driving experience requirement and if it should be longer. Asks if a longer period of supervised driving would be an exception to the driver's education requirement. Asks about the curfew.
118	Rep. Hill	Indicates that he does not support the curfew, but if it is going to be enforced, it should be restricted to the first year of the license.
122	Chair Montgomery	Supports the curfew, but he will not insist upon it.
128	Rep. Lehman	Supports Rep. Hill's idea.
130	Adkins	Asks about the passenger restrictions. Mentions the six-month restriction in California.
135	Rep. Hill	Opposes extending the passenger requirements beyond the first three months. Notes the problems with enforcement.
146	Rep. Walker	Supports the three-month restriction.
153	Adkins	Asks about the driver's education requirement and possible increases in fees.
159	Rep. Walker	Indicates that children should be supporting the driver's education programs through the increased fees.
163	Rep. Wells	Supports raising the fee by \$13 to cover driver's education.
168	Rep. Lehman	Underlines the problems with adding to the public education system a superfluous program and the issue of availability in rural areas.
176	Rep. Devlin	Stresses that HB 2440 is the beginning of this program and increasing fees may slow down the progress of the bill.
185	Taylor	States that the current license fee is \$26.25 with a renewal fee of \$16.00. States that, of each fee, \$2 goes to the student driver fund.
195	Rep. Lehman	Asks if all license fees would need to be increased in order to raise the necessary \$12 million.

200	Taylor	Expresses uncertainty. States that all drivers contribute to the fund.
211	Rep. Wells	Notes that the issue is who should pay for the driver's education program.
220	Rep. Hill	Asks if a restriction can be included about passengers in the back of trucks.
225	Chair Montgomery	States that this restriction is not going in the bill.
233	Rep. Lehman	Opines that the driver's education requirement should be taken out.
240	Rep. Walker	Mentions that the bill might suggest support for driver's training.
251	Rep. Wells	Asks if an incentive to take driver's training should be included in the bill.
260	Rep. Devlin	Closes the public hearing on HB 2440.
265	Chair Montgomery	Discusses the new, expedited procedure for addressing bills in committee.
315	Rep. Devlin	Adjourns the meeting at 10:25 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñHB 2440, written testimony, Larry Campbell, 7 pp.

B ñHB 2440, statistics, Larry Campbell, 1 p.

C ñHB 2440, letter, Dr. John Tongue, 2 pp.

D ñHB 2440, written testimony, Randy Harnisch, 4 pp.

E ñHB 2440, written testimony, Mike Sherlock, 1 p.

F ñHB 2440, article, Mike Sherlock, 1 p.

G ñHB 2440, written testimony, Kelly Taylor, 2 pp.

H ñHB 2440, statistics, Kelly Taylor, 5 pp.

I ñHB 2440, statistics, Troy Costales, 1 p.

J ñHB 2440, statistics, Troy Costales, 1 p.