

SENATE COMMITTEE ON TRANSPORTATION

June 2, 1993 Hearing Room C 3:00 p.m. Tapes 91 - 92

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: HB 2821 HB 2477 HB 2324 HJR 65

[--- Unable To Translate Graphic ---]

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 91, SIDE A

003 CHAIR DUKES: Calls meeting to order at 3:24 p.m.

WORK SESSION ON HB 2821: Relating to outfitter requirements.

007 LARSON: Submits HB 2821-A3 amendments and hand-engrossed version. (EXHIBIT A)

016 CHAIR DUKES: Would the agency determine the issue of what is adequate insurance?

017 PAUL DONHEFFNER, STATE MARINE BOARD: The insurance requirements would be the same under this bill.

030 CHAIR DUKES: The Committee is concerned about the insurance being adequate.

031 LARRY HILL, TILLAMOOK AND OREGON GUIDES AND PACKERS: HB 2821-A3 takes out the confusing language on page 2, lines 32-34 of HB 2821A regarding insurance requirements. -Explains the current insurance requirements.

045 CHAIR DUKES: Have the federal requirements changed? What are we accomplishing with the HB 2821A-3 amendments? 046 HILL: No they have not changed. -We are asking the State Marine Board and the Advisory Committee to

review liability insurance and assist in the implementation of the guide sticker requirements and with state reciprocity questions.

055 CHAIR DUKES: Is the same coverage still going to be what is required? I was wondering why we were deleting the language.

057 HILL: We are trying to eliminate confusion and leaving in

tact the current language we eliminate the confusion and achieve the review of

the current liability requirements. We also involved the guiding community in advising the board. -Explains three primary guide insurers in Oregon. -Discusses unified insurance. -Discusses inland fishing boats.

097 HILL: Marine policy writer in Albany requires language regarding coverage for a guide regarding the number of guides and that is

shouldn't exceed the number permitted by the Coast Guard. That number is a maximum of six for uninspected vessels.

104 CHAIR DUKES: The guides will go through you and you will look at their insurance and that will determine the number of passengers?

108 DONHEFFNER: It could be in some circumstances less than six passengers. The purpose of this bill relates to the decal and the reflection of the number of people the vessel is insured to carry. Most of the guides can only take four passengers.

130 CHAIR DUKES: It still seems backwards to me. It seems that you ought to require insurance for their capacity so they won't be able to over load. Then you wouldn't have a problem with some people taking more people.

What ever works.

136 DONHEFFNER: This is trying to get at guides that don't register or have a license.

143 CHAIR DUKES: Asks about the Advisory Committee.

145 HILL: Currently in statute they should have reported to the last legislature.

149 DONHEFFNER: Explains the Advisory Committee and the legislation introduced in 1991. -This would revitalize the Committee.

155 CHAIR DUKES: You're trying to re-working the Committee. -Who appoints this Committee?

162 DONHEFFNER: They are appointed by the Marine Board.

168 HILL: Membership is actually negotiated among the guide groups back then and the Tillamook Guides didn't exist then. It assures statewide

distribution of representation. It's an industry review opportunity.

191 CHAIR DUKES: Do you really want to report back in two years? -Discusses typical process when people are asked to report back often.

204 SEN. SMITH: Existing language in statute would remain provide that the liability would remain and then come back to us in two years with some

recommendation on adequacy limits. Do all of the other things listed need to come back to us?

218 DOHEFFNER: During the interim the Committee looked at all those items. It seemed to make sense to leave it in and have another look taken. -Discusses competency testing in amendments.

230 CHAIR DUKES: I thought that is what the Marine Board could do. You could set higher limits if you feel it's important.

235 DONHEFFNER: I think we could make recommendations but not set them.

247 SEN. SMITH: I think something needs to happen with the insurance language in current statute.

275 CHAIR DUKES: Suggests taking out language to permit making recommendations directly to the Board. (EXHIBIT A)

285 HILL: That would be fine. -Discusses differential coverage for different types of guiding activities.

300 CHAIR DUKES: We'll have Ruth put this on a list of things to look at during the interim.

302 SEN. WEBBER: I'm having a problem with page 3, section 2 where it references no outfitter carries passengers in excess of the passenger

capacity pursuant to ORS 704.020. Are you intending that if they buy insurance it is linked to the passengers?

319 HILL: We want the guide to carry no more than they are insured for. If they buy a \$300,000 or \$400,000 dollar general liability insurance

policy and it doesn't limit the passengers in the policy than they can carry up to the limit for the boat. There is insurance policies that list the number of passengers.

334 SEN. WEBBER: Still confused about the intent of the language. It can be read two different ways.

342 HILL: The intent is to have every passenger in a licensed guide boat covered by insurance. A general policy covers them together.

347 SEN. WEBBER: Why put any of the language in there. You only have the 1,2 and 3 passengers where there is a choice. If you get above 3, \$300,000

dollars one way or another is all you get and it covers everyone.

352 HILL: Unless the policy limits it to 3 and they are carrying 6.

359 DONHEFFNER: On page 3, subsection 2, section 2 of SB 2821A is providing language that allows us to make it a violation to carry in excess of your capacity.

364 SEN. WEBBER: What capacity?

366 DONHEFFNER: Whatever limits might be put on the policy they have obtained.

368 SEN. WEBBER: That isn't what this language says.

369 DONHEFFNER: This bill would make over capacity a violation.

382 HILL: Even if the Coast Guard would allow them to carry more. So that limit isn't the capacity to the boat but rather it is how many people

the insurance actually covers.

388 SEN. WEBBER: The only ones restricted are the ones carrying 1 or 2 passengers who fail to buy the \$300,000 dollars. If I buy coverage for

six and I carry seven am I under compliance?

395 HILL: Yes, and you would probably be out of Coast Guard regulations because an uninspected vessel can't carry more than 6.

399 SEN. WEBBER: That is not what that section does.

403 DONHEFFNER: Explains the practice of insurance companies regarding less than 6 passengers.

415 SEN. WEBBER: It says a total of \$300,000 dollars per occurrence in one place and \$300,000 dollars of general liability with no passenger number on the other.

421 HILL: Most people are buying the first one.

423 SEN. WEBBER: No requirement in statute that there be a specific number of people covered by that. It's open ended.

431 HILL: An insurance company won't sell a policy with an unlimited risk.

TAPE 92, SIDE A

009 SEN. WEBBER: It doesn't tie them into that.

012 CHAIR DUKES: The insurance could actually say you're insured for \$300,000 dollars for a maximum of four people. You would look at that

when they applied and issue a decal with the number four.

013 DONHEFFNER: If they were carrying more than for their coverage would be void.

020 CHAIR DUKES: We will revisit this issue during the interim.

028 SEN. LIM: I think this is basic coverage and if a passenger wants more insurance they could buy it. MOTION: Senator Smith moves to amend HB 2821-A3 amendments by

deleting "and to the Sixty-eighth Legislative Assembly regarding:" in lines 4 and 5, page 2.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator Smith moves HB 2821-A3 amendments, as amended, to HB 2821-A

VOTE: Hearing no objection the motion carries.

MOTION: Senator Smith moves HB 2821-A, as amended, to the floor with a "DO PASS" recommendation.

VOTE: In a roll call vote the motion carries with Senators Kintigh,

Lim, T. SMith, Webber, Yih and Dukes voting AYE and Senators J. Bunn voting NAY. Senator Dukes will carry.

PUBLIC HEARING ON SB 2477: Relating to accidents.

LT. BILL JOHNSON, OREGON STATE POLICE RICH BRUNGARDT, OREGON ASSOC. OF CHEIF'S OF POLICE REPRESENTATIVE PETER COURTNEY

098 LARSON: Explains the intent of SB 2477.

107 LT. BILL JOHNSON, OREGON STATE POLICE: Reviews and submits written testimony, (EXHIBIT B)

121 CHAIR DUKES: Asks about current requirements.

125 JOHNSON: Explains scenario of what could happen in a two car accident.

134 RICK BRUNGARDT, OREGON ASSOCIATION OF CHEIFS OF POLICE: We support this bill.

150 SEN. LIM:

151 JOHNSTON: Responds.

155 REPRESENTATIVE PETER COURTNEY: Testifies in support of SB 2477. -Submits written testimony. (EXHIBIT C)

164 SEN. KINTIGH: What does a person do if they are in a remote area and they need to go somewhere to find a telephone.

170 COURTNEY: Explains criminal intent.

182 CHAIR DUKES: Explains why the bill is in Committee. -Suggests requesting Senate President to send the bill to the Judiciary Committee.

195 SEN. BUNN: I don't think we need to send it to judiciary.

200 CHAIR DUKES: Sounds like a good idea. Questions about criminal intent.

215 SEN. BUNN: Prefer that the language be worked out in Judiciary.

WORK SESSION ON SB 2477:

MOTION: Chair Dukes moves SB 2477 to the Judiciary Committee with a letter to the Senate President asking for a subsequent referral.

VOTE: In a roll call vote motion carries unanimously.

PUBLIC HEARING ON HB 2324: Relating to disabled parking.

248 LARSON: Explains intent of HB 2324. -Submits testimony of Senator Frank Roberts. (EXHIBIT D)

270 ROGER ROBINSON, PARALYZED VETERANS OF AMERICA: Suggests deleting pag 2 sec 2 liens 24 25 26 and delte bracket dealing with international

symbol.

291 CHAIR DUKES: You want the langauge reinstated?

297 ROBINSON: Yes, because that is reflective paint on the pavement and it is easier to see.

306 CHAIR DUKES: Asks about the reflective paint.

322 SEN. KINTIGH: Asks about discussion on the House side.

339 ROBINSON: Under current law our volunteers in Portland aren't allowed to issue tickets, but we have in fact issued them.

350 SEN. YIH: Why do you want the symbol on the pavement.

356 ROBINSON: Clarifies why the symbol is needed.

371 CHAIR DUKES: Explains what happend to this legislation on the House side. -The reflective paint is required but not enforced.

387 ROBINSON: Discusses hearings that have been held regarding enforcement by the Buildings Codes Department.

406 DON LAWSON, BIKE PAC OREGON: Suggests amending HB 2324 to identify handicapped individuals who ride motorcycles. -Submits and reviews written testimony. (EXHIBIT E)

463 SEN. YIH: A handicapped parking space is much wider than normal. It sounds like a waste of space for a motorcycle.

TAPE 91, SIDE B

043 LAWSON: We pay our fees the same as any other person. -Explains motorcycles with side cars.

051 CHAIR DUKES: You have a current sticker.

056 LAWSON: The issue is the placard.

068 CHAIR DUKES: Placards are tied to people not vehicles.

086 CHAIR DUKES: The current system is a good one and it protects people. It stops people who would be using them illegally.

098 LAWSON: I don't understand your objection to this issue. -I'm asking that people who ride motorcycles and are disabled be able to park in a disabled parking spot.

105 SEN. YIH: Are you asking for authority to park there or a decal?

108 LAWSON: I would be towed if I parked my motorcycle in one without the placard. How would I display it?

WORK SESSION ON HB 2324:

MOTION: Senator J. Bunn moves to restore the deleted language on page 2, lines 24-26 of HB 2324A.

VOTE: Hearing no objection the motion is adopted.

140 CHAIR DUKES: Asks for permission from the Committee to send a letter to the Building Codes agency asking them to increase their enforcement of

the laws as they relate to disabled parking places.

MOTION: Senator J. Bunn moves HB 2324A, as amended, to the floor with a "DO PASS" recommendation.

150 SEN. YIH: What about the disabled motorcycle issue?

151 CHAIR DUKES: Outlines reasons why the legislation should not change.

157 SEN. YIH: Suggests discussing this with DMV coming back next session.

155 SEN. BUNN: I understand that there is more to lose by creating the loophole for abuse.

167 SEN. WEBBER: I don't think there is anything that prohibits you from laminating the placard.

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

PUBLIC HEARING ON HJR 65: Relating to federal requirements to revoke driving privileges.

JOAN PLANK, DMV

195 JOAN PLANK, DMV: Submits and reviews written testimony. (EXHIBIT

F)

245 CHAIR DUKES: Explains why this resolution is in the Committee.

288 SEN. WEBBER: Discusses related bills in the Judiciary Committee.

296 SEN. LIM: Are we sure this will work?

299 PLANK: We did send this to the federal level for them to review.

WORK SESSION ON HJR 65:

MOTION: Senator Kintigh moves HJR 65 to the floor with a "DO PASS" recommendation.

VOTE: In a roll call vote the motion carries unanimously. Senator Kintigh will carry.

345 CHAIR DUKES: Adjourns meeting at 4:40 p.m.

Submitted by:

Reveiwed by:

Shannon Gossack
Administrator

Ruth Larson Assistant

EXHIBIT LOG: A -