

SENATE COMMITTEE ON TRANSPORTATION

March 8, 1993 Hearing Room C 3:00 p.m. Tapes 27 & 28
MEMBERS PRESENT: Sen. Joan Dukes, Chair Sen. Bob Kintigh Sen. John
Lim Sen. Tricia Smith Sen. Mae Yih MEMBERS EXCUSED: Sen. Catherine
Webber Sen. Jim Bunn STAFF PRESENT: Ruth Larson, Committee
Administrator Shannon Gossack, Committee Assistant MEASURES
CONSIDERED: SB 301 SB 490 SB 101 SB 265

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TAPE 27, SIDE A

010 CHAIR DUKES: Calls meeting to order at 3:30 p.m.

PUBLIC HEARING ON SB 490: Adds Port of St. Helens to list of deep water ports.

Peter Williamson, Port of St. Helens Representative Tony Federici 029
RUTH LARSON, COMMITTEE ADMINISTRATOR: Submits testimony of Congresswoman Elizabeth Furse. (EXHIBIT A) 033 PETER WILLIAMSON, PORT OF ST. HELENS: Submits and reviews testimony on BB , 490 .(EXHIBIT B) Senate Committee on Transportation March 8, 1993 - Page 2

101 REPRESENTATIVE TONY FEDERICI: Testifies in support of SB 490. -Submits and reviews written testimony. (EXHIBIT C)

123 SEN. YIH: What would it take to make it a deep water port?

127 WILLIAMSON: Explains definition of deep water ports. -We are looking for inclusion into the planning process and we feel we could make better use of our channel for trade.

139 SEN. YIH: Will it take dredging?

141 WILLIAMSON: It is already at the right depth. Discusses economic development along the channel.

148 SEN. LIM: Asks about the 50% match to federal funds?

155 WILLIAMSON: Discusses the proposed Columbia deepening project. There would be an equal split with all ports involved. -There may be a partial funding request to legislature.

171 CHAIR DUKES: If SB 490 passes do you see any money out of it?

174 WILLIAMSON: No we do not. We see access to the planning process.

178 SEN. LIM: Asks about current facilities and if this project is justified.

189 WILLIAMSON: Discusses proposed steel mill project.

WORK SESSION ON SB 490:

MOTION: Senator Dukes moves SB 490 to the floor with a "DO PASS" recommendation.

VOTE: In a roll call vote the motion carries unanimously with Senators Jim Bunn and C. Webber excused. Senator Dukes will carry the bill.

WORK SESSION ON SB 301: Expands prohibition on use of Motor Vehicle Division records for commercial purposes.

Bill Seely, Motor Vehicle Division Scott O'Donnell, Intern for Senator Bill Dwyer

237 LARSON: Explains intent of SB 301 and submits SB 301-1 amendments. (EXHIBIT D) Reviews testimony from Val Paulson. (EXHIBIT E:)

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276 CHAIR DUKES: I think ODOT could do this under rule making authority. -The language in SB 301 says, "a person using information derived directly or indirectly from such records."

284 LARSON: On line 27, section 3 of SB 301 it talks about intent. -Senator Dwyer would like to keep language about intent. 296 CHAIR

DUKES: Discusses the existing language with regard to rule making authority. 282 BILL SEELY, MOTOR VEHICLE DIVISION: We would have rule making authority to do this. 288 CHAIR DUKES: This is a very narrow definition. 316 LARSON: There is some concern with police agencies. and this language is trying to protect those individuals. (EXHIBIT E)

328 CHAIR DUKES: The police have the same rule making authority.

334 SEN. KINTIGH: Would you write a rule or do we need to direct you to do it? 340 SEELY: We only have one customer right now. .

350 SEN. KINTIGH: Who is exempted in SB 301? 354 SEELY: Anyone using accident reports for commercial purposes. The exceptions are: newspapers or news periodicals that publish the information to their subscribers. It would be the subscriber that is covered under this bill. There isn't anything in here to prevent an individual from getting the report. 371 CHAIR DUKES: So it would stop the solicitation of customers from these newspapers or periodicals.

393 SEELY: Subsection 1, of SB 301 explains the commercial purpose issue.

TAPE 28, SIDE A

005 SEN. YIH: Can the person use the information or not?

007 SEELY: The information can be obtained and published. However, someone that is reading the paper would not be able to use the information for commercial purposes.

012 SEN. YIH: How would you enforce it?

014 SEELY: If the person didn't complain no one would know. It may be difficult to prove where the information came from.

027 SEN. YIH: There seems to be some different interpretations of SB
301. ~- ~ ']

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033 CHAIR DUKES: The key is prohibiting a lawyer or someone using the
information from a printed newsletter or newspaper. 044 SEN. YIH:

What about the report itself? 047 CHAIR DUKES: Explains the
publication and how it gets around a law that was set up last session.
This bill would stop a person from using the published information.

060 SEN. YIH: It is just common sense. 061 CHAIR DUKES: This goes
to the Judiciary Committee. 068 SEN. LIM: How many complaints have
there been?

076 SEELY: We have no records on the issue at all.

072 SEN. LIM: Why are we doing this then?

075 CHAIR DUKES: Senator Dwyer has had people complain to him.

079 SEN. YIH: Would there be loss of revenue to DMV?

082 SEELY: If the bill is effective in discontinuing the purchasing
the impact will be \$23,000.00 and about \$27,000.00 down the road. Those
figures also match our revenue.

091 CHAIR DUKES: It would be a wash then.

095 SEN. YIH: According to the fiscal it doesn't match what he just
said.

109 SEN. LIM: Asks why the person is buying the information.

112 CHAIR DUKES: Clarifies the accident reports and who would want the
information and what they use the records for.

128 SCOTT O'DONNELL, INTERN FOR SENATOR BILL DWYER: The language in
section 3 is very clear regarding the issue of obtaining information
from law enforcement agencies.

156 CHAIR DUKES: I'll let that be worked out in Judiciary.

MOTION: Senator Dukes moves to adopt SB 301-1 amendments to SB 301.

VOTE: Hearing no objection SB 301-1 amendments are adopted with Senators
J. Bunn, T. Smith and Webber excused.

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MOTION: Senator Dukes moves SB 301, as amended, out of committee with a "DO - PASS" recommendation and a letter to the Senate President to request a referral to the Judiciary committee.

VOTE: In a roll call vote the motion carries with Senators Kintigh, Lim, Yih and Dukes voting AYE and Senators J. Bunn, T. Smith and Webber excused.

PUBLIC HEARING ON SB 265: Expands authority of Motor Vehicle Division to reduce fees for plate replacement.

Joan Plank, Motor Vehicle Division Joanne Peterson, Motor Vehicle Division

196 LARSON: Reviews SB 265 for the committee.

206 JOAN PLANK, MOTOR VEHICLE DIVISION: Submits and reviews testimony in support of SB 265. (EXHIBIT Ii)

247 CHAIR DUKES: If you issue a replacement plate will it be a graphic?

262 PLANK: On a passenger registration renewal. -We think this would be more convenient for customers and the price would fair.

273 CHAIR DUKES: It costs \$13.50 to replace a plate. Does it cost us that much?

277 PLANK: Explains current law in regard to the replacement of plates.

292 CHAIR DUKES: What if they don't like the numbers or letters they happen to get?

295 PLANK: If they want to pay the money they should be able to get a new plate. -The statutes have never included a fee for a different custom plate.

312 JOANNE PETERSON, MOTOR VEHICLE DIVISION: You would pay the regular registration fee and the plate manufacturing fee but there is no transaction fee for processing and changing a custom plate. -In section 4, subsection 3, of SB 265 is language addressing the custom plates.

325 SEN. LIM: How much is the registration fee for the regular custom plate?

338 PLANK: It is \$80.00. 340SEN. SMITH: What would be the replacement fee under section 4 of SB 265? 341 PETERSON: It would be \$13.50. 347 CHAIR DUKES: Discussion on the difference between custom plates versus regular plates. ~ ,\

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356 PETERSON: The fee here would be the replacement plate which is \$11.00. They wouldn't be getting the cheaper \$4.00 fee at renewal time. The regular custom plate fee is a \$50.00 fee that is biennial and that money goes to the litter fund. You've already paid that and you're just changing the plate. When you renew you're going to pay the \$50.00 again.

372 CHAIR DUKES: What does it cost to create the plate?
373 PETERSON: It is part of our plate contract. 378 PLANK: If you
get a replacement plate because you don't like the letters you pay
\$13.50. We are trying to add the custom plate to that group and have
them pay \$13.50 for the cost of the transaction. 388 SEN. SMITH: If
we give them a regular license plate they get random numbers but a
custom plate is a different issue. I think they should pay the \$50.00.
It's a whole new custom plate process. 405 PLANK: We would need to
amend the bill. It doesn't cost us that much more to get the custom
plate made because it is built in to the average. 420 CHAIR DUKES: We
don't refund any of their money but they also don't have to return the
plates.

428 PLANK: So we would need amendments that say replacements don't
count and you get a new one. 430 SEN. SMITH: I think people should
live with their custom plates or pay the \$50.00 to get a new one.
447 SEN. LIM: Can I use a custom plate on any car I want?

TAPE 27, SIDE B

013 PLANK: The senator plate can go on any car you want but you are
required to let us know which vehicle it is on and to maintain the
registration for the regular plate. The only time you can transfer is
when it is a current issue, which means it has a green tree on it.

020 SEN. SMITH: In section 5, subsection 4 of SB 265, it says that if
you're requesting a replacement plate at the time you renew, in addition
to your renewal fees, you pay a \$1.50. This doesn't apply to plates
specially ordered. Does that mean you don't pay the \$1.50 if they need
to be specially ordered? 026 PETERSON: Explains what the \$1.50 is
used for. 031 CHAIR DUKES: Discussion on the defir ~tion of a special
plate. 034 PETERSON: Explains the graphic plate legislation.

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PUBLIC HEARING ON SB 101:

Joan Plank, Motor Vehicle Division Mike Unger, Motor Vehicle Division
Greg Malkasian, Public Utility Commission

067 LARSON: Explain SB 101 to committee.

074 PLANK: Explains federal rules in regard to a commercial driver's
license.

097 SEN. SMITH: It also criminalizes the violation of an out-of-service
order. It's isn't a criminal offense to drive away.

101 PLANK: That is existing PUC law.

102 UNGER: A violation of an out-of-service order, under current PUC
law under chapter 767 is a Class A misdemeanor.

105 SEN. SMITH: How is someone cited for the offense?

107 GREG MALKASIAN, PUC: They would be cited by a police agency or we

would have noted what they had done.

112 SEN. SMITH: Just driving away becomes a criminal offense under this bill. How would you pursue this?

117 MALKASIAN: The Motor Vehicle Division would do that.

122 SEN. SMITH: If someone is pulled out of service because of brakes and then they decide to take off. How is the person pursued?

128 MALKASIAN: We would ask for assistance from the State Police. The federal law says you have to make it a criminal offense.

134 UNGER: In ORS 767.990 it is already a class A misdemeanor and this would just make it consistent. 143 SEN. SMITH: I still don't understand it if it is already a crime why is it here? 147 UNGER: There are a few that are outside the domain of PUC jurisdiction.

154 SEN. SMITH: Are you referring to farmers? -It's not a criminal offense to drive without brakes. Only to get caught and then drive away.

157 MALKASIAN: Explains PUC penalties. , , . _ These minutes contain materials which paraphrase and/or summarize statements made during this auon. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tape. Senate Committee on Transportation March 8, 1993
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167 PLANK: We're attempting to comply with the federal requirements. We could lose \$8 million in the first year if we don't comply. There are some proposed amendments to this bill.

186 UNGER: Submits and reviews written testimony. (EXHIBIT G) -Reviews SB 101 -2 amendments. (EXHIBIT G) -Clarifies page 1 of SB 101-2, lines 14-17.

209 SEN. SMITH: What is the suspension period for a second conviction of DUII? Why is it five years in this bill?

213 UNGER: In a commercial motor vehicle it is life. In a passenger car it is three years. The federal highway administration in their rule making chose five years.

220 PLANK: The rules are not final and we have had to come in every session because the rules always change.

227 SEN. SMITH: Asks for clarification in section 6, of SB 101 regarding proof.

233 MALKASTAN: Explains how they would provide proof.

245 PLANK: The statute reference in section 6 isn't accurate. It should say in the SB 101-2 amendments, line 26 & 27; "civil penalties under this section shall not be imposed except by order following complaints as provided in ORS 756.500-756-610." (EXHIBIT H) 271 SEN. SMITH: Last time you needed to comply with federal requirements you indicated that there was a clause to get out of doing it. Is there any way to get out of this one? 273 PLANK: No.

278 SEN. YIH: How many violations per year?

282 PLANK: Estimate about 30 per year.

285 SEN. YIH: Is it mainly large companies or small?

286 MALKASIAN: It can vary and 30 was based on an expectation that there would be increased enforcement of out of service notices. Currently we have prosecuted 7 since 1989. We anticipate with increased enforcement it could go up to 30 cases per year.

297 SEN. SMITH: Why is there increased enforcement?

300 MALKASIAN: We would enlist some assistance from enforcement personnel as well.

303 SEN. LIM: How do you determine the amount of time one is out of service?

311 MALKASIAN: Explains out of service regulations.

340 VICE-CHAIR SMITH: Adjourns meeting at 4:50 p.m. . These minutes contain neither 18 which par phrase and/or summarized statements made during this session. Only text enclosed in quotation marks report speaker's exact words. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Transportation March 8, 1993 - Page 9

Submitted by, Reviewed by,

Shannon Gossack (/ Ruth Larson Assistant Administrator

EXHIBIT LOG:

A - Testimony SB 490, Shff, 1 pg. B - Testimony SB 490, Peter Williamson, 22 pas. C - Testimony SB 490, Rep. Federid, 1 pg. D - Testimony SB 301, Shff, 3 pg. E - Testimony SB 301, Staff, 1 pg. F - Testimony SB 265, Joanne Peterson, 2 pas. G - Testimony SB 101, Mike Unger, 10 pas. H - Testimony SB 101, Joan Plank, 2 pas.

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