

SENATE COMMITTEE ON TRANSPORTATION

May 17, 1993           Hearing Room C 3:00 p.m.   Tapes 81 - 82

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 336 HB 2821

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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 81, SIDE A

003    CHAIR DUKES: Calls meeting to order at 3:20 p.m.

PUBLIC HEARING ON SB 336-A: Relating to covered loads.

012    LARSON: Explains intent of SB 336-A.

016    SENATOR JEANETTE HAMBY: The intent of this bill is to address plastics and recycling material. -Explains problem with recycling litter. -Discusses the issue of speed in relation to litter.

043    CHAIR DUKES: Garbage trucks are already covered.

050    SEN. KINTIGH: Talks about past legislation regarding this issue.

052    SEN. HAMBY: I think this is a good bill.

055    SEN. LIM: Asks about the 4000 pound weight.

058    SEN. HAMBY: That is so a small pick-up is not included.

060    SEN. LIM: What about a private individual hauling these types of materials?

062    SEN. HAMBY: I put a tarp over my loads.

064    SEN. LIM: I see littering all the time.

069    SEN. KINTIGH: Discusses a dump in Lane County.

073 KRISTAN MITCHELL, OSSI: We did suggest taking out the weight requirement all together but that wasn't done by the Senate Agriculture Committee. I still think that would be appropriate. -Explains truck weights. -Discusses Washington County ordinance regarding covered loads.

106 SEN. KINTIGH: Why do we need the weight in here?

110 MITCHELL: I don't think the intent was to just apply to commercial vehicles. This is a problem often from the self-haulers.

117 SEN. KINTIGH: Explains standard pickup weights.

120 SEN. SMITH: We would be requiring a person with a full size pickup to tarp but if someone has a small little truck we aren't going to require it?

126 CHAIR DUKES: I think Senator Hamby was concerned about recycling. This would be a huge leap from the intent of the original bill.

135 SEIJI SHIRATORI, SENATOR HAMBY L.A.: The requestor of this bill would not have a problem with eliminating the weight. Senator Hamby's concern would be regarding all the other people included in this if you amended the bill to delete the weight requirement. The bill was aimed at the

full size pickups carrying recycled materials.

145 CHAIR DUKES: Explains how she hauls her trash.

155 SHIRATORI: That is why we want to address the issue of the full size pickups with a weight of 4,000 pound pickup with an 8 foot bed.

168 SEN. BUNN: Asks if manure would be included.

172 SHIRATORI: Yes it would be included. That was the concern about the weight limits.

177 SEN. BUNN: Issue of a farmer hauling to next door neighbor.

182 SEN. LIM: Littering is the issue not the size of the vehicle.

193 SEN. KINTIGH: Isn't there something in statute already?

197 CHAIR DUKES: There is a leaky load statute.

204 SEN. KINTIGH: We are trying to get at the littering issue.

210 SEN. BUNN: My county has an ordinance regarding covered loads. -Concerned about this bill and if it is really needed. -Concerned about the farmer hauling manure and also vegetables. -Suggests strengthening and enforcing the law instead of creating

another one.

234 CHAIR DUKES: Asks Ruth to research this issue.

238 SEN. KINTIGH: What about bark dust?

249 CHAIR DUKES: We'll do some research on this and bring the bill back.

PUBLIC HEARING ON HB 2821: Relating to guides and outfitters.

271 TIM MARSHALL, TILLAMOOK GUIDES ASSOCIATION: Submits and reviews written testimony in support of HB 2821. (EXHIBIT A) -This is a consumer issue as well.

310 LARRY HILL, OR GUIDES AND PAKCERS: Problmes in Tillamook Bay. There are guides all over theat support this. It doesn't change liability

licensing or safety. It requires that a guides that meets those requirements to get a sticker from Marine Board. Enforcment issue and the consumer to check to make sure they are protected.

336 CHAIR DUKES: What does it take to be registered?

347 NORM BRADY, TILLAMOOK GUIES ASSOCIATION: Explains what requirements he must meet and what types of registration and training required.

363 MARSHALL: Motorized boat and the training involved.

375 HILL: Explains current law regarding first aid qualifications.

382 CHAIR DUKES: Register with state U.S. Coast Guard license and that won't hcange?

387 MARSHALL: No that won't change.

391 CHAIR DUKES: That state looks to see if you have all the right stuff?

400 MARSHALL: Explains the process the state follows.

TAPE 82, SIDE A

010 CHAIR DUKES: What does the state require? 012 MARSHALL: Explains requirements. -There is currently not a test to take.

019 HILL: Unless a boat is inspected we don't know about life preservers.

022 SEN. BUNN: Asks about licensing by the Coast Guard.

025 HILL: The operator is licensed.

027 MARSHALL: The Marine Board registers every boat.

030 SEN. BUNN: Asks about the Coast Guard requirements.

034 MARSHALL: Explains what you have to do to get a Coast Guard license.

040 HILL: Clarifies what the bill would require.

049 MARSHALL: This is everything needed to operate as professionals in this state. -Explains the length of training.

056 SEN. BUNN: Asks about enforcement.

060 HILL: Currently the Coast Guard enforces the federal license and then the State Marine enforces their part.

065 MARSHAL: It is usually County Sheriffs that patrol the waterways.

070 SEN. BUNN: What is being changed in regard to enforcement?

075 MARSHALL: Nothing. -Explains what it means to take passengers for hire. -We also carry a guide license with us.

082 SEN. BUNN: The sticker goes on the boat and could be operated by anyone.

087 MARSHALL: Yes it could be.

088 SEN. BUNN: Asks how an enforcement person would get information.

089 MARSHALL: We also carry a guides license with us.

095 SEN. LIM: Difference between water of the U.S. or water of the state.

098 HILL: Explains the difference. -This bill would only apply to a motorboat for hire on navigatable

waterways.

113 CHAIR DUKES: Asks for clarification on page 2, line 5 of original bill regarding insurance amounts. 121 HILL: Those amendments came from the Marine Board on the House side. -Discusses current law in regard to insurance.

130 SEN. SMITH: The \$300,000.00 dollar per occurrence still exists on lines 9 and 10.

136 HILL: I believe you are correct.

139 CHAIR DUKES: Asks about per occurrence and what it means.

150 HILL: If there were 6 individuals on the boat it would require \$100,000.00 dollars per person but the total incident amount would be

\$300,000.00 dollars.

154 CHAIR DUKES: The language on lines 32, 33 and 34 seems to cover the maximum per incident issue, except for the limits.

162 HILL: We didn't talk about the maximum per incident on the House side.

165 MARSHALL: Explains personal insurance coverage.

183 CHAIR DUKES: So you're getting \$100,000.00 per person in the boat. If we were to change the language to make that case in here it wouldn't cause a problem.

182 BRADY: Explains language in his current insurance policy.

190 CHAIR DUKES: You may be purchasing that type of insurance but we aren't requiring you to purchase it.

200 SEN. BUNN: Concerned about being too specific in regard to language about insurance.

205 SEN. SMITH: Asks about the intent of the House Committee that heard this bill.

215 HILL: The intent was to clarify that \$100,000.00 per passenger was what the current law said.

220 CHAIR DUKES: Asks for clarification in regard to inconsistencies between lines 8, 9, 10 and lines 32, 33 and 34.

225 WAYNE SHUYLER, OREGON MARINE BOARD: Explains the intent from the House Committee. -Submits and reviews written testimony. (EXHIBIT C)

257 WEB TERWILLIGER, OREGON MARINE BOARD, (retired): Explains the insurance requirement dollar wise in regard to the number of bodies. The language on lines 9 and 10 is original language.

275 SEN. BUNN: Isn't the cap still \$300,000.00 even if 12 people are involved?

279 TERWILLIGER: That is my interpretation.

282 SEN. BUNN: Is there any reason to believe that insurance companies cover any less?

286 TERWILLIGER: Only as we have heard regarding the motor boat operations.

288 SEN. BUNN: They were covering less than \$300,000.00 dollars?

291 TERWILLIGER: Not less than \$300,000.00 dollars; four people when a person could legally carry six.

299 SEN. SMITH: Discusses the difference between mule packs versus the boat.

327 SHUYLER: Discusses adequate proof in regard to number of passengers.

333 SEN. SMITH: Asks for clarification regarding number of passengers.

340 TERWILLIGER: This was brought to us by insurance companies and guide associations. The people being insured know how many people they can

carry.

367 SHUYLER: Discusses issue of minimum amounts. -It doesn't say it's the top amount of insurance.

382 CHAIR DUKES: Is it legal to carry more passengers with the

\$300,000.00 dollars?

388 SHUYLER: No state law that says it's illegal.

392 CHAIR DUKES: Seems like it would be illegal, but there isn't anything that makes it illegal?

395 SHUYLER: The language in line 7 establishes the minimum coverage that must be submitted to us. That is the base.

408 SEN. BUNN: Discusses liability issue in regard to other boats.

TAPE 81, SIDE B

009 SHUYLER: Our intent isn't to change the minimum amount of coverage. We wanted to make the insurance companies aware of the number of passengers the guides were actually taking.

020 CHAIR DUKES: Gives example of boat for hire and passengers. -Are we trying to get into the relationship between the guide and the

insurance company? If we are I'm not real interested in that. -Discusses the control on the number of passengers.

040 SEN. SMITH: I think the agency in misinterpreting the existing statute.

050 SEN. BUNN: Is the Willamette sightseeing guides licensed?

051 TERWILLIGER: He should have a license.

055 SEN. BUNN: If they had 35 people on the boat wouldn't you need a policy saying they could have 35 people with \$100,000.00 per person with a

total liability of \$300,000.00 dollars. Is that right?

061 TERWILLIGER: Clarifies line 7 relating to liability amounts.

071 SEN. BUNN: Discusses statutory limits versus high liability.

080 CHAIR DUKES: Is the amount sufficient to cover the number of passengers and how is that determined?

087 TERWILLIGER: I think that the insurance companies would decide that. -Explains what verification they would look at to determine compliance.

096 SEN. BUNN: Do we currently have a decal for outfitters and guides?

108 TERWILLIGER: No.

104 SEN. BUNN: How many decals will there be?

105 TERWILLIGER: Explains federal decal and what the proposed requirement would include.

116 HILL: Shows example of the decal. -Clarifies the issue of liability.

141 CHAIR DUKES: If you had \$300,000.00 dollars of insurance and we knew you carried 6 people would you be breaking the law?

152 HILL: People haven't been consulted on that issue. -Discusses vehicle insurance regarding injury per person.

167 CHAIR DUKES: You're for hire in this situation. -This wording is very interesting.

176 SEN. WEBBER: I would have a field day with this language because it is so inconsistent. -Expresses concern over the varying definitions.

198 SEN. SMITH: Subsection 2, of Section 2 deals with licensing and insurance coverage. We need to have Legislative Council talk to people

who proposed this. I don't think it does what they wanted it to do.

208 HILL: Discusses which vessels are federally documented.

217 SEN. BUNN: Asks about the federal requirement on liability insurance for charter boats.

220 TERWILLIGER: Explains the process of inspection versus documented.

235 CHAIR DUKES: Charter boats are the ones in the ocean. What about people that carry more than 6 people inside the bar?

246 TERWILLIGER: That is the group we are addressing today. -Explains different licenses.

257 SHUYLER: Clarifies the intent of the bill. -Give the agency better assurance of insurance coverage.

260 SEN. WEBBER: Why do you care if the insurance company knows that?

263 SEN. BUNN: Discusses the protection to consumer aspect.

270 SEN. SMITH: Asks the department for clarification on what they want in terms of insurance coverage.

275 TERWILLIGER: This bill was originally passed in 1984 or 1985 and this is the original language. The agency didn't have anything to do with it. No one ever questioned it.

284 CHAIR DUKES: Are you speaking for the agency?

286 TERWILLIGER: No.

289 CHAIR DUKES: What would the agency recommend on this?

294 SHUYLER: I believe it's in our interest to have a better understanding of the amount of coverage that the guides have. We want that to be

truthful and open. How ever we can accomplish that we're more than

willing to do.

303 CHAIR DUKES: If they can't make money I'm going to assume they aren't going to do this. -I don't hear controversy on the sticker. We are stuck on the insurance. -We're leaving it open for a lot of people to operate illegally.

337 HILL: Your asking us to talk about this in terms of motor boat guides only.

348 SEN. BUNN: Intent to provide adequate coverage on the motor boat than why not a rafts and boats? -Why is the decal for one year instead of two?

375 HILL: Current guide reigstration is annual and usually purchase liability insurance annually.

382 SEN. LIM: Expresses concern about limitations.

389 CHAIR DUKES: They don't go out in the ocean but some of the illegal guides do.

394 SEN. YIH: Asks about the cap on insurance.

TAPE 82, SIDE B 010 CHAIR DUKES: Explains the insurance issue.

015 SEN. YIH: What is the Committee asking for in terms of insurance?

030 CHAIR DUKES: Is \$300,000.00 enough if you have 25 passengers and is there a difference between language on lines 33 and the minimum allowed to carry. -They came asking for the decal, not this insurance stuff. -They presently have a minimum that is required; \$100,000.00 per person or \$300,000.00 total. -The language from the House says they would have to provide "proof" to the Marine Board that they have sufficient insurance.

030 SEN. YIH: I don't think they will be able to get liability insurance without a cap. It will be so expensive.

033 CHAIR DUKES: It isn't a cap, you can be sued for anything.

WORK SESSION ON SB 559:

059 LARSON: Explains intent of SB 559-2 amendments. (EXHIBIT C)

078 CHAIR DUKES: We have members that need to leave and we won't have enough time to review these amendments. -Adjourns meeting at 4:45 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHB IT LOG: A - HB 2821, Tim Marshall, 85 pgs. B - HB 2821, Paul DonHeffner, 1 pg. C - SB 559-2 amendments, staff, 5 pgs.