

April 21, 1993 Hearing Room C 3:00 p.m. Tapes 58 - 59
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 486 SB 691 SB 784 SB 924

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 58, SIDE A

003 CHAIR DUKES: Calls meeting to order at 3:25 p.m.

SB 924: Relating to abandoned vehicles and towing.

SENATOR LENN HANNON SENATOR TRICIA SMITH TINY ROBERTSON, TINY'S TOWING
PAT GREGG, STATE POLICE AL ELKINS, OREGON TOWING ASSOCIATION ROB
WILTSIE, WILTSIE TOWING DEB DANNERIK, ELITE TOWING GARY COLE, SPEEDS
TOWING MIKE WILDMAN, CONSOLIDATED TOWING 010 LARSON: Explain the intent
of SB 924. -Submits SB 924-1 amendments. (EXHIBIT A) Senate Committee on
Transportation April 21, 1993 - Page 2

019 SENATOR TRICIA SMITH: Testifies in support of SB 924. -Abandoned
vehicles would be taken care of with this legislation. -Discusses the
issue of time frame in which vehicles could be towed. -I don't believe
it would cause a hardship on owners. -In my county more than 300
vehicles were towed off the side of the road in last six months of the
year. -This would be a tool to process vehicles easier and it eases the
burden of paper work. -Towers are going to ask us to consider an easier
and faster method. -Explains mandatory tows in current legislation.

080 SENATOR LENN HANNON: Testifies in support of SB 924. There was
recently case in my district of a person breaking into an abandoned car
and those costs were absorbed by the towers. -Recycling of broken down
cars doesn't exist anymore. -Discusses impact of the costs. 110 TINY
ROBERTSON, TINY'S TOWING IN MEDFORD: Testifies in support of SB 924

and submits and reviews written testimony. (EXHIBIT B) 165 SEN.
SMITH: Another aspect is the public safety issue. Many people are killed
and injured because of cars along side the roads. Statistics on this are
available through the Highway Department. 180 ROBERTSON: It does cost
us to replace them. -Discusses the costs involved with towing the
abandoned cars away. 187 SEN. KINTIGH: What is the time schedule?

199 ROBERTSON: The car will usually sit 24 hours before it tagged with
a sticker. That sticker is an open sign for anyone who wants to come
along. Five working days after tag the of ficer checks the date and then
calls a tower to come and get the vehicle.

208 SEN. LIM: Couldn't we find the owner and fine them?

212 ROBERTSON: There isn't anything in statute to be able to do that.
We would at least like to be paid for the tow bill. 224 CHAIR DUKES:
It isn't always easy to find out who the owner is? 225 SEN. LIM:

Discusses computer access. 227 CHAIR DUKES: We do have VIN numbers but I don't know if DMV is equipped to do that at this point.

231 ROBERTSON: Explains how some people sign their cars over.

242 CHAIR DUKE: We have SB 266 to take care of that. 245 SENATOR SMITH: It isn't illegal to leave your car along the road.

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation mark report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Transportation April 21, 1993 - Page 3

259 LARSON: Refers to statute regarding abandonment.

278 AL ELKINS, OREGON TOWING ASSOCIATION: Submits testimony in support of SB

924 . (EXHIBIT C) 313 DEB DANNERIK, ELITE TOWING: Reviews accident statistic sheet. (EXHIBIT C) -Submits pictures. (EXHIBIT D)

391 ELKINS: Submits a conceptual amendment to SB 924. (EXHIBIT E)

TAPE 59, SIDE A

012 SEN. BUNN: Is that time frame realistic?

015 ROB WILTSIE, WILTSIE TOWING: I think they would warrant more of a hazard.

020 SEN. BUNN: What if someone really isn't abandoning it and we are towing it.

022 WILTSIE: Explains how it could be a safeguard for the vehicle.

026 ELKINS: Most people aren't out finding a part for their vehicle they have actually abandoned it.

032 SEN. YIH: Why are you shortening it? 034 ELKINS: We are trying to eliminate the problem of the vehicle being a hazard and also having the vehicle stripped. -We didn't realize the statistics were so high when we put the bill together.

046 SEN. YIH: Would there be enough time for the owners to come and retrieve them?

057 SEN. LIM: I appreciate the safety reasons but some of the highways do have large shoulders to accommodate a vehicle. I want to make sure that people aren't having their vehicles taken away when they were going to come back and get them. 070 ELKINS: According to the statistics the vehicles are vandalized and a major safety hazard. It doesn't seem to be where the car is parked, but rather the fact that there is a car there on the side of the highway. 081 CHAIR DUKES: Characteristics of driver and circumstances aren't clear. 084 ELKINS: Clarifies statistics in report. 086 CHAIR DUKES: Couldn't we say from the statistics that people can't park on the street?

090 ELKINS: I agree. The State Police can clear up those issues.

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

094 CHAIR DUKES: When you get a notice from the State Police do you have to do anything prior to picking it up?

098 DANNERIK: DMV contacts the owners by certified mail.

113 CHAIR DUKES: How would it work if you picked it up 24 hours after it were tagged?

116 ELKINS: We would have both provisions still in existence. We haven't amended that portion of the statute. The notification would be sent out that it was found on the road and that it would be towed in a 24 hours period and then list the address where the vehicle was.
-Submits testimony in support of SB 924. (EXHIBIT F)

152 CHAIR DUKES: So the notification is that it has been found and towed and then lists where it has been towed to. -Asks if the police "can" notify the tower to tow. Is it may or shall?

159 GARY COLE, SPEEDS TOWING: The intent is "shall" notify the tower.
-Reviews section 2 of SB 924. -Discusses the current lien process.

212 CHAIR DUKES: Notification issue. Does it say where it is being towed to?

218 COLE: Yes.

220 SEN. LIM: How do you know for sure the owner has been notified?

223 COLE: That is a problem. Well over 50% of these cars do not belong to the registered owner. 235 CHAIR DUKES: What is a \$400.00 dollar car?

240 COLE: Very few of these vehicles run and that is why they are abandoned. The closest definition would be a non-functional vehicle that does not have the potential to be repaired and put back on the street for a reasonable cost.

252 CHAIR DUKES: Of abandoned vehicles could you give us an estimate of how many of those are reclaimed by the owners.

254 COLE: Explains reclaimed and unclaimed vehicles in his business.
-Continues reviewing written testimony. (EXHIBIT F)

303 CHAIR DUKES: What kind of an advertisement? Does it have the name of the

owner?

310 COLE: Explains the kinds of advertisement and why they are required to do it.

329 CHAIR DUKES: Asks what they can sell a vehicle for after the advertisement requirement is met. 336 SEN. LIM: How far is the average tow?

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. Senate Committee on Transportation April 21, 1993 - Page 5

341 COLE: The average tow is 6 miles, but in rural areas it's considerably more.

350 MIKE WILDMAN, CONSOLIDATED TOWING BEND OREGON: Explains towing in his area. -Explains what his company would charge for a tow.

TAPE 58, SIDE B

010 ELKINS: We have been approached by the Oregon Financial Services Association and our Board has also expressed concerns about the \$400.00 dollar figure in the bill. We would like to change that to \$200.00 dollars.

050 LIEUTENANT PAT GREGG, STATE POLICE: Submits written testimony in support of SB 924 (EXHIBIT G)

064 SEN. KINTIGH:

066 GREGG: Continues with review of written testimony. (EXHIBIT G)

082 SEN. LIM: Discusses the idea of fining owners.

SB 691: Pilot program regarding immobilization of vehicle with convicted of DUI.

SEIJI SHIRATORI, SENATOR HAMBY'S OFFICE DON LECOUEUR, OREGON DEPT. OF TRANSPORTATION

133 SEIJI SHIRATORI, LEGISLATIVE AIDE, SENATOR HAMBY: Testifies in support of SB 691 and submits hand-engrossed version of SB 691-1. (EXHIBIT H)

153 CHAIR DUKES: How does this exactly work?

156 DON LECOUEUR, ODOT: This applies to individuals who are arrested for DUI and have been through the hearing process and their license has been suspended. That is about a 30 day process. In another 3 to 6 months they might get into a court room and enter a plea for a diversion. This bill would immobilize the vehicle for that 30 days.

176 CHAIR DUKES: Are these first time suspensions?

177 LECOUEUR: It means they have gone through a DMV hearing not a court hearing. It also means they have been arrested, either given a intoxilizer test and failed or refused the test and then been arrested. Their license is suspended immediately but they are allowed 30 days to request a hearing.

193 SEN. KINTIGH: Is this the device that prevents people from stealing your

car?

197 LECOUEUR: That is correct. Explains how the device works.

205 SEN. LIM: What if poor people have one car that is jointly owned?

Ibese minute' contain materiale 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. Senate Committee on Transportation April 21, 1993 - Page C

217 LECOUEUR: We have found that it is usually the family pressure that forces people to get straight. -We wouldn't be opposed to amending the bill somehow to get around the problem of joint ownership. -We have already limited this to people who are living in the jurisdiction of the arresting agency. 233 CHAIR DUKES: You will immobilize this at someone's home or where they usually park their vehicle.

237 SHIRATORI: Senator Hamby would be willing to an amendment regarding the one car per family issue. 250 CHAIR DUKES: Everything we've done regarding this issue has involved some mechanism for the other person who owns the vehicle. -Who immobilizes the vehicle?

264 LECOUEUR: We are still working on that. We're looking at limiting this to small cities. If we can find agencies willing to cooperate we would prefer to use city police. If not, we have been considering using towing services. We would have to work that out within the confines of the study. The offender would pay for it. 287 CHAIR DUKES: Asks about time involved and mechanism for collecting.

285 LECOUEUR: The offender would have to pay to have it removed. Somewhere in the \$50.00 to \$70.00 dollar range. 291 CHAIR DUKES: I understand you need to work this out, but it is too broad.

300 LECOUEUR: We would write a set of rules and procedures before we even approach agencies. -Reviews paragraph 2 of testimony submitted. (EXHIBIT I)

SB 784: Imposes surcharge on traffic citations: commercial motor vehicles.

MIKE MEREDITH, OREGON TRUCKING ASSOCIATION MARSHAL COBA, OREGON TRUCKING ASSOCIATION MIKE UNGER, MOTOR VEHICLE DIVISION

343 LARSON: Reviews intent of SB 784. 370 MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: Testifies in support of SB 784. This is very important to our association. -Explains the issue of driver behavior. -Discusses the lack of enforcement officers. -Discusses Ballot measure 1.

These minutes contain materiab which paraphrase and/or rummarize mtements made during this session Only text enclosed in quotation marh report a spe&ker's exact worde For complete contents of the proceedings, please refer to the tapes Senate Committee on Transportation April 21, 1993 - Page 7

TAPE 59, SIDE B

040 SEN. KINTIGH: Do you envision that these officers would pick up trucks? 047 MARSHAL COBA, OTA: The bill has been changed. State police are supportive of the bill. We would hope that they would enforce other laws if it were flagrant and if they happen to witness a crime, but their main focus would be the trucks. 060 CHAIR DUKES: Explains how this would work. Off duty police officers on over-time I think they were to pay for an officer to go out and investigate trucks it wouldn't fly. This is a pilot project to see if we can just target speeding trucks. They are doing pilot projects like this with seat belts and DUI

right now. 082 SEN. BUNN: Discusses a similar program in Yamhill County.

089 SEN. KINTIGH: Do you support outlawing radar detectors?

092 MEREDITH: We already have supported that. 099 SEN. YIH: How much money do you think you would collect and how many officers would you hire? 103 CHAIR DUKES: You could use existing officers and give them some overtime. Do a two year pilot project to determine if a new officer might be necessary. Traffic Safety has been using this and it seems to work. 116 SEN. YIH: How much money will be collected?

119 COBA: We are talking about \$1.5 million dollars in additional money that we will be attempting to raise. SB 784 talks about a surcharge. -The plan is to create a new unitary assessment category relating to commercial motor vehicles designated to State Police for on-highway enforcement of truck law. 132 SEN. BUNN: Isn't there a problem with the collection of unitary assessment? We aren't going to put this into a pool that gets absorbed somewhere else are we? I assume it will be easier to collect from commercial drivers. 140 CHAIR DUKES: I had a conversation with Bill Linden about that and hopefully that won't happen. It would become a part of your ticket. 155 SEN. YIH: Who would determine the surcharge?

156 CHAIR DUKES: First you have to decide how much you need. State Police has had difficulty coming up with the number of citations. Everyone around here is scared to death to do anything to try and raise additional money.

170 SEN. LIM: Asks what the difference is between a commercial motor vehicle and commercial vehicle.

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. - Senate Committee on Transportation April 21, 1993 - Page 8

202 MIKE UNGER, DMV: Explains the difference.

300 SEN. YIH: What is the weight of a commercial vehicle?

232 UNGER: Explains when the term "commercial vehicle" definition would apply.

249 MEREDITH: We're just going for the trucks under this bill.

WORK SESSION 486: Relating to restroom facilities and disabled persons and nonprofit organizations.

276 SEN. KINTIGH: Submits SB 4864 amendments. (EXHIBIT J)

289 LARSON: Explains intent of SB 486-3 amendments. (EXHIBIT K)

344 SEN. BUNN: What if there isn't anyone in the restroom to give you permission?

350 CHAIR DUKES: There are signs on the doors. If there isn't anyone in there then you wouldn't need permission.

MOTION: Senator Kintigh moves SB 486-3 amendments to SB 486.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator Kintigh moves SB 486-4 amendments to SB 486.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator Kintigh moves SB 486, as amended, to the floor with a "DO PASS" recommendation.

385 CHAIR DUKES: I have a note here that says January 1, 1994. Were we supposed to do a later implementation date on this? 387 SEN. BUNN: I think the discussion was that a later implementation date would give them more time for making the signs. -I suppose they could always amend this when it goes to the House. VOTE: In a roll call vote the motion carries with Senators J. Bunn, Kintigh, Lim, Yih and Dukes voting AYE and Senators T. Smith and Webber excused. 430 CHAIR DUKES: Adjourns meeting at 5:15 p.m.

These minute. contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact worde. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Transportation April 21, 1993 - Page 9

Submitted by, Reviewed,~, Shannon Gossack Ruth Larson
Assistant Administrator EXHIBIT LOG: A - SB 924-1 amendments, Staff,
9 pas. B - SB 924, testimony of Tiny Robertson, 1 pg. C - SB 924
testimony, Deb Dannerik, 6 pas. D - SB 924 conceptual amendment, Al
Elkin, 1 pg. E - SB 924 testimony, Al Elkin, 4 pas. F - SB 924
testimony, Pat Gregg, 3 pas. G - SB 691-1 amendments, Senator Hamby, 7
pas. H - SB 691, Don LeCouteur, 1 pg. I - SB 486-4, Senator Kintigh, 2
pas. J - SB 486-3, Staff, 1 pg.

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.