

SENATE COMMITTEE ON TRANSPORTATION

May 7, 1993 Hearing Room C 3:00 p.m. Tapes 72 - 73

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 559 SB 1084 SB 980 SB 523

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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 72, SIDE A

003 CHAIR DUKES: Calls meeting to order at 3:15 p.m. -We won't be hearing SB 980 today.

004 LARSON: We routed information on SB 98 which is on the agenda for next week, to your offices.

PUBLIC HEARING ON SB 559: Relating to headlights and windshield wipers.

014 LARSON: Explains intent of SB 559.

026 SENATOR JIM BUNN: Testifies in support of SB 559. -Personal experience with headlights and wipers. -Discusses switches in vehicles that would automatically turn headlights on. -I think this would increase safety on our roads and it is needed.

054 SEN. YIH: Will this law be difficult to enforce? Sometimes people turn them on and off intermittantly.

057 SEN. BUNN: I believe it would be the same as someone who has their bright headlights on. It would not be difficult to see. There will be a cost in enforcement. It is a responsible way to drive and will save

lives.

064 SEN. YIH: Has there been a study done on reducing accidents?

067 SEN. BUNN: I don't know.

069 SEN. SMITH: I believe there is a Federal Transportation Study that recommended that people keep lights on all the time. I would assume that the recommendation would be to keep them on when it is raining.

078 SEN. BUNN: This would clearly add more visibility and common sense says it will increase safety.

082 CHAIR DUKES: I'm concerned about this bill in regard to how it relates to someone who happens to drive through a mud puddle, or having spray

from another vehicle on your window and how that would be treated. Could you be cited for that under this?

096 SEN. BUNN: Yes. -Explains things that you can currently be cited for. -I don't think you would be cited for driving through a puddle and

wiping the water off. -There is a greater potential to save lives versus the abuse of this.

109 CHAIR DUKES: I guess I'd be more comfortable if the vehicle told you your headlights were on. People do leave lights on which would cause a

dead battery.

119 SEN. LIM: What are the penalties?

122 SEN. BUNN: Explains existing statute violations in regard to improper illumination.

130 SEN. LIM: I think it's good but I don't think it should be tied into the light system. -Sometimes it is a dangerous situation but it would help us to drive

better.

151 SEN. BUNN: Example of when people do turn their lights on. -I think it's time for the state to not only encourage but require this.

155 LARSON: Some sections of the lighting provisions make the offense a Class B and others a Class C.

159 CAPTAIN JIM STEVENSON, OSP: I feel it's a Class C traffic infraction which would mean a \$100.00 dollar maximum fine.

170 CHAIR DUKES: Do you give warnings for a Class C very often?

173 STEVENSON: Yes we would and this would not be unlike any other violation that would be similar and the officer would have discretion of either

citing or warning.

175 CHAIR DUKES: Would they pull people over for this?

177 STEVENSON: Yes, but they will use good judgement.

178 CHAIR DUKES: Good bad or you don't care about this?

187 STEVENSON: There are traffic safety benefits. -Discusses example of construction sites.

191 CHAIR DUKES: Would it make sense to have them on all the time?

194 STEVENSON: I haven't thought about that. You would then have to define all the conditions when they would need to be on.

203 CHAIR DUKES: When the engine is on.

212 SEN. WEBBER: Suggests changing behaviors without a major sanction.

223 STEVENSON: Anything is possible as far as a penalty.

225 SEN. WEBBER: Is it practical?

227 STEVENSON: We try to stay out of that type of decision.

231 SEN. WEBBER: I don't think people want to be bad the only reason I sometimes don't turn my lights on is because I don't want to forget them and have a dead battery. I don't see it as you get the behavior by a
detrant but you get the behavior by saying, "do it".

242 CHAIR DUKES: Asks about cost of tickets.

243 STEVENSON: Explains tickets and costs.

246 SEN. BUNN: Asks about current infraction for not having headlights on.

249 STEVENSON: Not sure.

251 SEN. BUNN: Having them on all the time would be easier.

256 CHAIR DUKES: We could delay implementation so people could get a warning to get people into doing this.

272 SEN. LIM: This might drive up the insurance rate.

275 CHAIR DUKES: When it doesn't cost the insurance companies money I don't think it bothers them. 279 SEN. BUNN: People have the option to obey the law. Hopefully it will drive the number of accidents down which in turn could drive down rates.

290 CHAIR DUKES: I haven't noticed that motorcycle insurance is high.

277 KAREN SCHEFFER, AAA: Testifies in support of SB 559. -Submits and reviews written testimony. (EXHIBIT A) -Discusses the continuous use mode. -Explains study done in Canada.

328 SEN. YIH: Asks about study done in Canada.

346 SEN. BUNN: I do believe people would begin to get in the habit.

364 SEN. SMITH: I see cars with lights on a lot sooner than ones who

don't have their lights on.

378 SCHEFFER: Discusses similar legislation in New York.

395 DANIEL SHULTERS, CORVALLIS POLICE OFFICER: Testifies in support of SB 559. -Concerned about being able to determine what mode a wiper is in. -Supports having headlights on all of the time.

450 LARSON: Discusses what other states currently do.

460 CHAIR DUKES: Explains motorcycle violations for not having headlights on.

WORK SESSION ON SB 559:

475 SEN. BUNN: Suggests amending the bill to say headlights on automobiles must be on all the time when operated on a public road and that it be an infraction equal to that of a motorcycle and I don't care if we lower

that one or set this the same.

488 SEN. LIM: I'm not comfortable with this.

491 CHAIR DUKES: We won't pass this out today. I want to send this to Legislative Counsel.

TAPE 73, SIDE A

038 SEN. LIM: Suggests giving warning instead of a fine.

045 CHAIR DUKES: What if we have this law become effective in a delayed time period to allow us to do an education period and the first 6 months

would only be issuing warnings.

049 SEN. LIM: About 90% or more already have their lights on. Little by little we are taking freedoms away from people.

059 SEN. BUNN: I am for individual freedom. When we get on the highway I expect people to be responsible because that is my safety in jeopardy. I think that January 4, 1994 effective with a 90 day warning period would be fine.

068 SEN. WEBBER: Asks about public policy and setting a precedence.

073 SEN. SMITH: Policy wouldn't accomplish the intent. I don't think this is an unusual burden it's just a change. If we could save a life with this then why not do it.

092 SEN. LIM: The problems come from drunk drivers and drug dealers not necessarily from this. I am disturbed that we are passing out these

types of laws. There are so many small laws.

103 CHAIR DUKES: Discusses narrow highway in her district.

PUBLIC HEARING ON SB 1084: Relating to DMV and establishing

validity of suspension in relation to DUI.

144 LARSON: Explains intent of SB 1084. -Submits SB 1084-1 amendments. (EXHIBIT B)

145 JOAN PLANK, DMV: Submits and reviews written testimony. (EXHIBIT C)

168 RANDY FRAZER, DMV: Explains process for implied consent hearings. -Reviews written testimony. (EXHIBIT C)

230 SEN. BUNN: Under this bill can you have a different police officer step in? If you allow a re-setting of the hearing because official duty

conflict, what does that do if the weather is a problem or there is a family emergency?

240 FRAZER: Official conflicts would need to be set in administrative rule and be very restrictive. -Refers to written testimony. (EXHIBIT C)

251 SEN. BUNN: What about a close relative or family member dying?

254 FRAZER: It would be such that presently that extends to the motorist but not to the officer.

258 SEN. BUNN: I would like that extended to the officer. -Personal experience with being reserve deputy.

265 FRAZER: Discusses reserve officers and problems with getting to hearings.

268 CHAIR DUKES: I'm reluctant to letting it go too far. -I am concerned about allowing a hearing to go on and on and be

postponed too many times. I would think if the officer were in the hospital that would be reasonable. An employer could then think they don't have to let the person go and you worry about it next month.

284 SEN. BUNN: That is a concern, but we have nothing to deal with hospitalization, family death or a traffic accident that the officer is in. The person gets off the hook because something comes up that the

officer has no control over.

290 PLANK: We do try to work with the officers. I think your comments regarding death in the family and hospitalization are big issues. We

want to avoid vacations and excuses that the officer over slept.

299 SEN. BUNN: I have no problem if we can establish on the record that "official duty conflicts", would allow a hospital stay to be excluded. I don't read it that way.

306 CHAIR DUKES: Discusses legislative intent regarding official

duty.

315 SEN. BUNN: What is DMV intent?

317 FRAZER: It seems reasonable and there are circumstances where that would be appropriate.

322 SEN. BUNN: I'm trying to go beyond that to establish legislative intent if the officers uncle dies and he wants to attend a funeral. Is that

allowable under this. Or if he breaks his toe playing football with the kids is that allowable?

331 FRAZER: I think official duty conflicts needs to be defined by rule. You can extend official duty conflicts to almost any definition.

342 CHAIR DUKES: I think if we can extend official duty conflict meaning there is a conflict with the officer performing his official duties; to extend to hospital stay or under medical care. That is a legitimate

reason for postponing and would fall within the definition.

364 LARSON: There is an estimated increase in hearings because some won't be able to be heard. -Clarifies fiscal impact.

376 PLANK: We won't need to hire more people but there might be more hearings.

382 CHAIR DUKES: I would like Legislative Fiscal to note that this may reduce costs to law enforcement.

400 PLANK: Reviews SB 1084-1 amendments. (EXHIBIT C)

403 CHAIR DUKES: Are you narrowing their ability to what?

409 FRAZER: Clarifies the intent of SB 1084-1 amendments. (EXHIBIT C)
-The amendments would address the time limitations and certain circumstances where statutes provide for a re-set of hearing.

432 SEN. LIM: Would the signed document by officer not present because of a conflict, be used to convict the other party?

448 FRAZER: Explains other states where that has been tried.
-Discusses the contested case statutes. -Burden is on the state.

467 SEN. WEBBER: Asks about testimony by telephone. 476 FRAZER: Video technology is moving in that fashion. Telephones in some circumstances is an option.

481 SEN. WEBBER: Discusses parole board hearings by telephone.

TAPE 72, SIDE B

026 LARSON: What would the time frame be if an officer were not going to be able to be present?

032 FRAZER: Explains statutes and how those controls are in place.

037 CHAIR DUKES: In which case no hearing would ever have been set up.

040 FRAZER: Yes and that is the real savings.

048 DANIEL SHULTERS, CORVALLIS POLICE DEPT.: Discusses personal experience with the hearings process. Testifies in support of the bill. -Explains personal experience with missing hearings.

107 CAPTAIN JIM STEVENSON, OSP: Testifies in support of SB 1084. -Submits and reviews written testimony. (EXHIBIT D)

WORK SESSION ON SB 1084:

MOTION: Chair Dukes moves SB 1084-1 amendments to SB 1084.

VOTE: Motion adopted.

132 CHAIR DUKES: The amendments word it a little better and deals with allowing the officer to postpone a hearings because of official duty.

And legislative intent is to include hospitalization and other emergencies that would conflict with them performaing their official duty.

MOTION: Chair Dukes moves SB 1084, as amended, to the floor, with a "DO PASS" recommendation.

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

WORK SESSION SB 523:

MOTION: Senator J. Bunn moves to reconsider SB 523.

VOTE: Motion carries.

159 CHAIR DUKES: This wasn't quite where I wanted it to be when we moved it out of committee. -It was brought to my attention that we repealed current statute that

relates to the size of the license plate and issues relating to reflection. Also deals with size, form, material, color and design contents are addressed in the statutes that we repealed. We had a request to take another look at those. Since we didn't express intent to take those out of statute we should probably put that back in. The SB 523-2 also has language we adopted conceptually last meeting. I would

also like to conceptual amendment the SB 523-2 amendments by inserting language that says the sticker shall go on the bottom of the plate in the middle.

MOTION: Senator J. Bunn moves SB 523-2 with the added conceptual language putting the sticker on the bottom in the middle.

VOTE: Motion adopted.

MOTION: Chair J. Bunn moves SB 523, as amended, to the floor with a "DOP PASS" recommendation.

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

230 CHAIR DUKES: Adjourns meeting at 4:35 p.m.