

SENATE COMMITTEE ON TRANSPORTATION

April 28, 1993 Hearing Room C 3:00 p.m. Tapes 64 - 65

MEMBERS PRESENT: Sen. Joan Dukes, Chair Sen. Bob Kintigh Sen. Jim Bunn
Sen. John Lim Sen. Tricia Smith Sen. Mae Yih

MEMBERS EXCUSED: Sen. Catherine Webber

STAFF PRESENT: Ruth Larson, Committee Administrator Shannon
Gossack, Committee Assistant

MEASURES CONSIDERED: SB 955 SB 998 SB 748 SB 784

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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 60, SIDE A

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

006 LARSON: Submits background information regarding transportation issues and information relating to the Board of Maritime Pilots.
(EXHIBIT A)

028 CHAIR DUKES: Explains meetings she has had with the Chairman of the Board of Maritime Pilots. Explains upcoming meeting and what will be

discussed.

048 SEN. YIH: Are there women interested?

051 CHAIR DUKES: I don't know. -Discusses the industry and other related industries.

065 SEN. SMITH: This subject was brought out in the open over two years and they are just now getting around to sending out this letter? It's a

little late. PUBLIC HEARING ON SB 748: Relating to exemptions

FRANK BRAUNER, OREGON BANKING ASSOCIATION

084 LARSON: Explains intent of SB 748.

091 SEN. SMITH: What is a transfer in bulk?

095 LARSON: A large company would have a group of titles and would be transferring them. -Submits testimony for the record from Joanne Peterson (EXHIBIT B)

098 FRANK BRAUNER, OREGON BANKERS ASSOCIATION: Submits and reviews written testimony. (EXHIBIT C)

WORK SESSION ON 748

MOTION: Senator T. Smith moves SB 748, to the floor, with a "DO PASS" recommendation.

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

PUBLIC HEARING ON SB 998: Relating to uninsured motorists.

SENATOR BILL KENNEMER LT. BILL JOHNSON, OREGON STATE POLICE JOAN PLANK, MOTOR VEHICLE DIVISION AL ELKINS, OREGON TOW TRUCK ASSOCIATION

164 LARSON: Gives background information on SB 998. Submits SB 998 -1 (EXHIBIT D) SB 998-2 (EXHIBIT E) SB 998-3 (EXHIBIT F)

177 CHAIR DUKES: How different can cities and counties be?

180 LARSON: Explains the Gresham and Portland ordinances. Reads information from Legislative Counsel.

211 SEN. SMITH: Does this bill require local government to impound?

215 SENATOR KENNEMER: No it will not. In line 17 of the original bill it clearly says; "may". 223 SEN. SMITH: I'm concerned about the language in relation to the police officer.

228 SEN. KENNEMER: Discussion about the local police officer working under local authority. -Discusses issue of discretion in regard to "may". 231 SEN. SMITH: What if local government were silent on impoundment?

247 CHAIR DUKES: If they didn't have somewhere to impound the car I don't think that would matter?

248 SEN. KENNEMER: Technically Senator Smith you are right but practically speaking I don't think that is going to happen. -Get rid of the SB 998-2 amendments. -Talks about intent of SB 266. -Fiscal impact is based on assumption that half of the cars towed would call for a hearing.

295 SEN. LIM: What if a vehicle were stolen and later on the owner found that it was impounded?

308 SEN. KENNEMER: Explains what happens under current law.

316 SEN. LIM: It might be very unfair to the owner.

347 LT. JOHNSON: Explains the fiscal impact statement.

TAPE 65, SIDE A

016 SEN. BUNN: Initially there might be a lot of hearings but wouldn't they drop off after the initial period of time?

020 JOHNSON: We have no data to base that on.

023 SEN. BUNN: What about data from Portland and Gresham?

025 JOHNSON: Discusses data and how it isn't based on specific periods of time.

030 SEN. BUNN: What are your estimates based on? -Discusses data from Gresham and Portland.

044 JOHNSON: We would rather be cautious in terms of the fiscal.

050 SEN. BUNN: I don't understand why your guess on the fiscal doesn't include some experience from Gresham and Portland since they have data?

052 SEN. SMITH: Why do you have to add 9.4 officers?

054 JOHNSON: Because of the time used at hearings.

060 SEN. KENNEMER: If we included this on the citation it would save 9.4 of those FTE troopers. This is a simple administrative step. I wouldn't

like to have the bill implemented until July of 1994, because of the notification issue, and that should greatly revise the financial impact. -Discusses unhappiness with the fiscal brought by the State Police.

075 SEN. SMITH: Did you assume that 50% would result in hearings? Would these people object to having their car impounded or because they had

their car impounded and they had insurance?

081 JOHNSON: Half would request a hearing because they had their vehicle taken away.

086 SEN. SMITH: If they didn't have proof of insurance why would they go to hearing?

096 JOHNSON: I guess it is the same reason why a person would refuse a breathalyzer test.

099 CHAIR DUKES: Do half the people on the breathalyzer issue ask for a hearing?

104 JOHNSON: I don't know.

104 SEN. SMITH: Could DMV do the hearings?

108 SEN. KENNEMER: DMV could probably do it. -Discusses the costs involved in doing hearings.

123 SEN. SMITH: Is there some reason you couldn't do this?

124 JOAN PLANK DMV: There is no reason that you couldn't ask the responding agency for the hearing. This bill gives State Police the option to

contract with whatever state agency they want. It would cost us about \$400.00 for a hearing. The Employment Division can do them for \$85.00 dollars.

136 SEN. SMITH: Based on this fiscal who did you assume would be doing the hearings?

138 JOHNSON: The State Police. We do not have a hearings officer.

143 SEN. BUNN: In section 2 and 4 of SB 998 don't make the requirement for the card go away when the computer is up and running. In SB 955 we do

have language that does that. -Suggests using language from SB 955-2, section 9 and put into SB 998.

151 SEN. KINTIGH: Why would they continue at such a high rate?

152 JOHNSON: No statistical data to base the costs on.

165 SEN. KENNEMER: Depending on assumptions you make you come up with different conclusions.

181 CHAIR DUKES: Eventually you won't have to carry the information with you.

MOTION: Senator J. Bunn moves SB 998-1 amendments to SB 998.

205 SEN. BUNN: Do we need to change the language regarding "impounding police agency" or just assume they are going to contract at the lowest

price?

210 AL ELKINS, OREGON TOW TRUCK ASSOCIATION: I would think one agency would be the best way to go.

215 SEN. KENNEMER: I left it open for the flexibility and competition. Maybe it helps us figure out the least cost alternative.

221 CHAIR DUKES: I do share your concerns especially down in Section 6, of SB 998. It seems like it might create an extra step.

229 ELKINS: I believe the system would work by the authorizing agency sending out a notification saying your vehicle has been impounded and

where it was impounded and who to contact.

236 CHAIR DUKES: If you're going to do the hearings DMV has to know that the car was impounded?

242 PLANK: We don't think we need to know if it has been impounded, only if we are going to do the hearings. It makes sense that the State Police

shop around for who can do the hearings. It would cost DMV \$400.00 for each hearing. As the bill is written now DMV really isn't involved in the impounding process. The police agency has it towed under contract with the towers and then the police could make arrangements for the hearings.

264 SEN. BUNN: So all counties, cities and municipalities could do their own hearings?

272 PLANK: I would assume that when they take a vehicle to be impounded they will have already made up their minds as to who is doing the hearings

and then the police officer can tell the individual who to contact.

284 SEN. KENNEMER: That is currently what happens when you get a citation. You don't show up at the same place necessarily.

295 SEN. YIH: Who will pay for the hearing? Does the customer pay for the cost of the hearing when they pick up the car?

324 SEN. KENNEMER: I would like this bill to go to Ways and Means. -Discusses idea of imposing a fee to individuals who lose hearing.

347 SEN. YIH: Would this allow a person to pick up their car without a hearing?

357 SEN. KENNEMER: Remember people only get stopped for probable cause. They won't be pulling people over to check this.

361 SEN. LIM: Who will they be contracting with?

365 CHAIR DUKES: Explains that the bill leaves that issue open and why.

374 SEN. LIM: What about smaller counties and cities?

382 CHAIR DUKES: They have a Municipal court or a Justice of the Peace to do that. TAPE 64, SIDE B

003 SEN. KENNEMER: Discusses the Employment Division hearings process and the cost.

010 CHAIR DUKES: If this were to become law you would do the hearings as inexpensively as possible?

013 JOHNSON: That is correct. If there were a more economical

option we would go that route.

018 SEN. LIM: What about people who can't afford insurance but for some reason need to get to a hospital or doctor? Is there some sort of

hardship involved.

030 SEN. KENNEMER: Social policy in the county is that driving is a privilege not a right. We have gone to extremes to have mass transit.

There was testimony from the last meeting relating to those low income individuals who get hit by uninsured motorists and how they are impacted even more than someone who has insurance.

050 CHAIR DUKES: Asks about interest holders in regard to cars that are towed.

055 SEN. KENNEMER: There are some instances in Portland where people are selling their cars to people who then purchase insurance and then go and pick up the car. -Cleaner air is a positive impact. -Discusses safety issue.

067 SEN. YIH: Will this go to Ways & Means?

073 SEN. SMITH: There are a lot of ways to cut down on this fiscal.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves SB 998-3 amendments to SB 998.

089 SEN. KENNEMER: This replaces the SB 998-2 amendments from the Bankers and they aren't thrilled with these but I think they find them

acceptable.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves to conceptually amend SB 998 by adding another section that would repeal on March 1, 1996; sections 2 and 4 of SB 998.

099 LARSON: That requirement would go away when the computer from DMV is up and running.

113 CHAIR DUKES: We want to make sure the language in SB 955 and this bill are the same.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator T. Smith moves to conceptually amend sections 5 and 6 in SB 998 and the new section 7 in the SB 998-1 amendments to reflect an operative date of July 1, 1994.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves SB 998, as amended, to the floor with a "DO PASS" recommendation with a letter to the Senate President requesting a referral to Ways and Means.

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

PUBLIC HEARING ON SB 784: Relating to surcharges on commercial motor vehicles.

JERRY RUSSELL, OREGON STATE POLICE KINGSLEY CLICK, COURT ADMINISTRATORS OFFICE MARSHALL COBA, OREGON TRUCKING ASSOCIATION

166 LARSON: Explains SB 784-1 amendments.(EXHIBIT H) Submits conceptual figures which plug into SB 784-1 amendments. (EXHIBIT I)

270 SEN. KINTIGH: What about I-84?

213 LARSON: The ones I mentioned were just a few examples. -Explains intent of SB 784-1 amendments with conceptual numbers.

247 CHAIR DUKES: I want things on the record so everything is real clear. There has been uncertainty on this as we worked through it. -Asks about how the process would work.

244 JERRY RUSSELL, PATROL DIVISION, OREGON STATE POLICE: We already monitor truck speeding citations so we won't need to create another box. It

would merely be charting those citations.

254 CHAIR DUKES: You don't actually have to check a box in order to get information?

255 RUSSELL: It is noted on the citation that it is a commercial vehicle.

260 CHAIR DUKES: What will you do with the money?

263 RUSSELL: We will enforce speeding trucks whether it's a truck speed or violation of the basic rule involving the commercial vehicle. It would

be used as additional overtime dollars used to target problem areas.

276 CHAIR DUKES: This is a two year pilot program.

280 SEN. BUNN: Asks for clarification on the Unitary Allocation Assessment Account. 291 LARSON: Explains the Unitary Allocation Assessment Account.

296 SEN. BUNN: Asks about the percentages of the ticketed amount regarding a moped and a commercial vehicle.

307 LARSON: Assignment of another fee on the ticket.

314 SEN. BUNN: If somehow we are more effective on the trucks then we expect; 56% will go into the General Fund. Would there be more money

for the trucks?

324 SEN. SMITH: I don't see unitary fund language in this amendment.

343 CHAIR DUKES: I thought we were creating a separate unitary assessment for this. Now it looks like it is going into the Unitary Assessment Account.

350 KINGSLEY CLICK, COURT ADMINISTRATORS: Discusses background on unitary assessment.

380 CHAIR DUKES: How do we know all \$40.00 dollars will go in?

384 CLICK: Explains the distribution process. -Explains the monthly distribution under unitary assessment. -This is all based on revenue projections and usually conservatively

estimated. In order to not get that amount I guess the total coming into the account would need to be less than the amount that is estimated to come in for 1995.

TAPE 65, SIDE B

010 SEN. BUNN: Scenario of truck citations. -Will we get 100% of the \$40.00 dollars?

015 CLICK: No you would not get 100% but you would get an incremental amount. We conservatively estimate the amount of revenue coming in and

it is more likely than not, that more than this amount will come in.

020 SEN. BUNN: If we had no increases we wouldn't lose any significant amount we are projected to get?

026 CLICK: That is correct.

030 SEN. BUNN: Basically buying into an insurance account. -Asks about projection dollars.

040 CLICK: You would benefit from other collections that are taking place.

046 CHAIR DUKES: This will be back because it is only a 2 year pilot project.

051 SEN. LIM: Why would you go after the trucking industry? 052 MARSHAL COBA, OTA: Explain why the Oregon Trucking Association supports this bill.

062 SEN. LIM: Is the support from the drivers or the board members?

064 COBA: The board is made up of owners and drivers.

068 SEN. LIM: Seems like the fine is already in place and these looks

like a fund raising ticket for the state troopers.

080 CHAIR DUKES: Educationally we haven't been able to stop them. I guess we'll find out at the end of the two year project.

092 SEN. LIM: Why do we single out the truckers only?

096 COBA: I couldn't agree with you more but I can only speak for the truckers..

120 SEN. YIH: Asks for further clarification on the percentage of assessment.

127 CLICK: Explains how the figures were calculated. -The original fiscal was based on the original bill that didn't have an amount on it.

WORK SESSION ON SB 784:

MOTION: Senator J. Bunn moves to conceptually amend SB 784-1 amendments by inserting numbers from SB 784-1 hand-engrossed version.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves to adopt SB 784-1, as amended, to SB 784.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves SB 784, as amended, to the floor with a "DO PASS" recommendation.

146 SEN. YIH: Shouldn't this go to Ways and Means?

148 CHAIR DUKES: They aren't hiring additional people they are spending this on overtime hours. -Would it go to Ways and Means if it makes it through the House?

154 SEN. BUNN: In the past with Revenue we haven't always insisted that it go through both Revenue Committees. Maybe we should let it go since

there isn't a subsequent referral on the bill in it's current form. It doesn't need to go through both Ways and Means.

160 CHAIR DUKES: Your budget is in the Senate right now, right?

161 RUSSELL: That is correct.

162 CHAIR DUKES: In fact it is there today, which means we will have trouble catching it. -Let's see if we can catch the State Police budget in the House. If we

sent this to Ways and Means by the time it got there and got assigned to a sub-committee it would be to late.

VOTE: In a roll call vote the motion carries with Senators J. Bunn,

Kintigh, T. Smith and Dukes voting AYE and Senators Lim and Yih
voting NAY with Senator Webber excused. Senator Dukes will carry.

196 CHAIR DUKES: Adjourns meeting at 5:00 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - Background on related transportation issues, staff, 4
pgs. B - SB 784 Testimony of Joanne Peterson, Staff, 1 pg. C - SB 748,
Frank Brawner, 2 pgs. D - SB 998-1 amendments, Staff, 3 pgs. E - SB
998-2 amendments, Staff, 3 pgs. F - SB 998-3 amendments, Staff, 1 pg. G
- SB 998 testimony of Lt. David Quillan, Staff, 5 pgs. H - SB 784-1
amendments, Staff, 3 pgs. I - SB 784-1 hand-engrossed amendments, staff,
4 pgs.