

HOUSE COMMITTEE ON TRANSPORTATION

February 28, 1997 Hearing Room D

8:30 AM Tapes 34-35

**MEMBERS PRESENT:**

Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Tim Josi

Rep. Jane Lokan

Rep. Bill Markham

Rep. Lonnie Roberts

Rep. Larry Wells

**MEMBER EXCUSED:**

**STAFF PRESENT:**

Janet Adkins, Policy Analyst

Debi Parker, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 2454 Work Session

HB 2462 Work Session

HB 2099 Public Hearing and Work Session

HB 2096 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 34, A</b>		
002	Chair Montgomery	Opens meeting at 8:35 a.m. and work session on HB 2454.

<b>HB 2454 WORK SESSION</b>		
006	Rep. Roberts	<b>MOTION: Moves HB 2454 to the floor with a DO PASS recommendation.</b>
008	Rep. Wells	<p>Comments on his concerns:</p> <ul style="list-style-type: none"> <li>* Personal privileges and responsibility</li> <li>* Insurance for motorcyclists</li> </ul> <p>States that he would like to hear more testimony on this issue.</p>
013	Rep. Lehman	Comments that he has some of the same concerns as Rep. Wells.
035	Rep. Roberts	Suggests that there is still an opportunity to hear additional testimony of insurance agencies since issue has to go before the Senate.
048	Rep. Wells	Asks why insurance for personal injury protection is not available for motorcyclists and, if it were available, what would it cost.
051	Larry Culbertson	<p>Insurance Division. Presents testimony:</p> <ul style="list-style-type: none"> <li>* Personal Injury Protection is a statutory benefit applying to private-passenger motor vehicles, but definition does not extend to motorcycles.</li> <li>* Insurance companies have not offered personal injury protection for motorcyclists, but provide medical payments coverage. (Example: \$10,000 of medical protection benefits for motorcycle operator was \$184 per year; compared to financial responsibility liability requirements of \$130 per year.)</li> <li>* To extend personal injury protection on a motorcycle policy, insurance costs would more than double.</li> </ul>
067	Rep. Wells	Asks what difference is between personal injury protection and medical benefits.
069	Culbertson	<p>Explains the differences in two benefits.</p> <ul style="list-style-type: none"> <li>* Personal Injury Protection is a statutory benefit package which includes: <ul style="list-style-type: none"> <li>* Medical payments -- up to 10,000 dollars per person</li> <li>* Partial wage loss</li> <li>* Child care</li> <li>* Burial expense</li> </ul> </li> </ul>

		* Medical payment benefits is not mandatory * Covers only medical expenses
079	Rep. Wells	Asks how difficult it would be to require by statute a certain level of medical coverage in order to ride a motorcycle or for Division to implement.
082	Culbertson	Comments that he doesn't think the Division would have any opposition. Policy decision would have to be made by mandating. Doesn't think insurance industry would be opposed. Might cause greater number of motorcyclists on public roads without any insurance.
090	Rep. Wells	Asks if motorcycle insurance is tied in with automobile insurance and how we know if everyone has liability insurance.
093	Culbertson	Explains that motorcycle registration process is same as automobile registration process; mandatory liability requirements are the same.
101	Rep. Lokan	Supports amendment on Senate side that would provide personal injury protection. Has concerns about 18 years of age requirement and prefers to raise it.
106	Rep. Wells	Expresses concern about voting on this measure with assurance that someone else is going to deal with it. Thinks issue needs to be dealt with here in this committee.
111		<b>VOTE: 6-1</b> <b>AYE: 6 - Josi, Lehman, Lokan, Markham, Roberts, Montgomery</b> <b>NAY: 1 - Wells</b>
	<b>Chair Montgomery</b>	<b>The motion CARRIES.</b> <b>REP. ROBERTS will lead discussion on the floor.</b>
120	Chair Montgomery	Closes work session on HB 2454 and opens work session on HB 2462.
<b><u>HB 2462</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
124	Janet Adkins	Policy Analyst, reviews HB 2462.
138	Rep. Markham	Asks if bill would require any sign changes.
139	Adkins	Explains that it would not; signs already say 20 MPH when children are present.
142	Rep. Roberts	Suggests understandable language on sign such as the times when speed limit is in force.
149	Rep. Lehman	Proposes use of language that is clear to everyone. Could use consistent speed limit in school zone all the time.

160	Chair Montgomery	Offers audience chance to give testimony on HB 2462.
163	Rep. Josi	Suggests that this be tried out for a couple of years. If there are still problems, can revisit this issue.
168	Rep. Lehman	Questions how significant the problem is that some judges are not enforcing law as it is written.
180	Lt. Glen Rader	Patrol Services Division, Oregon State Police and Association of Community Traffic Safety (ACTS) Committees. Discusses reasons for this issue: * Law too vague * Change in the statute was proposed so law could be enforced Agrees with Rep. Lehman's idea which provides for consistent speed limit in school zone at any time. It will be more understandable.
195	Chair Montgomery	Asks if there is any recommended language.
198	Lt. Rader	Believes change in language is start in right direction.
206	Committee	Discussion about language on HB 2462: * States concerns about introducing consistent speed limit * Gives examples of language. Could change to say that children are present if they are in place where visible to person operating motor vehicle.
223	Rep. Josi	Expresses concern that person could say children weren't visible. There are times when children are potentially in area and cars should drop their speed.
234	Rep. Lehman	Asks if driver of car going through school zone at normal speed at 10:00 Monday morning could be cited when children were not visible, but were behind a school bus.
244	Chair Montgomery	Asks Rep. Luke to join the discussion.
252	Rep. Lehman	Explains that committee was discussing eliminating ambiguity in statute of when children are present. Suggests taking out the "should be" and just putting in requirement that children are in place where they are visible to person operating of motor vehicle.
257	Rep. Luke	District 54, explains that language added was at request of Rep. Minnis. Defines the existing language giving examples.
270	Rep. Josi	Gives example that if driver were cited, he could argue that he didn't see the child; therefore, they weren't visible to him. This would create more ambiguity in the law. Asks Rep. Luke to comment.
		Explains that current wording takes away ambiguity. Person can

274	Rep. Luke	reasonably be expected to see child during certain hours or conditions. Hours were not put in because most school grounds are used for other things such as soccer practice. School zones are congestion zones and, during times of congestion, cars should be slowing down.
280	Rep. Josi	Agrees with Rep. Luke.
289	Rep. Luke	Comments about schools on main highways. Salem will start using overhead signs with flashing lights. These signs will state "when light is flashing" instead of "when children present." This bill will not affect those signs.
<b>TAPE 35, A</b>		
001	Rep. Lokan	Describes case of child who stepped out from behind a parked truck and was almost killed by another truck. Feels that committee can work with the bill's language.
008	Rep. Roberts	<b>MOTION: Moves HB 2462 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-1</b>  <b>AYE: 5 - Josi, Lokan, Roberts, Wells, Montgomery</b>  <b>NAY: 1 - Lehman</b>  <b>EXCUSED: 1 - Markham</b>
020	Chair Montgomery	<b>The motion CARRIES.</b> <b>REP. JOSI will lead discussion on the floor.</b>
026	Chair Montgomery	Closes work session on HB 2462 and opens public hearing on HB 2099.
<b><u>HB 2099</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
026	Adkins	Reviews HB 2099.
040	Lt. Glen Rader	Patrol Services Division, Oregon State Police. Introduces Sgt. Steve Cupernall, Medford Patrol Office. Presents testimony in support of HB 2099 ( <b>EXHIBIT A</b> ). Mentions examples of areas where incidents and accidents occur because of not being able to post signs requiring traction devices or tires.
072	Rep. Wells	Asks what language should be included on sign.
075	Sgt. Steve Cupernall	Explains that signs indicate "snow zone." Under current law, once areas are posted as "snow zones," additional signs can be added about traction devices that can be required.
082	Rep. Wells	Asks about "traction devices" sign and whether language is considered clear to the public.
085	Cupernall	Comments that existing language on signs could be confusing to the public.

093	Cupernall	Gives presentation in support of HB 2099 ( <b>EXHIBIT B</b> ). Believes passing the bill will help to reduce car accidents in snow zone. Adds that road blockages are the biggest problem.
102	Rep. Roberts	Asks whether all traffic is being lumped together. Comments that he would put commercial trucks and general public drivers in separate categories.
108	Cupernall	Continues presentation.
143	Committee	Questions and discussion: <ul style="list-style-type: none"> <li>* language -- "traction tires" or " traction devices"</li> <li>* exemption of 4-wheel drive vehicles except when towing a trailer</li> <li>* number of troopers five years ago compared to now</li> </ul>
169	Doug Tindall	Oregon Department of Transportation. Presents testimony in support of HB 2099 ( <b>EXHIBIT C</b> ). <ul style="list-style-type: none"> <li>* There are other hazardous driving areas in state other than the 17 that they are currently allowed to post.</li> <li>* This is not an expansion of the power by ODOT because they currently have the ability to require traction devices through conditional closure.</li> <li>* Bill would allow use of same signs in other areas as needed to better advise public on weather conditions.</li> </ul>
201	Rep. Wells	Asks about original statute language.
202	Cupernall	Comments that he does not know reason for original language about 17 specific areas.
205	Rep. Markham	Asks if Mr. Tindall is here on traffic safety measure.
207	Tindall	Explains that there are two benefits on the bill: <ul style="list-style-type: none"> <li>* Barricades and staff will not be necessary</li> <li>* It will help drivers to operate cars safely</li> </ul>
221	Richard Nordness	Executive Director, Northwest Tire Dealers Association. Represents over 400 independent tire dealers and suppliers in the Northwest. Presents testimony in support of HB 2099: <ul style="list-style-type: none"> <li>* Believes bill offers safety to Oregonians.</li> <li>* Proposes amendment to the bill, line 25, by adding "including an ODOT approved studless snow tire" to definition of a traction device.</li> </ul>

		* Discusses article on studless tires ( <b>EXHIBIT D</b> ).
267		Continues testimony. Comments that adding new type of tire can provide safety to Oregon drivers and an alternative to studded snow tires for some drivers.
277	Chair Montgomery	Asks how studless snow tires can be identified by police officers or by ODOT.
278	Nordness	Recommends using some type of identification such as snow park permits.
279	Rep. Roberts	Asks where people could get the stickers.
280	Nordness	Suggests that stickers could be obtained in same places as snow park permits are provided.
282	Rep. Wells	Asks how the wear on tires would be regulated.
283	Nordness	Explains that the wear on most studless tires is not different than on other tires. Believes federal law stipulates when tire should be replaced.
<b>TAPE 34, B</b>		
008	Rep. Wells	Asks about liabilities of snow tires.
016	Nordness	Suggests groups work together and determine what is an effective tire.
027	Ken Brown	President, Oregon Tire Dealers Association. Provides information regarding studless tires ( <b>EXHIBIT E</b> ).
040	Rep. Roberts	Asks about differences in prices.
042	Brown	Responds that studless snow tires run within two to three dollars for a set of four. It is recommended to place four snow tires on a vehicle any time you place snow tires.
049	Rep. Roberts	Asks if studless tires are year-round tires.
050	Brown	Responds yes. Explains that it is preferable to change to regular tires after winter.
066	Joan Plank	Oregon Department of Transportation. Expresses concern that an amendment to bill will make it more controversial. Prefers that issue be dealt with through a different mechanism.
076	Rader	States main concern is enforcement.
082	Plank	Mentions that bill as written has no fiscal impact. A sticker system would mean additional cost and system could be abused.
087	Rep. Lehman	Asks if this can be done administratively or if statute change is necessary.
090	Tindall	Responds that statute change is needed because the statute defines a traction device as "a device that attaches to the tire or wheel" so a different type of tire does not meet the legal definition.
093	Rep. Lehman	Asks if, from the point of enforcement, it will be a detection issue or verification issue.
098	Rader	Responds that it will be more difficult.

099	Rep. Lehman	Asks how detection occurs now.
100	Rader	Responds that officers and Department of Transportation look at cars as they go through to see if they have chains or studded tires.
104	Rep. Lehman	Asks if cars are going very slowly in order to make detection possible or not.
106	Rader	Responds that cars slow down, are checked, and go on their way.
107	Rep. Lehman	Asks if it would be possible to identify car or a sticker to determine traction devices.
110	Rader	Responds that you would be able to see a sticker if there was one.
112	Rep. Josi	Comments that studded tires are damaging highways. It is costing millions and millions of dollars to repair highways which have been damaged by studded tires. This looks like an alternative that we should do everything we can do to pursue.
112	Chair Montgomery	States that there is a bill that addresses studded tires and committee will incorporate this into that bill. Asks tire dealers, law enforcement, and ODOT to work together with them.
137	John Brenneman	Oregon Ski Industries. Addresses his concerns: <ul style="list-style-type: none"> <li>* Road damage due to studded tires</li> <li>* Pledges support to work through this issue</li> <li>* Encourages use of alternative tires</li> </ul>
152	Chair Montgomery	Closes public hearing and opens work session on HB 2099.
<b><u>HB 2099</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
154	Rep. Roberts	<b>MOTION: Moves HB 2099 to the floor with a DO PASS recommendation.</b>  <b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote AYE</b>
	Chair Montgomery	<b>The motion CARRIES.</b>  <b>REP. WELLS will lead discussion on the floor.</b>
165	Chair Montgomery	Closes work session on HB 2099 and opens work session on HB 2096.
<b><u>HB 2096</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
169	Adkins	Policy Analyst. Presents overview of HB 2096.



178	Chair Montgomery	Suggests work group meeting to review amendments and consider suggestions that we have.
191	Rep. Markham	Mentions an amendment he is having drafted to increase DMV fee to obtain information.
196	Rep. Lehman	Suggests forming work group:  * Consider -2 amendments and what agree as to what should be added to bill  * List items where there is not consensus and consider those separately
219	Rep. Josi	Agrees. Mentions that -2 amendments do not include private investigators and that we need to consider them.
222	Rep. Wells	Comments on analysis of -2 amendments by Rep. Ross. Need to know difference of where committee is now and what it will be voting on so can see the changes. Will need to get list of controversial items and work on those.
230	Rep. Lokan	Mentions gentleman who appeared before the committee with a tape containing millions of names, even people not listed in telephone directory. Wonders if committee is really closing the door on sources of information.
242	Chair Montgomery	Comments that job is protecting the people's personal identity.
245	Rep. Barbara Ross	District 35, gives presentation ( <b>EXHIBIT F</b> ):  * People should be able to keep their personal address private  * If people are afraid or want to protect their privacy, they should be able to keep their addresses from being sold to commercial ventures  * There are legitimate groups that need this information  * Idea of work group is good
267	Rep. Tom Whelan	District 32, explains that -1 amendments are his. Hopes that disclosure of information will be limited to those with a legitimate business interest in motor vehicle records. Believes this committee is moving in right direction.
287	Rep. Wells	Thinks legislators have responsibility to make decision about a state agency regardless of how much other information is available.
294	Rep. Lehman	Asks if flow chart could be provided of current law, federal law, and the -2 amendments.
		Explains that information has been compiled about:  * What is specific under federal acts

302	Adkins	* Categories that were brought up in hearings and where they could go in the federal act * List of process steps and decision options
<b>TAPE 35, B</b>		
013	Rep. Lokan	Comments on her concern of protecting the public. Even though committee can't remove all the danger, thinks it should go forward with what it can do.
020	Chair Montgomery	Agrees. Suggests committee can assign legal responsibility to entities that get information. Names of those who receive the information will also be posted in public place.
025	Chair Montgomery	Asks for volunteers to lead work group. Reps. Ross, Josi, and Lokan agree to lead the work group. Need to have work group meeting as soon as possible in order to complete gathering information about this issue.
034	Chair Montgomery	Adjourns meeting at 10:05 a.m.

Submitted By, Reviewed By,

Debi Parker, Janet Adkins,

Administrative Support Policy Analyst

Transcribed By,

Debbie Miller

**EXHIBIT SUMMARY**

**A - HB 2099, written testimony, Glen Rader, 4 pp**

**B - HB 2099, written testimony, Steven Cupernall, 3 pp**

**C - HB 2099, written testimony, Doug Tindall, 1 pp**

**D - HB 2099, written materials, Richard Nordness, 4 pp**

**E - HB 2099, written materials, Ken Brown, 1 pp**

**F - HB 2096, written testimony, Rep. Barbara Ross, 5 pp**