

SENATE COMMITTEE ON TRANSPORTATION

March 24, 1999 Hearing Room C

3:05 p.m. Tapes 45 - 46

MEMBERS PRESENT: Sen. Marylin Shannon, Chair

Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Joan Dukes

Sen. Gary George

MEMBERS EXCUSED: Sen. Ted Ferrioli

Sen. Lenn Hannon

STAFF PRESENT: Don Scott, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD: SB 717 Public Hearing

HB 2196-A 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 45, A		
004	Chair Shannon	Calls the meeting to order at 3:12 p.m. Opens a public hearing on SB 717.
<u>SB 717 PUBLIC HEARING</u>		
009	Don Scott	Committee Administrator. Reviews provisions of SB 717.
028	Kelly Taylor	Oregon Department of Transportation (ODOT). Submits and presents testimony on SB 717 on behalf of Troy Costales. Reviews provisions of the current headlight statute (ORS 816.050). States the American Association of Motor Vehicle Administrators (AAMVA) has convened a committee to look at changes in federal

		standards; and Wayne Ivie, an ODOT employee, will chair the committee. States the National Highway Traffic Safety Administration (NHTSA) is concerned that Oregon will adopt a law that allows colored headlights. Requests the committee to defer action on SB 717.
056	Chair Shannon	States her understanding that people have been stopped that thought they were in compliance with federal standards.
058	Taylor	States some headlights are for highway use and some are for off-road use. States a dealership mistakenly received a shipment of off-road bulbs and would have installed them by mistake. The dealership then purchased the correct bulbs. States the customer could mistakenly purchase and install the wrong bulb and then be ticketed, or a law enforcement office could make a mistake.
070	Chair Shannon	Asks for clarification of the law.
072	Taylor	Reviews provisions in SB 717 and also references ODOT's rulemaking authority (page 1, lines 18 through 22). Expresses concern about someone installing an improper headlight on their vehicle.
086	Darrell Fuller	Oregon Automobile Dealers Association. Comments on a Porsche and Audi dealer in Beaverton that Ivie visited to look at vehicle headlights. States there are high-end imported vehicles that have the factory-installed white lights with a bluish tinge, and some experts claim the lights are a whiter light even though they appear to be blue. Expresses concern about vehicles being ticketed for having lights that are not white and conveying to law enforcement that the lights are legal in Oregon. Suggests the bill could remove the requirement for white headlights and that the law could say headlights should be approved by the United States Department of Transportation (DOT).
123	Chair Shannon	Asks if his association is making a recommendation to the DOT.
124	Taylor	States the recommendation would be made to AAMVA, who would then make the recommendation to the federal government.
127	Chair Shannon	Discusses with Taylor the recommendation to AAMVA and the federal government about headlight standards.
138	Taylor	States she prefers the standard say "white" and be approved by the federal government.
142	Sen. Castillo	Asks about the main reason for the bill.
145	Chair Shannon	Explains the lights are being sold now and people are getting ticketed for using the lights. Comments on the AAMVA committee.
160	Sen. George	Asks if there is a way to clarify the headlight color requirement.
166	Taylor	States ODOT is also concerned. States she would be happy to work with Ivie and the OSP on acceptable language. Asks if committee is agreeable.
175	Chair Shannon	States the committee is agreeable.
179	Sen. George	States he believes the lights on imported cars are approved.

180	Taylor	States the lights are approved for show or off-road use.
187	Fuller	States the xenon gas used in the lights on imported vehicles is federally approved for highway use.
191	Taylor	States she is confident that acceptable language can be written.
200	Alan Hageman	Sergeant, Patrol Services Division, Oregon State Police. Submits testimony [EXHIBIT B] urging the committee to not move on SB 717. States he is in agreement with the previous witnesses' testimony. References the last paragraph on the third page of his handout, which is material from NHTSA. States the paragraph discusses Oregon's need to be in conformity with the federal standards.
218	Vice Chair Yih	References the first paragraph of Hageman's testimony. Asks what "fashion statement" means.
221	Hageman	Comments on unusual lighting schemes on vehicles that serve no practical purpose.
231	Vice Chair Yih	Asks if the state police actually see headlights in different colors.
234	Hageman	States they see headlights in different colors. Explains some of the headlights are not as subtle as those described earlier with the blue hue around the edges.
245	Vice Chair Yih	Asks if the statutes require white headlights.
247	Hageman	States headlights are required to be white. States the headlights with a blue hue have caused problems for OSP. Explains the OSP have taken a conservative enforcement approach on the lights because they are approved at the federal level.
264	Vice Chair Yih	Clarifies there is confusion about the legality of the white lights with a blue hue.
268	Hageman	States it is his interpretation that the lights are probably lawful. States older lights have a yellowish hue.
281	Sen. George	States there is the need for action if color is subject to interpretation.
288	Sen. Castillo	Asks if the newer lights create better visibility.
293	Hageman	States he understands the new factory installed lights enhance forward-looking visibility.
297	Sen. Castillo	States her understanding of the better visibility concept.
303	Chair Shannon	Updates Sen. Dukes (arrived at 3:34 p.m.) on testimony revolving around SB 717.
327	Sen. Dukes	States she believes some of the new high-intensity lights are distracting.
330	Chair Shannon	Explains there are after-market and factory-installed lights.
336	Hageman	States NHTSA has approved the factory-installed lights on imported vehicles.

346	Chair Shannon	States she wonders what kind of lights Brian Perkins, the requestor of the bill, had on his vehicle.
352	Sen. Dukes	States why she is not sympathetic about the issue. Comments on federal approval for tinted windows and the federal non-requirement for splash and spray devices. Expresses concern about what happens when a driver encounters the colored headlights. States people come to Oregon with tinted windows and get ticketed, but Oregon has not changed its law.
382	Chair Shannon	States she is sympathetic. Asks Hageman if he opposes the proposed amendment
388	Hageman	States he would like to work with Taylor.
389	Chair Shannon	States she is agreeable and so is Taylor. Closes public hearing on SB 717. Opens a public hearing on HB 2196-A.
<u>HB 2196-A PUBLIC HEARING</u>		
404	Scott	Reviews provisions of HB 2196-A.
425	Kelly Taylor	ODOT. Submits and presents testimony on SB HB 2196-A. Reviews the five changes the bill makes to improve driver safety and streamline processes.
TAPE 46, A		
010	Chair Shannon	Asks what the procedure is for someone who applies for a license that has a drug conviction, but no license
013	Taylor	Explains the person would need to wait six months to get the license under current law but is not suspended.
017	Chair Shannon	Requests clarification of the process.
019	Taylor	States ODOT wants to be able to suspend the person whether or not they have a license. States the rights to apply for a license and privilege to drive would be suspended.
022	Chair Shannon	Asks if ODOT would issue the license and then suspend it.
023	Taylor	Explains ODOT would suspend the person for six months after receiving the conviction. A person could apply for reinstatement and get a license after six months.
029	Vice Chair Yih	States her understanding of the procedures.
030	Chair Shannon	States the six months starts when ODOT receives the conviction.
031	Sen. Dukes	States she recalls when the federal government required suspensions for drug convictions, and Oregon said no because it was not driving-related. Requests clarification.
043	Taylor	Explains the current law from the 1991 Session when all states were required to

		adopt the federal law. Explains the resolution Oregon passed in the next legislative session after the federal government allowed states to decide on their own procedures. States ODOT is still suspending some people and making others wait six months.
061	Sen. Dukes	Asks if there are statistics to indicate the procedure is working.
065	Taylor	Believes Sen. Dukes brought up a good point. States suspensions do not keep people from driving. States she does not have statistics that connect loss of privilege to giving up drug use.
068	Chair Shannon	Asks if it is okay with the federal government for Oregon to repeal the law.
069	Taylor	Comments on permission granted in the 1993 resolution.
072	Sen. Dukes	States she is not promoting drug use. Comments on a contract-type of procedure whereby ODOT would issue a driver license and then suspend it if necessary. States she cannot connect drug use and driver license suspension.
082	Chair Shannon	States an amendment is needed. Asks Taylor if she would testify against an amendment.
083	Taylor	States it is a policy decision. States ODOT either wants to treat everyone the same or take the law off the books.
087	Chair Shannon	Asks to which part of the bill Taylor is referring.
093	Taylor	References Section 4. States additional amendments are needed because there are other statutes that would need to be removed. States she would be glad to work with Legislative Counsel
095	Chair Shannon	States her agreement. Asks members if they are agreeable.
097	Sen. George	Comments on the connection between driving and drug use.
100	Taylor	Reviews ODOT's ability to uphold suspensions based on convictions that do not involve the use of a motor vehicle. References the language in the bill on page 5, line 34.
161	Chair Shannon	Asks if members are agreeable; they agree.
163	Taylor	Reviews the third change in the bill. States if two people are involved in a deception, both will lose their driving privileges.
183	Chair Shannon	Asks what happens if the person did not want you to take the test.
184	Taylor	States ODOT calls the police and there is an investigation. Reviews the streamlining of processes involving the review of a driver's medical condition to determine safe driving ability. Reviews changes in the ignition interlock device (IID) requirements.
255	Sen. Dukes	Asks if there are employers who hire people who have been convicted of driving under the influence of intoxicants (DUI) and let them drive company vehicles.

257	Taylor	States the answer is yes. Comments on provisions for a hardship permit.
266	Chair Shannon	Comments on rights under the Americans with Disabilities Act (ADA).
271	Vice Chair Yih	References change number four. Asks if a doctor can deal directly with DMV if a person has a medical condition.
276	Taylor	Discusses procedures for determining a person's ability to drive.
302	Vice Chair Yih	States she did not know the department contracts with the Health Division to review an applicant's medical report. Believes it is good for DMV to work with the Health Division.
310	Sen. George	Commends DMV for trying to make efficiencies and improve customer service.
317	Taylor	Extends her thanks to Sen. George and states she will extend the thanks to Jan Curry and DMV employees.
326	Chair Shannon	Asks the employees to e-mail the legislators with their suggestions and concerns.
334	Chuck Bennett	Chiropractic Association of Oregon. States he did not realize that physicians contracted with by the state health officer did not include chiropractic physicians. Asks the bill be amended, page 2, lines 4 and 13, to allow the contracting to occur with chiropractic physicians. States chiropractors are licensed by the state. Comments on health care services provided by chiropractic physicians.
381	Vice Chair Yih	Asks Bennett to clarify what part of the bill he wants amended.
383	Bennett	Clarifies where on lines 4 and 13 to add chiropractic physicians. States he would be glad to have an amendment drafted if the committee is interested.
402	Vice Chair Yih	Asks Taylor if she has any comments regarding Bennett's proposal.
403	Taylor	States she cannot speak for the Health Division. States she is surprised "physician" would not cover chiropractors, because chiropractic physicians are included under the disabled person parking laws.
417	Sen. Dukes	Asks Bennett if he is certain chiropractors are not included.
420	Bennett	States it is not how the state health officer is construing it. Explains in the area of transportation there is confusion revolving around the various physical examinations that are given.
TAPE 45, B		
014	Sen. George	States he feels comfortable with Bennett's proposal because of the state health officer's discretionary authority.
020	Bennett	States Sen. George is correct. The state health officer could not say a person cannot do this because they are licensed as a chiropractic physician, but because the physician does not meet certain criteria, such as in x-rays or draws blood. States a chiropractic physician's scope is extremely broad.

034	Vice Chair Yih	Clarifies chiropractic physicians are eligible under the disabled person parking program.
036	Taylor	States chiropractic physicians are simply under the term "physician." States she has an attorney general opinion from about 1990 because the law was rewritten in 1989.
046	Sen. Castillo	Asks if there were any problems in the House with the bill.
048	Taylor	States it passed almost unanimously.
049	Sen. Castillo	Asks Kelly if she has any concerns if the amendment is included.
051	Taylor	States she does not know how the House would feel about taking out the drug-related issues or adding chiropractic physicians.
058	Scott	States the Chair Shannon wanted to hear only the two bills today. Clarifies the vote in the House on HB 2196-A was 59-0.
064	Vice Chair Yih	Declares the meeting adjourned at 4:12 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Don Scott,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 717, written testimony, Kelly Taylor, 1 p.

B ñ SB 717, written testimony, Alan Hageman, 6 pp.

C ñ HB 2196-A, written testimony, Kelly Taylor, 2 pp.