

SENATE COMMITTEE ON TRANSPORTATION

April 12, 1993 Hearing Room C 3:00 p.m. Tapes 50 - 51 MEMBERS
PRESENT: Sen. Joan Dukes, Chair Sen. Bob Kintigh Sen. Jim Bunn Sen.
John Lim Sen. Tricia Smith Sen. Catherine Webber Sen. Mae Yih STAFF
PRESENT: Ruth Larson, Committee Administrator Shannon Gossack,
Committee Assistant MEASURES CONSIDERED: SB 879 SB 103 SB 1019

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.

TAPE 50, SIDE A

003 CHAIR DUKES: Calls meeting to order at 3:15 p.m.

WORK SESSION ON SB 1019: Repeals sunset provision of ignition interlock
requirements ED LEEK, LA, SENATOR DICK SPRINGER DON LECOUEUR, OREGON
DEPT. OF TRANSPORTATION PETE NUNNENCAMP, OREGON DEPT. OF TRANSPORTATION

006 LARSON: Explains the intent of SB 1019 Submits SB 1019-1
amendments. (EXHIBIT A) -DMV will adopt rules permitting medical
exemptions from the ignition interlock, in which case an individual
would receive a longer suspension. 039 ED LEEK, LEGISLATIVE AIDE TO
SEN. DICK SPRINGER: Explains the current pilot project. -This would
expand the program statewide. It would require use of this device if
convicted of a ? DUI offense. Individuals who have been channeled
through the diversion types programs would not have a conviction
therefore wouldn't apply to this device. Senate Committee on
Transportation - - April 12, 1993 - Page 2

046 CHAIR DUKES: The second time through with a DUI you get the
device. The amendments speak to a medical problem. What kind of process
would an individual go through if they were to be exempted through the
medical exemption? 053 DON LECOUEUR, ODOT: They would need a
doctor's certificate. 062 LEEK: This requires that you bring air up
from very deep in the lungs. People with chronic illnesses can't do
that. 068 CHAIR DUKES: Do you get the device during the period you
are suspended? 070 LECOUEUR: For six months following the suspension
you get the device.

075 CHAIR DUKES: Is the program working well? . 072 LECOUEUR: Drop in
recidivism rate at roughly 30%.

073 SEN. KINTIGH: How do you keep a person that is with the
individual from blowing in the device? 083 LECOUEUR: We don't.

088 LEEK: The device isn't that easy to use. You would need to learn a
pattern of blowing into the device. This is a step to reduce the numbers
getting behind the wheel intoxicated.

093 SMITH: Why would it cost this much money to evaluate the program
and report to the legislature? 101 PETE NUNNENCAMP, ODOT: That is
roughly what it would cost to run the program based on what the costs
have been for the last two sessions that we have actually made an
evaluation of this. We have done two studies of this. When you add up
the time of people at Traffic Safety and the Research Analyst at DMV that
is a reasonable price. 109 SEN. SMITH: What do you do to evaluate the

program? Why do two people have to evaluate it? 113 NUNNENCAMP: It's all considered ODOT. The operational part is done at DMV as part of daily operation. Traffic Safety does the research part. 120 SEN. SMITH: The point is whether or not this causes people from re-offending. Can't you just flag their record at DMV. 125 NUNNENCAMP: There is computer programming needed to get that information. We can get the hard copy from the vendor. Reports come from Traffic Safety. 132 CHAIR DUKES: Who is the vendor? This will be done by the end of next biennium?

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140 LECOUEUR: I think that the language says, "if there is money", then there will be a study. The vendor is the company that makes the device.

144 CHAIR DUKES: If the world comes to an end tomorrow you're going to have gas tax money available. You have a fairly sure stream of money here.

150 LEEK: I have asked to have amendments drawn that would take that language out because the study doesn't seem necessary. We could probably do that in Judiciary. 154 CHAIR DUKES: I'd really rather the Judiciary Committee didn't mess with the road fund. 159 LEEK: If you will entertain a motion we would be glad to do that. 161 CHAIR DUKES: I think there is some way to coordinate this a little better. 179 LECOUEUR: Report from trafftc safety and DMV submitted at the last hearing on this. (EXHIBIT B) 185 NUNNENCAMP: There were also two contractors hired to do parts of the study we are talking about. 193 LECOUEUR: Those contracts were for diversion. Barney and I did this study on interlock. 199 CHAIR DUKES: So you hired two private expensive contractors to go out and do diversion? You don't have staff competent to do this? 218 NUNNENCAMP: Yes we do at DMV, but he has so many other responsibilities.

226 CHAIR DUKES: One wasn't enough we needed two?

229 NUNNENCAMP: One was a study of attitudes and the other was an objective study on how the system works. 222 LEEK: Not since the institution of the diversion program has there been a study. Problems with changing an individual's attitude. This same process needed to happen with interlock. -Discusses the effectiveness of programs in regard to diversion programs. 298 CHAIR DUKES: The one on interlock was in-house. What we get from ODOT real regularly is: we need to do something and it's going to cost the sun, moon and stars to do it. The public doesn't understand how we can have two monkeys studying the same banana, yet we're going to turn around and ask them for more money. 322 LEEK: Discusses the control/treatment argument in regard to diversion. -Discusses the intoxicated driver fund. 335 CHAIR DUKES: ODOT needs to look a bit closer at how they do these things. 342 SEN. SMITH: I would like to see this Diversion Report. I bet it says diversion doesn't work.

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350 LECOUBEUR: It says diversion does work because it shortens the time between offense and consequence.

370 LEEK: The study has said that the faster something happens to someone the more effective it is.

374 SEN. SMITH: So this reduces the number of repeat offenders?

378 LEEK: The major relationship is the time they enter the diversion program.

MOTION: Senator J. Bunn moves SB 1019-1 to SB 1019.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves to conceptually amend SB 1019 by deleting section 5.

VOTE: Hearing no objection the motion is adopted.

422 SEN. YIH: Why? 423 SEN. BUNN: Explains that it is effective so a study isn't necessary.

MOTION: Senator J. Bunn moves SB 1019, as amended, to the Judiciary Committee with a "DO PASS" recommendation.

021 SEN. YIH: Asks about medical conditions?

026 CHAIR DUKES: Explains what medical conditions would apply. VOTE: In a roll call vote the motion carries with Senators J. Bunn, Kintigh, Lim, T. Smith, Webber, Yih and Dukes voting AYE.

PUBLIC HEARING ON SB 879: Authorizes suspension of driving privileges or identification card, or right to apply. for certain offenses.

MIKE UNGER, MOTOR VEHICLE DIVISION JIM HUPE, MOTOR VEHICLE DIVISION JOAN PLANK, MOTOR VEHICLE DIVISION FRANK BRAWNER, OREGON BANKERS ASSOCIATION

044 LARSON: Explains background and intent of SB 879. Submits SB 879-1 (EXHIBIT C) and SB 879-2 amendments. (EXHIBIT D) 076 MIKE UNGER, DMV: Submits testimony in support of SB 879. (EXHIBIT E) -Explains intent of amendments.

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113 SEN. YIH: Will this increase the demand for indigent defense?

116 UNGER: We only changed this part of the law in regard to forms. We didn't increase any penalties.

125 JIM HUPE, DRIVER LICENSE TASK FORCE: Testifies in support of SB 879. It would help the enforcement aspect tremendously.

137 SEN. SMITH: In subsection 31; "or upon determination by division a person has committed an act"? How would the division determine that?

143 UNGER: That is currently how we do it. We can get a police report and get information from that. 151 SEN. SMITH: Isn't it a criminal offense?

155 UNGER: There aren't usually convictions in these cases.

157 HUPE: Explains the court process in regard to "no action". -This is a Class A misdemeanor.

167 LARSON: We could refer this to the Judiciary Committee because of the penalties.

174 SEN. SMITH: Does this crime already exist?

179 UNGER: They are already in existence all Class A misdemeanors.

184 SEN. BUNN: We're aren't gaining anymore crimes we're just giving you another tool when they do occur; which is suspension.

191 UNGER: You are correct. 193 SEN. SMITH: Asks for clarification on fiscal.

198 UNGER: Revenues are from the reinstatement fees.

207 SEN. WEBBER: Where in the bill is the penalty change?

211 UNGER: We aren't changing any current penalties. -Under section 4 of the bill we changed the wording regarding "transfer" and "sale", of documents. 230 SEN. WEBBER: The other one refers to illegally producing an identification card. 233 UNGER: That is the same under section 3, of SB 879. 237 SEN. SMITH: In subsection 2 you're defining cancellation. Will this mess up any other definitions of cancellation in your statutes?

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242 UNGER: That is why we separated it out. One is about the vehicle and the other is about the drivers license. -We do not believe it will impact our other definitions of cancellation. 254 CHAIR DUKES: How do you annul someone's driving privileges.

260 UNGER: We took this out of the Uniform Vehicle Code.

265 CHAIR DUKES: It says annulment or termination. Is there a difference? 269 SEN. WEBBER: I don't think for the purposes here it is a problem. 282 UNGER: Administratively it is treated the same as terminating the drivers privileges. 286 CHAIR DUKES: Do you take them back? 292 UNGER: Yes, they are required to surrender. Right now if a person doesn't turn them in we don't enforce it. 319 CHAIR DUKES: This bill is addressing suspension as well as cancellation.

325 UNGER: That is true. We still have the authority to cancel but for the types of actions that are real serious we would take suspension action versus cancellation. The punitive part would be the suspension.

-Explains intent of SB 879-1 amendments. (EXHIBIT C) 367 CHAIR DUKES:
Asks about the differences in suspend versus cancellation. 372 UNGER:
Canceling is termination of the driving privilege while suspension is a
temporary withdrawal of driving privileges. -Explains reinstatement
process in SB 879. 405 CHAIR DUKES: How much does it cost to put an
identification card on the computer? 412 UNGER: Explains the cost to
reinstate once a card has been suspended. 421 CHAIR DUKES: Why does
it cost that much more?

TAPE 50, SIDE B 008 JOAN PLANK, MOTOR VEHICLE DIVISION: The cost to
issue is the \$13.50 amount. The reinstatement fee covers the cost to
first suspend the individual then secondly to reinstate them.
021 CHAIR DUKES: Is that the same as the costs for a regular license?

025 PLANK: Frequently people have multiple suspensions so we are
processing more suspension. The fee is calculated to cover 2.5
suspensions.

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Transportation - - April 12, 1993 - Page 7

030 CHAIR DUKES: If I don't come in and get it reinstated does it get
canceled?

033 UNGER: Explains the computer process. -Continues reviewing SB
879-1 amendments in regard to section 8. (EXHIBIT C) -Explains SB 879-2
amendments. (EXHIBIT D) -Current law provides for the hardship permit
and there isn't a need for this language. -Sites ORS 807.240 which deals
with hardship permits. 055 SEN. WEBBER: When you change the offense
in section 3 and 4 on line 43, it changes it from "sale" to "transfer".
What is a transfer? Have you changed the character of that offense by
taking out "consideration"?

060 UNGER: We thought transfer clarified this versus a sale; which
would imply some compensation. It was a clarity issue.

084 FRANK BRAUNER, OREGON BANKERS ASSOCIATION: We support the passage
of SB 879 and both sets of amendments. -Discusses the aspect of
reliable identification and proof.

110 CHAIR DUKES: What if we closed all DMV records?

112 BRAUNER: I believe the retail merchants should be here testifying.
They take more of a hit than we take.

124 SEN. KINTIGH: Asks what information the retailer is using off the
checks?

128 BRAUNER: It doesn't help them get any money. They are just going
through the motions. There is one rule in accepting a check; know who is
giving you the check.

147 CHAIR DUKES: It allows someone to go to DMV and get a current
address.

WORK SESSION ON SB 879:

MOTION: Senator J. Bunn moves SB 879-1 and SB 879-2 amendments to SB 879.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves SB 879, as amended, to the floor with a "DO PASS" recommendation.

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

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Senate Committee on Transportation April 12, 1993 - Page 8

PUBLIC HEARING ON SB 103: Repeals special registration provisions related to fleets of trailers for hire and provides that dmV may enter into interstate agreements regarding registration for fleets of vehicles:

JOANNE PETERSON, MOTOR VEHICLE DIVISION JOAN PLANK, MOTOR VEHICLE DIVISION BILL RUSSELL, PUBLIC UTILITY COMMISSION LANNY GOWER, CONSOLIDATED FREIGHTWAY

192 LARSON: Explains background and intent of SB 103. Submits SB 103-2 amendments. (EXHIBIT F) 227 CHAIR DUKES: So one agency will have a part of this and the other will have another part of it. -This bill was a mess the first time we heard it and it is only back because of someone's hard work. 228 JOAN PLANK, MOTOR VEHICLE DIVISION: Explains intent of SB 103. We had discussions with PUC. -Explains requirement in statute for heavy vehicle trip permits.

260 CHAIR DUKES: You will issue the permit and you won't get the piece of paper?

263 BILL RUSSELL, PUBLIC UTILITY COMMISSION: These are just temporary ten day trip permits. They were submitted to us so our auditors could use them, but the information was not worthwhile to the auditors. -We also issue heavy vehicle trip permits.

276 CHAIR DUKES: How do your heavy trip permits differ from DMV?

279 RUSSELL: They don't. If a trucker comes to us then we issue one. If they go to DMV then they issue one.

280 CHAIR DUKES: We have been interested in the abuse of trip permits and heavy vehicle trip permits. Do we ensure if they aren't abusing it if they can go to two different places to get one?

288 RUSSELL: More stringent than trip permits. There is an economic incentive.

294 CHAIR DUKES: Do you notify DMV when you issue one?

295 RUSSELL: No. It is a visual enforcement device.

302 PLANK: Continues reviewing SB 103. -Discusses compliance with Federal International Registration Plan.

343 CHAIR DUKES: Is this too hard for DMV to handle?

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346 PLANK: The problem is that the trailers aren't in Oregon. It's only those trailers where there is no ownership change.

334 CHAIR DUKES: I still have a problem with this.

353 JOANNE PETERSON, DMV: Explains for rent vehicles in regard to registration.

380 CHAIR DUKES: What about not for rent trailers being moved here but the base of operation wasn't moved here.

389 PLANK: That is the third piece of the bill that is addressed.

399 CHAIR DUKES: Why do we want to do this?

405 PLANK: If they are eligible and want to be here we want to register them.

410 PETERSON: Describes what needs to happen to qualify for no VIN inspection under this legislation.

423 PLANK: It is diff~cult for the owners to get the trailers here to do the VIN inspections.

TAPE 51, SIDE B 010 CHAIR DUKES: Tell me why we would want to register them in Oregon if they are never here?

014 RUSSELL: Explains types of people they register. -Explains how the power units are prorated.

028 SEN. SMITH: Are they required to show some ownership documentation?

032 RUSSELL: They have to be properly registered and titled in a state.

035 SEN. SMITH: Would they be registered somewhere else?

038 RUSSELL: Yes, these would be permanently registered vehicles.

051 CHAIR DUKES: This would relate to ACME trucking who has 10,000 trailers all over the nation, but only registered in Oregon for their convenience. 053SEN. WEBBER: What about phantom fleets?

05S RUSSELL: Trailers aren't a big issue because they are usually stolen for their contents. With this provision there is no change in ownership.

So you couldn't sell a stolen trailer and reap a benefit. In that situation you would have to have a VIN inspection and we could verify.

067 SEN. WEBBER: Couldn't you register a second trailer under original trailer?

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064 PETERSON: In order to accomplish this you would have to turn in a title that has been issued. We then send the title back to the home state and we are also checking N.C.I.C. to check if the VIN has been listed as stolen.

068 SEN. LIM: What is the total revenue from this? How many trailers are registered? 071 PETERSON: It is a one time ten dollar registration fee. -We don't anticipate this increasing or decreasing the revenue. 085 RUSSELL: There are other considerations. The service we provide is a consideration. Time is money. 091 CHAIR DUKES: Asks about what services are provided.

093 RUSSELL: Power unit registration; weight mile tax purposes, insurance, etc.

097 CHAIR DUKES: Are there companies who want to register in Oregon who don't previously have their power units here? 103 PETERSON: Not that I know of.

117 LANNY GOWER, CONSOLIDATED FREIGHTWAY: Submits testimony in support of SB 103. (EXHIBIT G)

161 CHAIR DUKES: Your power units aren't all registered in the same state?

162 GOWER: That is correct. -Discusses ~e numerous tax considerations. -On trailers there are only two states that collect registration fees.

WORK SESSION ON SB 103

MOTION: Senator J. Bunn moves SB103-2 amendments to SB 103.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves SB 103, as amended, to the floor with a "DO PASS" recommendation.

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

262 CHAIR DUKES: Adjourns meeting at 4:55 p.m.

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Transportation - April 12, 1993 - Page 11 Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG:

A - SB 1019-1 amendments, staff, 1 pg. B - Testimony SB 1019, Don
LeCouteur, 27 pas. C - SB 879-1 amendments, staff, 4 pas. D - SB 879-2
amendments, staff, 1 pg. E - Testimony SB 879, Michael Unger, 5 pas. F-
SB 103-2 amendments, Staff, 1 pg. G - Testimony SB 103, Lanny Gower, 1
pg.

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