

HOUSE COMMITTEE ON GENERAL GOVERNMENT

June 17, 1993 Hearing Room 357 9:30 a.m. Tapes 58 - 59

MEMBERS PRESENT: Rep. Cedric Hayden, Chair Rep. Jim Edmunson,
Vice-Chair Rep. Ken Baker Rep. Carl Hosticka Rep. Patti Milne Rep. Chuck
Norris Rep. Del Parks Rep. Lonnie Roberts Rep. Sharon Wylie

STAFF PRESENT: Janet Adkins, Committee Administrator Kathy
Taylor, Committee Clerk

MEASURES CONSIDERED: SB 924 SB 106 SB 101

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes.

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TAPE 58, SIDE A

007 CHAIR HAYDEN: Calls meeting to order at 9:35 a.m.

PUBLIC HEARING ON SB 924-A

010 JANET ADKINS, COMMITTEE ADMINISTRATOR: Reviews SB 924-A.
Submits SMS (EXHIBIT A), fiscal impact statement (EXHIBIT B).

026 CHAIR HAYDEN: Full committee has now convened.

040 AL ELKINS, OREGON TOW TRUCK ASSOCIATION: Introduces Senator
Hannon and Richard Robertson.

SENATOR HANNON: In support of SB 924-A and appreciate the committees
consideration.

055 RICHARD ROBERTSON, CHAIRMAN OF THE BOARD OF OREGON TOW
TRUCK ASSOCIATION: Gives background of road side hazard of
abandoned

vehicles. The bill protects owners car from vandalism. 085 REP.
BAKER: Why is the cost \$200 dollars?

ELKINS: If you move it up to \$400 dollars you have the ability of a
resale value on those vehicles, we did not want to get into a lien
process.

REP. BAKER: A car is going to be crushed, what is it worth?

ELKINS: \$ 10.00 to \$ 15.00 dollars.

099 REP. BAKER: So we are just talking about anything that is going to be sent to the wrecker.

ELKINS: We did not want to get into a situation where a car could be sold without notifying the owner through a lien process.

REP. NORRIS: How is the \$200 dollars established?

ELKINS: If qualified, you obtain an abandoned vehicle appraiser certificate. Pay a fee to DMV and comply with reporting requirements.

120 ROBERTSON: Example of one truck recently towed. It looks like it is valued more than \$200 dollars when it really is not. The insides are

stripped, the engine and transmission are gone. The tow bill was \$60.00, the lien cost \$35.00. The wrecking yard will pay \$18.00 a ton.

ELKINS: Submits testimony (EXHIBIT C)

WORK SESSION ON SB 924-A

144 MOTION: REP. EDMUNSON moves SB 924-A to the floor with a DO PASS RECOMMENDATION.

VOTE: In a roll call vote all members voting AYE.

ACTION: SB 924-A passes to the floor with a DO PASS RECOMMENDATION, REP. ROBERTS will carry.

OPENS WORK SESSION ON SB 106

170 JUDY CLYBURN, DEPARTMENT OF MOTOR VEHICLES: Continues overview of SB 106 from previous hearing beginning with Section 37

REP. ROBERTS: Bad credit?

CLYBURN: If they pay with a lost or stolen credit card or a bad check we want to be able to suspend their drivers license.

223 CHAIR HAYDEN: That sound like quite a penalty. 233 JOAN PLANK, DEPARTMENT OF MOTOR VEHICLES: Up to five years or until debt is paid.

REP. MILNE: Could you define bad check?

JOAN PLANK: A forgery, stop payment, insufficient funds.

272 CLYBURN: Continues with section 61

REP. MILNE: Could you give example of use in section 70

CLYBURN: We provide the implied consent forms to law enforcement. If it is easier and cheaper for them and us, to use computer produced, or car printers we would like to be allowed to. Section 73 moves the responsibility of motorcycle and moped head gear to traffic safety.

REP. ROBERTS: From where?

CLYBURN: It says in the law from Motor Vehicles Division.

307 REP. NORRIS: Is section 76 compatible with SB 924-A.

PLANK: Yes.

REP. ROBERTS: Is there a special license for hauling a trailer of a certain size?

347 PLANK: Yes, they are required to get a trip permit.

REP. ROBERTS: But someone could try to move their own without knowing how?

PLANK: Right.

CLYBURN: Continues with section 79

430 REP. ROBERTS: In section 88, you don't have to give them another registration?

CLYBURN: We will put the new address on the record.

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041 ADKINS: Is Section 98 consistent with HB 2339?

PLANK: Yes

CLYBURN: Continues with section 101

060 REP. BAKER: Why are we keeping the decals?

071 CLYBURN: The vehicle may not have other identification.

REP. BAKER: What duplication do we have here?

CLYBURN: Law enforcement wants visible identification on vehicles like dune buggies. Continues with section 106.

107 REP. BAKER: Section 73, why is head gear requirement being transferred to Traffic Safety Division? Would you have any objection if it stayed

with you?

PLANK: What ever is the committees pleasure is fine with us.

MOTION: REP. ROBERTS moves to delete section 73 from this bill.

117 CHAIR HAYDEN: The motion is placed any discussion?

REP. PARKS: If your looking for an objection you have one.

CHAIR HAYDEN: Not looking for an objection, but we have one.

122 REP. ROBERTS: Traffic Safety has been harassing these people. There is no way they can tell when somebody goes by on a motorcycle at 35 miles

and hour that the helmet is good or not. It is a way to pull them over and harass them. It should be left where it's at in DMV.

REP. PARKS: I don't want to remove the requirement that they wear helmets.

REP. ROBERTS: This has nothing to do with that. We do not have a seal of approvement as to the quality of these helmets. All it says is they have to have helmets. Some state agencies and police are going far beyond their authority and using it as a harassment tool.

REP. BAKER: That is not in section 73, its just a question about who is going to make the rules and enforce it.

ADKINS: Actually it is not an enforcement.

REP. PARKS: Objection withdrawn

146 CHAIR HAYDEN: Without objection the amendment is placed.

REP. MILNE: Do we need to change the wording in section 74 to conforms to the changes we are making in 73?

PLANK: No need to change 74 because there is no objection.

165 CHAIR HAYDEN: With no objection the MOTION IS ADOPTED

MOTION: REP. EDMUNSON Moves SB 106-A as amended to APPROPRIATIONS with a DO PASS RECOMMENDATION. VOTE: In a roll call vote all members voting AYE

ACTION: SB 106-A as amended is referred to the APPROPRIATIONS COMMITTEE with a DO PASS RECOMMENDATION.

PUBLIC HEARING SB 101

210 ADKINS: Review SB 101, submits Staff measure summary (EXHIBIT D) and Fiscal analysis (EXHIBIT E).

MIKE UNGER, DEPARTMENT OF MOTOR VEHICLES: In support of SB 101, submits written testimony (EXHIBIT F)

REP. ROBERTS: Out of service is a vehicle that has been red tagged due to brakes or lights etc? What about the driver who may not know it has been red tagged? The company gets the out of service order.

249 JOAN PLANK, DEPARTMENT OF MOTOR VEHICLES: The individual driver, if the vehicle they are driving is determined unsafe to proceed, is given an

out of service order. What this bill is saying is you have to get caught twice.

REP. ROBERTS: At a point of entry or scales, that's where your getting them.

REP. WYLIE: Is the bill to enable you to comply with federal standards? Is this good law?

PLANK: Yes. Both the driver and the employer will be deterred to operate unsafe vehicles.

289 REP. WYLIE: Is there an appeal process?

REP. BAKER: How does a subsequent driver know that a vehicle has been red tagged? Would they be subject to these sanctions?

LT. JOHNSON, OREGON STATE POLICE: The vehicle is placed out of service in a road side inspection. The vehicle is red tagged at that location. Submits written testimony (EXHIBIT G).

REP. BAKER: What if someone else has been cited and another driver uses it later? Is there a sticker put on it, something that would notify me?

PLANK: The vehicle won't move from where it was cited.

303 PAUL HENRY, TRANSPORTATION SAFETY, PUBLIC UTILITY COMMISSION: It is unlawful for the vehicle to be moved once declared unsafe, most repairs are done at the site the out of service order was given. If it was

moved, there are daily inspection documents that stay with the vehicle. The management, mechanics and drivers are kept current on the exact condition of that vehicle.

REP. BAKER: Does a driver get a ninety day suspension just because he didn't look at a log book?

HENRY: Another standard is that every driver must conduct a pre-trip inspection. If you do not, your in violation of current law.

331 REP. EDMUNSON: The bill would help an employee recover pay if terminated by a company that asked him to drive an out of service vehicle.

REP. ROBERTS: What are the grounds for out of service? There should be a written document that the driver would have to sign.

HENRY: Yes, current law has such a document.

436 CHAIR HAYDEN: Any members who need to go to the floor you are excused. There will be no work session.

REP. PARKS: ACTING CHAIR

REP. MILNE: Does this bill meet or exceed the federal rules? Do the standards vary for different types of drivers?

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016 LT. JOHNSON: Currently if they consume alcohol, they are placed out of service. The suspension violation may act as a deterrent because they do not want to lose their license.

020 REP. ROBERTS: The commercial drivers license the limit is .04, for others it is .08.

025 REP. NORRIS: The issue here is the penalty for violation of the out of service order.

PLANK: We are making the penalty for violation, the same as other out of service orders and allowing for the civil penalties on both the driver and the employer to be consistent with federal regulations.

035 REP. PARKS: I agree with Rep. Baker, there should be some provisions a knowing violation for a subsequent driver.

049 REP. BAKER: 90 days without work would be a hardship on many families.

050 HENRY: If the subsequent driver unknowing took the vehicle on to the road, the vehicle would be declared out of service, but there would be

no further enforcement action against the driver. The purpose of the bill is when a driver takes a vehicle back out on the highway after he

has been informed it is a safety hazard.

061 REP. PARKS: The language should be clear to protect the unknowing second driver.

065 PLANK: There are only about 30 cases a year of violations of out of service orders. We will look at your concerns.

075 REP. PARKS: How is the program to make safety inspections away from the weigh stations working?

077 HENRY: It is working very well.

REP. PARKS: What are the alcohol consumption levels again?

086 LT. JOHNSON: .08 for automobile and .04 for commercial vehicle.

MEETING ADJOURNS AT 10:40

Submitted By: Reviewed By:

Kathy Taylor Janet Adkins Committee Clerk Administrator

EXHIBIT LOG:

A - SB 924A Staff Measure Summary - Staff - 2 pages B - SB 924A
Fiscal Analysis - Staff - 1 page C - SB 924A Chart - OR Tow Truck
Assoc. - 1 page D - SB 101A Staff Measure Summary - Staff - 1 page E
- SB 101A Fiscal Analysis - Staff - 1 page F - SB 101A Testimony
- Unger - 2 pages G - SB 101A Testimony - Lt. Johnson - 2 pages