

SENATE COMMITTEE ON TRANSPORTATION

February 3, 1999 Hearing Room C

3:05 p.m. Tapes 16 - 17

MEMBERS PRESENT: Sen. Marylin Shannon, Chair

Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Joan Dukes

Sen. Gary George

Sen. Lenn Hannon

MEMBERS EXCUSED: Sen. Ted Ferrioli

STAFF PRESENT: Don Scott, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD:

HB 2358 Public Hearing and Work Session

SB 358 Public Hearing and 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.

TAPE/#	Speaker	Comments
TAPE 16, A		
002	Chair Shannon	Opens the meeting at 3:17 p.m. Announces the committee will not hold a public hearing on SB 351. Opens public hearing on HB 2358.
<u>HB 2358 PUBLIC HEARING</u>		
011	Don Scott	Committee Administrator. Reviews cost provisions of HB 2358. Reviews the current card-lock rule that applies to automobiles and aviation. The rule states there cannot be a co-facility in the sense that a single facility serves as an attended facility and a card-lock facility. States that is what the aviation community was

		contemplating. Suggests the committee hold over HB 2358 and determine whether the rule should be changed or the bill be amended. States it will cost approximately \$200 thousand to install a card-lock facility, a cost the aviation community did not contemplate.
027	Chair Shannon	Requests Scott review the provisions for Sen. Dukes, who has just arrived.
030	Scott	Suggests Carol Washburn testify.
035	Carol Washburn	Oregon State Fire Marshal Office. Reviews the provisions in HB 2358 for the issuance of a conditional use license. An airport facility would need to enter into a written agreement with a customer and also provide safety training. Indicates the question has arisen whether the airports would provide retail and card-lock fuel from the same facility. Indicates the State Fire Marshal has recognized the issue. Reviews the system set in place by rulemaking authority for dual operations called "time separation." The agency could do a rulemaking for airports.
053	Sen. Hannon	States the current card-lock system requires a minimum use of 2400 gallons of fuel a year and asks if that would apply to airports.
057	Washburn	States airports would be exempt from the requirement under conditional use.
059	Sen. Hannon	Believes the committee should look at expanding the exemption because there are many small business people who do not use that much fuel in a year. Believes there are many people who would like to use a card-lock system. Asks if people can purchase automobile fuel at airports.
067	Washburn	States the bill pertains only to aircraft.
068	Sen. Hannon	Clarifies that is why the 2400 gallon threshold does not apply.
070	Chair Shannon	States she understands the instructions from the House are to not increase card-locks for cars.
074	Sen. Dukes	Asks why the bill costs so much.
077	Washburn	States the way conditional use is currently set up, there is no rule allowing for retail and card-lock out of the same facility. The agency is proposing a rule to allow co-facilities.
083	Sen. Dukes	States rulemaking is done every couple of years and the money problem can be taken care of through rulemaking. States it is a good bill.
084	Chair Shannon	Asks if the committee should pass the bill.
086	Sen. Dukes	Believes this is a good bill that is not convoluted. It removes airports from the mechanisms for regular gas stations. Allows for airports to have card-locks. States an airport should be able to install a facility if it can afford it.
094	Vice Chair Yih	Asks why a facility costs \$200 thousand.
095	Washburn	States if the State Fire Marshal does not do the rulemaking, an airport would need to install two facilities—one for retail and one for card-lock.

100	Vice Chair Yih	Clarifies the rulemaking would allow for one facility.
101	Washburn	States that is correct. The agency can use the same rulemaking authority for airports as for automobiles.
106	Scott	Clarifies the \$200 thousand was based on current rules. The aviation community would be looking at separate facilities.
113	Chair Shannon	Asks about the State Fire Marshal's next opportunity for rulemaking.
114	Washburn	States the agency has 90 days in which to implement the bill from the end of session if it passes.
116	Chair Shannon	Clarifies the agency can correct the bill in the 90 days. Asks Ann Crook if she has a problem if the committee passes the bill today. Expresses concern whether the rulemaking will go forward if it is not mentioned in the bill.
130	Sen. Dukes	States the legislature does not mention rulemaking.
134	Ann Crook	Interim Manager, Aeronautics Division, Oregon Department of Transportation (ODOT). States the division could respond to the aviation community's concerns through rulemaking if the committee passed the bill today. States she is hesitant to talk for all who are not at the meeting. States the aviation community's intent is to find a way to bring fuel to airports after hours or to airports that currently do not have fuel.
144	Chair Shannon.	Closes the public hearing on HB 2358. Opens work session on HB 2358.
<u>HB 2358 WORK SESSION</u>		
147	Sen. Dukes	MOTION: Moves HB 2358 to the floor with a DO PASS recommendation.
149	Sen. Hannon	States he will vote no because the bill asks for a special exemption for one class of people. Believes the same argument can be used for rural Oregon where a card-lock system is the only means of getting fuel.
		VOTE: 5-1 AYE: 5 - Castillo, Dukes, George, Yih, Shannon NAY: 1 - Hannon EXCUSED: 1 - Ferrioli
183	Chair Shannon	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
188	Chair Shannon	Closes work session on HB 2358. Opens public hearing on SB 358
<u>SB 358 PUBLIC HEARING</u>		

190	Don Scott	Committee Administrator. Reviews provisions of SB 358 and introduces and reviews provision in the SB 358-1 amendments [EXHIBIT A].
229	Kelly Taylor	ODOT, submits and reviews testimony [EXHIBIT B] in support of SB 358. States the committee administrator explained the bill very well. States the bill is an idea that came from ODOT employees and it is a clean-up bill for the department. States the provision dealing with commercial driver license (CDL) requirements was a law that went into effect in the 1989 Session based on federal rules for commercial motor vehicles. Federal rules recommend a driver should have a commercial driver license only when vehicles are being used for commercial purposes and commerce. ODOT's intent is to have uniformity and preserve the intent of the statute to ensure commercial drivers are qualified to operate their vehicles.
265	Taylor	Reviews the department's practice pertaining to the confiscation of registration plates. States SB 358 will bring the law into line with current practice. States three statutes pertain to courts sending notices of suspension: failure to appear, failure to pay fine, and failure to comply. Two of the three statutes exempt parking, bicycle, and pedestrian offenses and one of the statutes omitted parking. The bill would bring the three statutes in line. States the counties have asked if the trip permit document could be a smaller size. States law enforcement does not object to having a standard size form. States the counties came to ODOT during rulemaking for tax collector/assessor matters. In most counties the same person is not the tax collector and assessor. The tax collector is the one who can tell whether a person has paid their taxes, not the assessor.
295	Taylor	Discusses transporter plates (license plates). There does not appear to be a reason for a trip permit when a manufactured structure is being transported out of Oregon. The structure is not becoming part of real property in Oregon. The trip permit notifies a county when a structure is being moved from that county to another. SB 358 would clarify Driver and Motor Vehicle Services (DMV) rulemaking authority relating to vehicle transporters and places all authority language within one statute, and clarifies DMV may place a transporter on probation instead of suspension. Indicates the State Police have friendly amendments.
335	Sen. Dukes	Requests the definition of "on probation."
337	Taylor	States it is a warning. A vehicle transporter is allowed two mistakes before DMV would suspend the transporter's license.
344	Sen. Hannon	References text in subsection (3), page 6, of the bill. States the tax assessor is the county assessor and the tax collector is the sheriff in his county. The bill is asking the sheriff to verify that taxes are paid with the Department of Revenue.
356	Taylor	States ODOT is saying a county's tax collector would know whether taxes have been paid.
361	Sen. Hannon	States the Jackson County sheriff is designated by home-rule charter as the tax collector, but does not deal with taxes. Taxes go through the county assessor's office, and the county sheriff enforces liens.
374	Taylor	States counties told ODOT that it is more correct to say the tax collector would attest to whether taxes are paid.
388	Sen. Hannon	References text in subsection (4)(a) and (b) on page 6. States there are two systems: a tax collector who verifies trip permits and the assessor who determines

		whether taxes have been paid.
399	Taylor	States the counties explained the assessor computes what taxes need to be paid, but the collector attests whether they were paid. States the counties asked the department to change the law.
TAPE 17, A		
002	Vice Chair Yih	Asks why motor home drivers are exempt from the commercial driver license requirements, since they are driving huge vehicles. Believes these drivers should comply with all the requirements of operating large vehicles.
007	Taylor	States operators of motor homes for only personal use have been exempt from the commercial driver license law since it passed. States SB 358 adds operators of recreational vehicles, such as those pulling a fifth wheel or trailer. The federal rules recommend exempting these operators and do not include them in testing for commercial driver licenses. Based on accident data, the accident rate is low.
027	Sen. George	Asks if the drivers of recreational vehicles would be required to take a drug test if they had commercial driver licenses.
030	Taylor	Believes they would fall into many categories under the commercial driver license law.
034	Sen. George	Relates to Vice Chair Yih that it costs him \$100 per year to maintain his commercial driver license and it would be a burden for the drivers of motor homes. States the CDL tests given would not fit for the average person driving a motor home.
039	Sen. Dukes	States the Oregon legislature legalized very long buses in Oregon two years ago. Asks if the buses fit under the definition in the bill.
040	Taylor	States the buses would if they were used solely for personal use.
042	Sen. Dukes	Expresses concern because the buses are so huge. Believes a vehicle that long is a commercial vehicle, especially when being used for a road tour.
050	Taylor	Believes the buses come under the definition of recreational motor home and they have been exempt all along. States if they are used for commerce, they must be a commercial motor vehicle. The bill deals with those vehicles that are used solely personal use. The buses may be tied to commerce and have commercial licenses.
055	Sen. George	Asks if the person driving Garth Brooks on tour would need a commercial driver license.
059	Taylor	States she is not sure and does not have the definition of "commerce."
062	Sen. George	Requests the definition of "commerce."
063	Sen. Hannon	References federal accident rate statistics. Relates an incident in his district involving a motor home. The vehicles are dangerous weapons. Believes the restrictions should be tightened up, not loosened.

076	Taylor	Reiterates that accident rate is low for the vehicles.
078	Sen. Hannon	Comments on his experience driving up and down the freeway.
084	Vice Chair Yih	Asks how much money is lost by the trip permit exemption for manufactured homes. Oregon's roads are being used to transport these vehicles out of state.
092	Taylor	States registration is paid via the transporter plates. States the fee for a trip permit is small, not a revenue producer. The fee covers the cost of the transaction.
098	Vice Chair Yih	Clarifies vehicle registration is still purchased.
099	Taylor	Further clarifies the vehicle registration requirements.
105	Vice Chair Yih	Reiterates her question about the amount of money being lost.
106	Taylor	States she does not know the exact amount, but it is very small.
108	Vice Chair Yih	Requests the amount of loss.
109	Taylor	States she will provide the information.
113	Sen. George	Clarifies a weight-mile fee is paid when hauling a modular home.
120	Taylor	States that is her understanding. Fees are paid for oversize and overweight permits. Trip permits are not needed to move modular homes. The trip permit informs a county a modular home is being moved. A county does not know the modular home exists because the modular is being transported out of state straight from the manufacturer.
126	Vice Chair Yih	Comments on the \$16,652 saving per biennium for printing costs.
130	Taylor	Explains the savings pertain to reducing the size of the trip permit document, which is another part of the bill.
137	Sen. Dukes	Comments the printing cost savings seems high.
140	Taylor	States the permit document is a five-part form. Believes there will be savings by reducing the size of the document and ordering it in conjunction with other trip permits.
143	Sen. Dukes	Asks if the form will still have five parts.
144	Taylor	States it will and will be smaller and more convenient for the counties.
156	Don Miner	Oregon Manufactured Housing Association. Testifies in support of the manufactured home provisions in SB 358. Supports reducing the size of the trip permit form. Comments on trip permit provisions for manufactured structures that are transported from county to county within the state. Supports the provisions for manufactured structures that are moved out of state. States taxation is not an issue for manufactured structures going out of state and trip permits serve no purpose.

183	Sgt. Alan Hageman	Patrol Services Division, Oregon State Police (OSP). Submits and presents testimony in support of the SB 358-1 amendments concerning truck speeding [EXHIBIT C] . Reviews provisions of ORS 811.115(a) and ORS 801.330. Explains the amendment clarifies the applicability of the statutes and addresses a defense that was not intended by the legislature.
217	Sen. Hannon	Asks if a motor truck can be a single- or multiple-axle vehicle.
220	Hageman	States the definition applies equally to both.
222	Sen. Hannon	Asks if the 8000 pounds pertains to the load or if the weight includes the vehicle weight when the vehicle is a pick-up truck with double wheels on the back.
226	Hageman	States it includes everything, but it is the gross vehicle weight rating, which is applied by the manufacturer.
235	Sen. Hannon	Rephrases his question. States a truck has one or more axles and a tractor-trailer has one or more axles. Asks what size truck would include a truck plus 8000 pounds. Asks if that could be a half-ton pickup.
238	Hageman	States he does not know.
239	Sen. Hannon	Asks if the bill will open up a new category of pickups going 55 MPH, instead of 65 MPH.
243	Hageman	States that is not the intent of the amendment. States the vehicles will be identifiable because they will be registered as trucks or have some other type of license plate identifying them as larger vehicles. There is no intent to apply the bill to pickup trucks.
242	Sen. George	Asks if a truck tractor without a trailer can be driven faster than 55 mph.
254	Hageman	States not if it is over 8000 pounds. Under current law it would be exceeding the truck statute and the amendment will not make any changes to that.
262	Chair Shannon	Closes public hearing on SB 358. Opens work session SB 358.
<u>SB 358 WORK SESSION</u>		
271	Sen. Dukes	MOTION: Moves to ADOPT SB 358-1 amendments dated 1/29/99.
		VOTE: 6-0 EXCUSED: 1 - Ferrioli
272	Chair Shannon	Hearing no objection, declares the motion CARRIED.
274	Sen. Dukes	MOTION: Moves SB 358 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0

		<p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 1 - Ferrioli</p>
282	Chair Shannon	<p>The motion CARRIES.</p> <p>SEN. HANNON will lead discussion on the floor.</p>
285	Chair Shannon	Closes the work session on SB 358. Discusses the field trip to Portland scheduled for Friday, February 5. The committee will meet on Friday at 1 p.m. in Hearing Room B.
300	Sen. Hannon	Briefly reports on the actions of the work group pertaining to ODOT and local improvement districts (LIDs). The work group has determined the language for the constituent from Polk County and for ODOT. For a state highway, the LID must have 100 percent participation. States he will provide a written report at a future meeting.
317	Chair Shannon	Reminds members who are going on the field trip that they need to be excused from the Senate floor session that morning. Declares the meeting adjourned at 4:05 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Don Scott,

Administrative Support Administrator

EXHIBIT SUMMARY

- A. SB 358, SB 358-1 amendments, staff, 1 p.**
- B. SB 358, written testimony, Kelly Taylor, 2 pp.**
- C. SB 358, written testimony, Alan Hageman, 2 pp.**