

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Transportation

July 16, 1993 Hearing Room 357 1:15 p.m. Tapes 70 - 71

MEMBERS PRESENT: Rep. Chuck Norris, Chair Rep. Ken Baker Rep. Cedric Hayden, ex-officio Rep. Carl Hosticka Rep. Lonnie Roberts

STAFF PRESENT: Janet Adkins, Committee Administrator Julie Dow, Committee Researcher Karen Cormac-Jones, Committee Clerk

MEASURES CONSIDERED: Work Session SB 1084 A-Engrossed

Public Hearing and Work Session SB 594 SB 486 A-Engrossed SB 769 B-Engrossed

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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. [--- Unable To Translate Graphic ---]

TAPE 70, SIDE A

005 CHAIR NORRIS calls the hearing to order at 1:21 p.m.

We have to be back on the floor at 2:00, so if we don't complete business before then, we will recess this meeting and return after the floor session.

025 OPENS WORK SESSION ON SB 1084 A-ENGROSSED

MOTION: REP. BAKER: Moves SB 1084 A-ENGROSSED to the Full Committee on General Government with a DO PASS RECOMMENDATION.

033 CHAIR NORRIS: Restates motion and calls for discussion.

038 VOTE: REPS. BAKER, HOSTICKA, ROBERTS and CHAIR NORRIS vote AYE. REP. HAYDEN is EXCUSED.

040 CHAIR NORRIS: The motion CARRIES.

041 CLOSES WORK SESSION ON SB 1084 A-ENGROSSED

OPENS PUBLIC HEARING ON SB 594 048 CHAIR NORRIS: Asks whether anyone wishes to testify or whether committee members have concerns with SB 594.

049 CLOSES PUBLIC HEARING ON SB 594

051 OPENS WORK SESSION ON SB 594

052 REP. BAKER: I was very sympathetic to the family with the injured child which we heard testify yesterday in support of SB 594. However, I didn't hear any testimony which said that anything would have been different if bumpers would have been lower. Scott Thompson from AAA of Oregon had no statistics regarding the connection between fatalities

and high bumpers.

Even concerns regarding headlight height were moot, since we were told that was already regulated by statute. I'm struggling to justify passing this bill.

065 JANET ADKINS, Committee Administrator: Current statutes require headlights to be a certain height from the ground, and they also need to be aimed so they're not shining into the eyes of other drivers. However, even if the headlights are aimed at the road, other drivers may be in the path of their headlights.

076 REP. BAKER: This bill may have a lot of merit, but it's difficult to discern that from the limited amount of information we have received. No highway or traffic engineers testified in support of the bill, nor did anyone from the Department of Transportation or the Public Utility Commission put in an appearance.

082 REP. HOSTICKA: I feel pretty good about the bill.

083 REP. ROBERTS: Commercial trucks are heavily regulated, yet these other trucks are not. Bumpers are supposed to be a safety feature, but if they're higher than they should be, they're actually a hazard.

092 REP. BAKER: But there was no discussion that this was a problem. In the tragic testimony we heard yesterday (wherein an infant was irrevocably injured in an accident involving a pickup with a high bumper), their car had been sideswiped. It was not a front-end bumper-to-bumper accident.

101 REP. HAYDEN: What we're talking about is matching car structure to car structure, and I don't think standardizing bumpers would accomplish much. A regular pickup would run right over a Lotus, for instance.

116 MOTION: REP. ROBERTS: Moves SB 594 to the Full Committee on General Government with a DO PASS RECOMMENDATION.

117 CHAIR NORRIS: Restates motion and calls for discussion.

119 REP. HAYDEN: I plan to oppose the motion without predicating what my vote will be in full committee.

122 VOTE: REPS. HOSTICKA and ROBERTS vote AYE. REPS. HAYDEN, BAKER and CHAIR NORRIS vote NO.

126 CHAIR NORRIS: The motion FAILS.

Addition to the record: SB 594 Informational Material (EXHIBIT A)

128 CLOSES WORK SESSION ON SB 594

OPENS PUBLIC HEARING ON SB 486 A-ENGROSSED

133 CHAIR NORRIS: Asks whether anyone wishes to testify on SB 486, or whether committee members have concerns about the measure.

135 CLOSES PUBLIC HEARING ON SB 486 A-ENGROSSED

OPENS WORK SESSION ON SB 486

135 JULIE DOW, Committee Researcher: Senate Bill 486 addresses the problem encountered by handicapped persons who require an attendant to use the restroom when the attendant is of the opposite sex. The bill requires that separate restroom facilities for disabled persons be built at new roadside rest areas, or when new restroom facilities are being built at existing restrooms. At existing facilities, the bill would allow a person of the opposite sex to accompany a disabled person after first obtaining permission from anyone who may already be in the restroom, and also requires that signs be posted outside the restroom authorizing the entrance of an assistant.

Section 3 is actually an amendment from Senator Kintigh's office, and requires the Department of Transportation to establish a permit system allowing non-profit groups to provide non-alcoholic beverages and cookies at roadside rest areas. Under current administrative rules, the groups are only allowed to provide coffee or other non-alcoholic beverages.

154 CHAIR NORRIS: Why have I had so many cookies at rest stops?

156 DOW: Washington permits cookies to be dispensed.

Concludes bill summation.

160 REP. ROBERTS: Questions fiscal impact. Will this money be coming from the Highway Fund?

165 JOAN PLANK, Motor Vehicles Division: Yes. Those funds would not be from the General Fund. There should be an "OF" notation indicating "other fund" on the analysis.

184 REP. HAYDEN: They've already got architects and designers on staff who are already doing this kind of work. I don't understand why they need an additional .7 FTE. I would recommend that we put a budget note on this bill requiring Appropriations to deny the additional FTE.

192 REP. ROBERTS: Why do we need that additional FTE?

195 PLANK: I'm not familiar with that fiscal analysis. Offers to review analysis to determine need for additional FTE.

198 CHAIR NORRIS: No one is here today from the Highway Division, nor was anyone here yesterday.

201 REP. ROBERTS: If people want to hand out cookies, that's fine with me.

208 MOTION: REP. HAYDEN: Moves to request APPROPRIATIONS COMMITTEE to DELETE the additional .7 FTE from SB 486 A-ENGROSSED.

211 CHAIR NORRIS: I believe the Full Committee on General Government could accommodate that.

213 REP. ROBERTS: I would like to make a motion to move the bill to the Full Committee, and by that time, Joan Plank could get back to us with an answer.

215 PLANK: I would be glad to.

216 MOTION: REP. ROBERTS: Moves SB 486 A-ENGROSSED to the Full Committee on General Government with a DO PASS RECOMENDATION, with the provision that the committee first receive an EXPLANATION regarding the additional .7 FTE.

221 CHAIR NORRIS: Restates motion and calls for discussion.

222 REP. HAYDEN: I want to know why rest area signs cost more than construction costs, and why personal services will cost more than construction or sign costs.

226 CHAIR NORRIS: I'm afraid there's no one here to address that.

228 DOW: The signs would be placed at all existing facilities. The \$9,800 for "restroom facilities" is for new construction, and I'm assuming there aren't many plans to build new facilities. The personnel costs are to administer the permit process.

236 REP. HAYDEN: So the additional FTE is for the cookies?

238 CHAIR NORRIS: Yes.

248 VOTE: REPS. HOSTICKA, ROBERTS, BAKER, HAYDEN and CHAIR NORRIS vote AYE.

252 CHAIR NORRIS: The motion CARRIES.

255 CLOSES WORK SESSION ON SB 486 A-ENGROSSED

OPENS PUBLIC HEARING ON SB 769 B-ENGROSSED

260 SUSAN SCHNEIDER, City of Portland: Proposes amendment to prohibit the use of photos taken by photo radar for use other than speeding violations, and to exempt disclosure of photos from public records law.

273 REP. ROBERTS: Do you have copies of this amendment?

274 SCHNEIDER: No.

275 CHAIR NORRIS: We'll have to handle it conceptually.

278 MOTION: REP. ROBERTS: Moves CONCEPTUAL AMENDMENTS proposed by the CITY OF PORTLAND to SB 769 B-ENGROSSED.

290 REP. BAKER: I would also suggest changing the way the citations will be issued. I also didn't like the language on Page 2, Line 28, regarding the penalties for speeding violations. We're talking about criminal sanctions. If this is only a demonstration project, I would want to add clear language that the only penalty will be an administrative penalty.

323 REP. ROBERTS: Have you developed language to address this?

325 REP. BAKER: No.

327 REP. HOSTICKA: I would like to support Rep. Robert's motion, and then address Rep. Baker's concerns.

333 CHAIR NORRIS: Restates motion and calls for discussion.

Could we seal records involving photo radar photographs and still be okay within the public records law?

351 REP. BAKER: You can't "seal" them, but you could state that they could be used for no other purpose.

353 CHAIR NORRIS: Could the local newspaper still obtain copies of those photographs?

355 REP. BAKER: Yes.

357 REP. HOSTICKA: I think the intent of the amendment is to exempt the photographs from the public records law.

361 ADKINS: I checked with legislative counsel, and they didn't see a problem with this.

364 CHAIR NORRIS: So a local paper couldn't go to court to obtain copies?

367 REP. HAYDEN: I would be prepared for vote yes for some amendments, and no on other amendments. I will probably vote no on the bill

MOTION: REP. HAYDEN: Moves to TABLE SB 769 B-ENGROSSED

378 CHAIR NORRIS: That motion is not debatable. 379 VOTE: REP. HAYDEN votes AYE. REPS. ROBERTS, BAKER, HOSTICKA and CHAIR NORRIS vote NO.

385 CHAIR NORRIS: The motion to table FAILS.

We're still considering the motion proposed by Rep. Roberts. Is there any objection to that motion? Hearing none, the motion CARRIES.

395 MOTION: REP. BAKER: Moves to amend SB 769 B-ENGROSSED to add language that A CITATION MUST BE IMMEDIATELY HANDED TO A VIOLATOR, and that THE CITATION BE ALLOWED TO BE ELECTRONICALLY-PRODUCED.

428 REP. ROBERTS: How do you propose stopping motorists to hand them the citation? We're destroying the intent of this bill by requiring the presence of additional police officers.

441 REP. BAKER: You don't have to have a police officer to do that.

442 REP. ROBERTS: Are you sure? They would actually be ticketing people.

444 REP. BAKER: It wouldn't have to be a sworn officer.

TAPE 71, SIDE A

007 DAVID LERWICK, Gresham Police Department: What you're doing is nullifying the safety aspect of photo radar. This would force us to put a second officer down the street to stop the violator. I would not assign a citizen to pull a violator over, because it would expose them to danger.

I think sufficient warning is given to a driver who passes a marked police vehicle and who has also driven within 150 feet of a reader board which informs them, "You have just passed through photo radar. Your speed was ____."

023 CHAIR NORRIS: Barring objection by committee members, I am going to retroactively open a work session on this bill.

OPENS WORK SESSION ON SB 769 B-ENGROSSED

030 REP. ROBERTS: Does the bill specify the use of a marked vehicle?

032 SCHNEIDER: Yes.

033 CHAIR NORRIS: A city which can impose an ordinance to confiscate vehicles involved in prostitution or for driving while suspended should be able to do this. I'm not convinced we have pre-empted this field. You say we have pre-empted this field on the basis of the notification process?

036 SCHNEIDER: Local governments may act upon anything their charter allows unless the state has pre-empted the area and has made a statement regarding state policy. It was the opinion of our city attorney that the state would have to give permission to allow the citations to be mailed.

040 CHAIR NORRIS: All right. I believe Rep. Baker made a motion that would require some physical personal presence in the presentation of a citation.

Accepts motion and calls for discussion.

054 REP. ROBERTS: I think the presence of a reader board will slow motorists down, just as a marked police vehicle does.

056 REP. BAKER: This bill is limited to neighborhoods and school zones, so barricades could be constructed to make handing out the citations easier.

062 SCHNEIDER: We don't believe we can physically hand out tickets, which is why we're sponsoring this bill. We believe the reader board will provide sufficient notice.

072 ADKINS: Is Rep. Baker referring to handing out citations or handing out slips of paper denoting speed?

075 REP. BAKER: I'm referring to some sort of informational sheet.

083 VOTE: REPS. BAKER and HAYDEN vote AYE. REPS. ROBERTS, HOSTICKA and CHAIR NORRIS vote NO.

086 CHAIR NORRIS: The motion FAILS.

088 MOTION: REP. BAKER: Moves to AMEND PAGE 2, LINE 29, OF SB 769 B-ENGROSSED after the words, "photo radar," by striking the rest of the line and inserting, "ARE LIMITED TO ADMINISTRATIVE REMEDIES AND FINES, AND DO NOT INCLUDE SUSPENSION OR CITATION FOR FAILURE TO APPEAR."

113 CHAIR NORRIS: Restates motion and calls for discussion.

114 REP. ROBERTS: I'll support that motion.

115 REP. HOSTICKA: Do we have control over whether insurance companies might increase their rates due to speeding violations?

117 REP. BAKER: I hadn't thought about that. I just don't want any criminal aspects tied to this bill.

119 REP. HOSTICKA: Maybe we should eliminate "all consequences of a speeding violation," since this might also be construed to affect actions by insurance companies.

120 REP BAKER: I'm limiting it to administrative remedies and fines.

125 ADKINS: I have some questions about Rep. Baker's motion. Are you proposing that the citation still appear on the driving record?

126 REP. BAKER: Yes.

127 ADKINS: I think the City of Portland attorney who testified yesterday said that these "failure to appear" citations only involve suspensions.

128 SCHNEIDER: This is a civil proceeding. Would it help to clarify that in the bill? It's not a criminal matter.

132 REP. BAKER: I don't want anyone's license suspended because they didn't comply.

134 SCHNEIDER: We have had concerns from the court, which would like to treat all speeding violators the same.

147 ADKINS: Maybe we could add, "and does not include suspensions."

149 REP. BAKER: I want it clear there will be no criminal penalty.

152 REP. ROBERTS: I will support Rep. Baker.

158 REP. NORRIS: We can have the language cleaned up before this reaches the full committee. Is there any objection to the motion as we understand it?

Hearing no objection, the motion CARRIES.

163 MOTION: REP. ROBERTS: Moves SB 769 B-ENGROSSED to the Full Committee on General Government with a DO PASS AS AMENDED RECOMMENDATION.

165 VOTE: REP. ROBERTS, BAKER, HOSTICKA and CHAIR NORRIS vote AYE. REP. HAYDEN is EXCUSED.

168 CHAIR NORRIS: The motion CARRIES.

CLOSES WORK SESSION ON SB 769 B-ENGROSSED

Adjourns meeting at 2:03 p.m.

Submitted by:

Reviewed by:

Karen Cormac-Jones

Committee Administrator

Janet Adkins Committee Clerk

EXHIBIT LOG: A - SB 594 Informational Material - Staff - 1 page