

SENATE COMMITTEE ON TRANSPORTATION

March 14, 1997 Hearing Room C

1:15 P.M. Tapes 38 - 39

**MEMBERS PRESENT:**

Sen. Marylin Shannon, Chair

Sen. Ken Baker, Vice-Chair

Sen. Joan Dukes

Sen. Gary George

Sen. Mae Yih

**MEMBER EXCUSED:**

**STAFF PRESENT:**

Lin Ludwick, Administrator

Nora Carlson, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 2193 Public Hearing and Work Session

SB 666 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 38, A</b>		
003	Chair Shannon	Calls meeting to order at 1:40 P.M. Opens public hearing on HB 2193.
<b><u>HB 2193 PUBLIC HEARING</u></b>		
012	Paul Donheffner	Director, State Marine Board, provides testimony in support of proposed amendments to HB 2193.
015	Sen. Baker	Asks if the committee administrator could review the proposed amendments.

020	Lin Ludwick	Administrator, reviews provisions of the proposed amendments to HB 2193 ( <b>EXHIBIT A</b> ).
027	Donheffner	Supports change in amendment language which reflects suspension of certificate of title rather than cancellation of title.
034	Sen. Baker	Asks to clarify suspension process.
040	Donheffner	Describes the court-ordered revocation process.
050	Sen. Baker	Asks if a person's drivers license is surrendered upon violation.
053	Donheffner	Explains that current law states that a person cannot be cited if they were to violate a court-ordered sentence.
062	Sen. Baker	Asks if the Marine Board ever considered suspending the driver's license of a person convicted of Boating Under the Influence (BUI).
065	Donheffner	Responds that the Marine Board has had discussion and adds that few states have attached sanctions against a person's drivers license if convicted of a BUI.
086	Chair Shannon	Closes pubic hearing on HB 2193; opens work session on HB 2193.
<b><u>HB 2193 WORK SESSION</u></b>		
093	Sen. Yih	Asks to explain the difference between a "suspension" and a "cancellation."
095	Donheffner	Explains that the principal difference is that when something is suspended it can be restored, if it is canceled it is completely gone.
106	Sen. Yih	<b>MOTION: Moves HB 2193 to the floor with a DO PASS AS AMENDED recommendation.</b>
107	Chair Shannon	<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
108	Chair Shannon	<b>The motion CARRIES.</b> <b>SEN. BAKER will lead discussion on the floor.</b>
135	Chair Shannon	Closes work session on HB 2193 and opens public hearing on SB 666.
<b><u>SB 666 PUBLIC HEARING</u></b>		
147	Sen. Eileen Qutub	District 4, provides testimony in support of SB 666.
181	Cynthia Ekberg	Representing Washington County Council on Aging, provides testimony in support of SB 666.
227	Ekberg	Continues with testimony on driver liability limitations.
253	Sen. Dukes	Asks under what conditions a driver would not be held liable.
		Describes a volunteer through a charitable organization who had

255	Ekberg	been requested to transport a disabled citizen to a hospital.
275	Sen. Dukes	Questions what would happen if that volunteer had consumed alcohol while waiting for the disabled citizen.
279	Ekberg	Explains that the volunteer's limitation on liability would be negated.
285	Sen. Dukes	Asks what section of the bill deals with intoxication.
288	Sen. Baker	Refers to page 2, line 28 of the bill.
305	Sen. Baker	Comments that anyone with fingerprints on a transportation vehicle could be excluded from any and all liability.
338	Sen. Baker	Asks if there is a subsequent referral on the bill. States that he will vote for adoption if the bill has subsequent referral to Judiciary.
364	Sen. Baker	Comments on fees for services language.
373	Sen. Yih	Question regarding litigation involving volunteers driving senior citizens.
389	Sen. Yih	Asks how many volunteers were assigned to their organization.
400	Ekberg	Responds that they do not provide transportation.
<b>TAPE 39, A</b>		
010	Sen. Qutub	Comments on the lack of volunteer participation due to liability concerns.
028	Sen. George	Refers to member handout from Volunteer Transportation, Inc., and asks if a person's basic liability insurance would cover an uninsured passenger ( <b>EXHIBIT B</b> ).
035	Sen. Qutub	Explains that she does not know the legal answer but suggests that an organization would be better able to indemnify themselves.
076	J. Michael Alexander	Attorney, Oregon Trial Lawyers Association, provides testimony in opposition to SB 666.
114	Alexander	Continues with testimony on volunteer policy.
140	Alexander	Continues with testimony on personal liability exemptions.
155	Sen. George	Comments on the idea of insurance agents warning customers to get more insurance protection and comments on the need to look carefully at the elimination of liability responsibility.
166	Sen. Yih	Asks if a volunteer would be held liable if they were to transport someone in their own car.
172	Alexander	Replies that a person has no liability above their own insurance coverage.
198	Sen. Yih	Asks if current law covers limited liability.
225	Alexander	Explains that the only place where current law could result in some exposure would be if a person were to transport 6 to 16 people.
234	Chair	Adjourns meeting at 2:35 p.m.

Submitted By, Reviewed By,

Nora Carlson, Lin Ludwick,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - HB 2193, proposed amendments, committee staff, 1 p**

**B - SB 666, written testimony, committee staff, 1 p**

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