

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Transportation

February 1, 1993 Hearing Room 357 8:30 a.m. Tapes 7 - 8

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

STAFF PRESENT: Janet Adkins, Committee Administrator Kimberly Burt, Committee Assistant

MEASURES CONSIDERED: HB 2334 HB 2338 HB 2492

WITNESSES: Wanda Wahus, Executive Director, Independent Auto Dealers Association Mike Miller, Executive Vice President, Association

Oregon Loggers Bob McKellar, Oregon Forest Products Transportation

Association Bob Russell, Administrator, Motor Carrier Services,

Public Utility Commission of Oregon (PUC) Joanne Peterson, Department of Motor Vehicles (DMV) Steven Green, Manager, Oregon Department of

Transportation (ODOT) Chuck Pearson, Washington County Surveyor Ray Gibson, Fire Protection Director, Oregon

Department of Forestry

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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 7, SIDE A

CHAIR NORRIS: Calls meeting to order. (8:33 a.m.)

WORK SESSION - HB 2334

012 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2334 and submits (-1) amendments, hand engrossed bill and a revised fiscal statement for the bill, (EXHIBITS A, B & C).

041 REP. ROBERTS: They are exempt from insurance? JANET ADKINS: Exempt from having to have liability insurance on their

inventory.

REP. ROBERTS: If you want to sell your own snowmobile, are they going to call you a dealer?

060 WANDA WAHUS, EXECUTIVE DIRECTOR, INDEPENDENT AUTO DEALERS ASSOC.:
If it is being sold for personal use you would not be a dealer.

REP. ROBERTS: Is there a limit?

WAHUS: No, but you'd have to prove it's for personal use.

REP. ROBERTS: Who offered the amendments to section 1, concerning
insurance?

CHAIR NORRIS: Oregon independent auto dealers.

075 JANET ADKINS: There was some discussion about what
constitututes unlawful display of a vehicle, and whether you could pay
someone to sell your car. If a person is contracted for pay to sell a
private vehicle,

they would be selling without a license.

080 REP. BAKER: If they sold without compensation they would be
exempt?

JANET ADKINS: Yes.

REP. ROBERTS: Did you cover the section where they wanted to alter 30
days to 10 days?

JANET ADKINS: Explains changes in section three.

107 MOTION: REP. ROBERTS MOVES ADOPTION OF HB 2334 (-1) AMENDMENTS

VOTE: IN A ROLL CALL VOTE, THE MOTION TO ADOPT HB 2334 CARRIES WITH ALL
MEMBERS PRESENT VOTING AYE.

CHAIR NORRIS: We will send this to legislative counsel for engrossing.

PUBLIC HEARING - HB 2338

126 JANET ADKINS: Describes HB 2338 and submits fiscal impact
statement, (EXHIBIT D).

155 MIKE MILLER, EXECUTIVE VICE PRESIDENT, ASSOCIATED OREGON
LOGGERS: Explains HB 2338, describes situation.

184 REP. ROBERTS: Didn't we deal with this two sessions ago?

MILLER: Before 1990 these vehicles were exempt...then the exemption was
removed. Trouble came when the vehicles were moved because they weren't
licensed.

196 REP. ROBERTS: Who owns these vehicles?

MILLER: Logging contractors.

200 REP. HAYDEN: How do you move these vehicles if you have to go on
state or county roads?

MILLER: They drive them.

REP. HAYDEN: You'd have to make other arrangements.

MILLER: That is why we have people getting in trouble and we'd like the exemption reinstated; we are looking at vehicles that are required by law to be on site.

229 REP. ROBERTS: Are these registered with DMV in any way?

MILLER: I can't answer that.

REP. ROBERTS: I don't want every vehicle out there classified as firefighting equipment.

240 MILLER: There are companies that specifically provide equipment for fire suppression activities, for either state or the forest service; this is

not what we're talking about.

248 REP. HAYDEN: The timber industry goes to great expense to protect the public from fire; it is expensive and if there is a possibility that we can reduce the expense to an industry that is under stress...it would be good.

260 CHAIR NORRIS: How do you get these vehicles around when you move them?

MILLER: You drive it.

CHAIR NORRIS: Insurance?

MILLER: Typically they are covered through the company.

284 CHAIR NORRIS: Am I required to have liability insurance on a vehicle that I'm driving from its storage spot to a forest destination? What

about an exemption sticker so the average highway patrolman knows what's going on, or is it just a given in the law enforcement community?

MILLER: If it's operated on the public highways, you would need liability insurance. I've heard it both ways--some law enforcement types will cite for lack of license plate or PUC sticker, others will let it pass since it's marked "fire only."

299 CHAIR NORRIS: Was this before or after the exemption was removed? What would it cost if they were only subject to registration?

MILLER: After the exemption; there's a wide range of how it's handled. I don't know.

318 REP. ROBERTS: Do these vehicles all say for fire only on them?

MILLER: I don't know. 346 BOB MCKELLAR, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION: Testifies for HB 2338. These are trucks that

were exempt;

they're not now exempt. Not enough people have come to grips with that

and there's where the hitch has come--people that are and were operating them suddenly finding themselves of having to PUC them. We believe this legislation is a good thing to do. We do not believe the state or its

people will be injured in any way--financially or otherwise.

374 REP. HAYDEN: Are we talking about a \$40 annual registration fee, or several thousand dollars a year in PUC permits?

MCKELLAR: I can't tell you the fee, but it isn't thousands; I'm not sure what the PUC fee would be, but it wouldn't be a flat fee.

399 BOB RUSSELL, ADMINISTRATOR, MOTOR CARRIER SERVICES, PUBLIC UTILITY COMMISSION OF OREGON (PUC): Describes HB 2338 and submits written

testimony in support with an amendment (EXHIBIT E).

441 REP. HAYDEN: What kind of coverage would there be when moving on highways?

452 RUSSELL: The distinction is the 26,000 pounds; if they are over that weight on the public highway, they will be subject to PUC regulations.

If they are under 26,000 they come under DMV's provisions, which are in section two of this bill. They can operate either under trip permits or under permanent credentials.

TAPE 8, SIDE A

CHAIR NORRIS: If they're operating empty, heading to the woods for some 50 miles over state highways, they would be exempt from the PUC registration because they're under 26,000?

RUSSELL: Correct. We're discussing water trucks; the current language in the bill is broader than water trucks.

CHAIR NORRIS: On that empty run, are they required to have any liability insurance?

047 RUSSELL: Under current law they would be exempt from PUC liability insurance requirements, but would be subject to DMV's liability insurance requirements, even

when empty.

050 JOANNE PETERSON, DEPARTMENT OF MOTOR VEHICLES (DMV): Whether or not it is registered, a vehicle is subject to liability requirements. If a

vehicle is under 26,000 it is subject to mandatory insurance requirement.

CHAIR NORRIS: Is there any sort of record maintained for identifying exempt vehicles?

057 PETERSON: Nothing currently in line.

CHAIR NORRIS: Would it be practical to have such a thing? For the protection of the vehicle owner/operator?

PETERSON: I suppose they could file something. There's no record of firefighting equipment now.

072 REP. BAKER: Are we talking about pickup trucks?

RUSSELL: The language has been in statute a long time; it is my understanding that most of the most fall under government exemptions.

080 CHAIR NORRIS: I'm trying to get at the situation where a logger gets in a wreck and then goes bankrupt. Is that an absurd scenario?

MILLER: Loggers have to have worker's compensation and I'm not sure what other coverage; we do work with an insurance carrier that covers that kind of situation.

MCKELLAR: Your scenario isn't impossible.

112 REP. HAYDEN: We are talking about making four pages of vehicles exempt from PUC regulations...Is the purpose to exempt only from PUC

regulation, not DMV regulations?

JANET ADKINS: Yes.

MILLER: We want to be exempt from PUC, DMV registration and licensing. Most of the time we don't drive full, but unfortunately that isn't always the case and fall under the PUC regs when we do that.

149 JANET ADKINS: There is currently an exemption.... and by deleting language, this broadens the exemption for privately owned vehicles as

well as publicly owned.

157 CHAIR NORRIS: When these vehicles are exempt they don't get stopped? Can't you get the word out to your members about the requirement?

MILLER: That is the problem now; they are getting stopped. We've tried to get the word out; the question is, with all the other exemptions, why aren't we included? It's ironic that the state is exempt in its use, but the logger isn't on his own job.

182 MCKELLAR: Whether or not a vehicle is registered, it's subject

to the liability insurance requirements of the state.

195 CHAIR NORRIS: We will not go into work session yet, but when Rep Roberts returns.

PUBLIC HEARING - HB 2492

215 JANET ADKINS: Describes HB 2492 and submits fiscal impact statement, (EXHIBIT F).

237 STEVEN GREEN, MANAGER, OREGON DEPARTMENT OF TRANSPORTATION (ODOT): Submits written testimony in support of HB 2492, (EXHIBIT G).

285 REP. BAKER: On page 3, subparagraph 8; greater than ten acres?
GREEN: Parcels the department has for disposal of that magnitude almost are entire lots and would not require surveying. Additionally, the value of that size lot would not put us in the position of selling property at a loss.

302 CHAIR NORRIS: If I were to buy one of these slivers of land, what assurance would I have of where the true boundary might lie?

GREEN: We would do our best, pointing a finger, survey.

321 CHAIR NORRIS: If someone builds on this area and it is found to be in a right of way or on someone else's property are we liable? Is there a

disclaimer?

GREEN: That is a possibility, rather remote; someone investing a large amount of money would usually survey themselves. We have been in the business of selling surplus property for 75 years and just found out we were required to survey these properties.

377 REP. HOSTICKA: Are these properties required to be surveyed before you buy them? Even in the acquisition process?

GREEN: No. We just wouldn't survey each parcel.

406 CHUCK PEARSON, WASHINGTON COUNTY SURVEYOR: Testifies against HB 249 2. There are some problems this bill tries to fix that aren't in need of

remedy. SB 548 last session took care of the problems; if you have a common property line the only requirement to survey that new property line is if you relocate an existing line. Describes situations where surveys are required.

TAPE 7, SIDE B

060 PEARSON: I would suggest on page 1, line 22, deleting the words "by a person" and insert after the first "to" "or from," so it is "to or from a public agency." This would allow the state highway department, ODOT,

to grant themselves the amount of property they need for right of way and sell the remainder of property without a survey.

REP. ROBERTS: Will they sell the remainder to anyone or to an agency?

PEARSON: A sale or grant to or from a public agency, for right of way purposes.

REP. ROBERTS: How will they subdivide it without making certain the lines are drawn properly?

PEARSON: I'm almost certain that ODOT now is surveying and monumenting upon completion of a project in all cases.

100 CHAIR NORRIS: With your proposed amendment would it say the same as what you proposed for deletion on lines 28-29?

PEARSON: Yes, but it will apply the same standard to cities and counties, not just ODOT. REP. BAKER: Line 29 isn't limited to highway or road usage; that could be any purchase?

PEARSON: That would allow them to sell it and to partition it any way they wanted. My proposal would not allow them to be exempt from the land use planning requirements of local jurisdictions. If they weren't doing it for right of way purposes, they would be required to go through a partitioning process.

REP. BAKER: Then your language is more restrictive?

PEARSON: Correct.

CHAIR NORRIS: Were you following the ammendment proposed by Mr. Pearson?

130 GREEN: Yes. I would like to hear what our Assistant Attorney General thinks; if this language takes care of the problem, I am for it.

CHAIR NORRIS: Would you two get together with the AG?

150 REP. HOSTICKA: While they are checking with the AG, check on "selling it for right of way purposes," it doesn't read clear to me.

PEARSON: I'm proposing "a sale or grant, to or from a public agency". Gives specific example.

WORK SESSION - HB 2338

211 REP. HAYDEN: They would like to narrow this to just water pumpers; on page 3, line 30, say "water pumper vehicles."

CHAIR NORRIS: Is that an adequate description?

BOB RUSSELL: If this were tied to Chapter 477 then you don't have a definitional question.

255 REP. HAYDEN: Is there another statute; that particular one just doesn't seem to fire in on it. If we just insert on line 31 ORS Chapter 477 .615.

RUSSELL: ORS 615 actually requires the water vehicles. It's under rules promulgated by the Department of Forestry.

JANET ADKINS: It's my understanding that 650 is general; 615 is additional water supply.

CHAIR NORRIS: Would these vehicles not just be a tanker truck to transfer water to another vehicle that had a pump on it?

280 MILLER: Typically it would be a fire truck equipped with a hose and pump, although there are water tenders that are used to service those

vehicles. Cites codes and requirements.

CHAIR NORRIS: If it's a dead tanker to augment the supply in this fire engine, does that ever happen? 299 RAY GIBSON, FIRE PROTECTION DIRECTOR, OREGON DEPARTMENT OF FORESTRY: Describes water pumping equipment. I would suggest tying to it ORS 477.615 and 477.650 and use the word engine.

REP. ROBERTS: That would limit it too much wouldn't it?

CHAIR NORRIS: What if we said "fire engines and or tankers associated therewith?"

MCKELLAR: Vehicles required under ORS 477.615 and .650 or similar federal statute. If you amend the bill in this way, I would like to withdraw my earlier amendment.

347 MOTION: REP. HAYDEN MOVES LINE 31, PAGE 3 HB 2338, "ORS 477.615 AND 477.650."

REP. HOSTICKA: Does the deleted language stay deleted, page 4, line 24-26?

JANET ADKINS: DMV does now exempt the fire tanker kind of vehicles. Would there be a problem in also making a change in existing law limiting that?

CHAIR NORRIS: Don't we want to extend the same privilege to the private

operators?

379 MCKELLAR: We are suggesting that we use the identical language for PUC and DMV because of the interrelationship between the two.

MOTION: REP. HAYDEN MOVES TO INCLUDE LINE 22, PAGE 4; LINE 31, PAGE 3 HB 2338, "ORS 477.615 AND 477.650"

JANET ADKINS: You aren't changing the existing exemption?

407 VOTE: IN A ROLL CALL VOTE, MOTION IS PASSED. ALL MEMBERS PRESENT VOTING AYE.

Adjourned at 9:55

Submitted by:

Reveiwed by:

Laurie Baird
Administrator

Janet Adkins Clerk

EXHIBIT LOG:

A - HB 2334: Fiscal Analysis, submitted by staff, pp 1 B - HB 2334: Amendments to HB 2334, submitted by staff, pp 1 C - HB 2334: Hand engrossed bill, submitted by staff, pp 2 D - HB 2338: Fiscal Analysis, submitted by staff, pp 1 E - HB 2338: Written testimony, submitted by Russell, pp 1 F - HB 2492: Fiscal Analysis, submitted by staff, pp 1 G - HB 2492: Written testimony, submitted by Green, pp 1