

Conference Committee on June 22, 1991 - Page

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.

CONFERENCE COMMITTEE ON HB 3135

June 22, 1991Hearing Room B 11:00 a.m.Tapes 1 - 2

SENATE MEMBERS PRESENT: Sen. Roberts Sen. Smith

HOUSE MEMBERS PRESENT: Rep. Ford, Chair Rep. Barnes Rep. Dominy

STAFF PRESENT: Melanie Zermer, Committee Administrator Evie Redler, Committee Assistant

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TAPE 1, SIDE A

010 CHAIR FORD: Calls the meeting to order at 11:23 a.m.

Conference Hearing on HB 3135 - Authorizes renewal by mail of certain permits Witnesses: Elsie Hastings, Multnomah County Ruth Willet, Wasco County Beverly Bettis Jack Monroe, Oregon Food Industries Al Elkins, Tow Truck Association Cheryl Perrin, Fred Meyer Phil Fell, League of Oregon Cities Betsy Bailey, AOI Mark Nelson, Southland Corporation Joan Plank, DMV

Staff submits a packet of materials relating to HB 3135 (EXHIBIT A).

Senator Roberts submits HB 3135-B20 proposed amendments (EXHIBIT B), a hand

engrossed version of those changes (EXHIBIT E) and HB 3135-B19 proposed amendments (EXHIBIT D).

Staff submits a legislative counsel opinion on HB 3135-B20 proposed amendments (EXHIBIT C).

022 Sen. Smith, Sen. Roberts and Jose Mata: Explain section 7 of the SB 313 5-A proposed amendments, as adopted by the Senate.

Chair Ford: Because of similarities, we went ahead and deleted section

7.

Jose Mata, Committee Administrator: Asked legislative counsel if we needed that section. ORS 811 .610 didn't work with required handicapped parking. It provides guidance who voluntarily provide handicapped parking. The purpose of ORS 811.610 is solely to provide guidance.

Chair Ford: That is part of the problem. Don't want to have mandates on people who are voluntarily putting the handicapped spaces in.

Jose Mata, Committee Administrator: The proposed amendments would reverse that.

Sen. Roberts: If no one in enforcing the law, there is no reason to increase penalty. No need to duplicate the signs.

Chair Ford: Open to new amendments. Introduces B20 amendments as affecting the B engrossed bill.

Sen. Roberts: Discusses a technical change in the B19 amendments.

Jose Mata, Committee Administrator: In original A engrossed bill, page 3 line 44, types of facilities required to have handicapped parking. The word "publicly" is unclear. Working with building code agency, decided to reword the language.

Sen. Roberts: Page 4 line 3 in B Engrossed bill is new language.

Rep. Dominy: New language says governments buildings and publicly operated facilities.

140 Jose Mata, Committee Administrator: Reads language after the amendment.

Chair Ford: Explain section 6, what it does as far as posting and marking?

Jose Mata, Committee Administrator: Explains who is required to have handicapped parking spaces.

Rep. Barnes: With this terminology would it include apartment tenants?

Jose Mata, Committee Administrator: Not clear. Does includes customers and visitors, but may not include residents.

Sen. Smith: Residents are not currently covered, wouldn't change under this.

Chair Ford: Need definition to clarify.

Jose Mata, Committee Administrator: ORS 447.210 the definition of public does not include tenants.

MOTION: Sen. Roberts moves to adopt the B19 amendments (EXHIBIT D) to HB 313 5.

VOTE: Hearing no objections, Chair Ford so moves.

212 Sen. Roberts: The B20 amendment is intended to make clear that there are four options available. 1. Local law enforcement. 2.

Volunteers authorized by law. 3. Permit owners and employees to enforce.  
4. Arrange for towing company.

-if any of first three are met, owner not required to have a contract with towing company.

Chair Ford: Explain "intent by law enforcement." What would show intent.

Sen. Roberts: Anyone who had assurance from local law enforcement to go into that lot, that would be intent.

Rep. Dominy: What is it going to take to prove or not prove intent?

Sen. Roberts: Assume that law enforcement would do it. Applies to lots with more than two handicapped parking spaces.

Recessed 11:46 AM. Reconvened 12:00 PM.

311 Sen. Roberts: The tickets will eliminate the fees. No towing costs to the company.

Chair Ford: Did you discuss within the Senate how employees would be able to do this?

Sen. Roberts: Wouldn't have to be employee, could be a security guard or anyone?

Chair Ford: What does law enforcement think?

Sen. Roberts: Some are already using volunteers. Would be okay with them.

Chair Ford: If we start relying on law enforcement and they don't do it, we have to have training for volunteers.

Sen. Roberts: Need more than two handicapped spaces to be required to do this.

Sen. Smith: If the parking structure has 26 spaces or more this bill would apply, since they would then need two handicapped parking spaces.

Rep. Dominy: What happens if we require law enforcement to do it. Who gets the money from the fund.

Sen. Roberts: The money goes to the local general fund.

Rep. Dominy: If law enforcement agreed to do this they would get the money from the general fund.

Sen. Roberts: Tried to avoid having the agency directly funded by this.

Sen. Smith: With local budget's these days, not enough police on the street for crime, let alone parking problems.

Rep. Dominy: Instead of the owner providing for enforcement, it makes more sense for law enforcement to handle it.

Sen. Roberts: Every law enforcement agency needs to establish

priorities. We pass more laws than can be enforced.

434 Rep. Barnes: One thing that we are overlooking, this may be overriding city or county charters. Not many cities will want random people to write tickets for them. Some don't want reserves due to liability.

Tape 2, Side A

032 Sen. Smith: The amendment allows for the community to make their own plan. It provides alternatives, and can be tailored to fit restrictions.

ELSIE HASTINGS, MULTNOMAH COUNTY: Need the fines for people who just run into the place for a while. Usual only get enforcement during Christmas time.

RUTH WILLETT, WASCO COUNTY: Listens to police scanner, disabled not getting fair share of representation. If someone else was able to enforce the law, it would help.

BEVERLY BETTIS: The signs already say they are subject to towing. People have been warned. If the business won't take responsibility are they saying that they don't want my business.

Chair Ford: How would you feel if you didn't have a placard and the car was towed.

WILLETT: Won't park in handicapped parking without the placard.

Rep. Dominy: Need to find alternatives. Putting the burden on businesses will not let this bill go through the house. If we change the word from shall to may, could you support it.

HASTINGS: Shares concerns with an old bill. Wants her license plates back.

JACK MONROE, OREGON FOOD INDUSTRIES: The towing concept is the concern. Doesn't seem to be workable. Inappropriate as a solution.

182 Sen. Roberts: You have no concern about finding handicapped parking spaces.

MONROE: Not saying that people don't park in those spots, do not know the frequency.

200 Sen. Smith: Have evidence regarding misuse of handicapped parking. Local agencies simply cannot handle the problem.

Sen. Roberts: Submits testimony (EXHIBIT F) staff has looked into private parking lots being controlled.

Jose Mata, Committee Administrator: Submits testimony (EXHIBIT G) regarding a study done on handicapped parking spaces.

251 MONROE: Attended Senate Transportation committee hearings and have not heard Sen. Roberts evidence submitted as testimony.

Chair Ford: Give us reasons why you are objecting.

MONROE: This would provide for an unusual enforcement mechanism. One private party with another private party. If car died and had to park in that spot, couldn't get out of paying the towing.

331 Sen. Roberts: Current law says that the car needs to have visible sign which says they are handicapped. If you can show that then you aren't breaking the law. If you can't, then you'd better not park there.

MONROE: Might not be good example.

Rep. Dominy: You need to push car a little bit farther.

363 AL ELKINS, TOW TRUCK ASSOCIATION: Not in support of the bill at this time. Would prefer not to be included in the bill. -did own survey, more malls than there are people in Washington County.

407 Sen. Smith: Are you telling us that the reason you are opposing this bill is because the security guard told you that 3 out of 5 people who use those spots are handicapped?

422 ELKINS: Not the only reason. The second reason is because we don't want to tow disabled persons.

433 Sen. Smith: Basically you are trying to "save disabled people from themselves" by not towing.

Tape 1, Side B

040 ELKINS: The people towing these people will not be trained in social skills and will not have the ability to help the situation if a disabled person gets towed.

51Rep. Dominy: What are the towing differences between someone parking in any other place where your car gets towed?

60ELKINS: The ability to retrieve the car if indeed the person is disabled.

Rep. Dominy: The responsibility is on the handicapped person to have the placard.

65Chair Ford: Most of the time, when you are called to tow a vehicle. Is it the request of law enforcement.

70ELKINS: Yes. Either law enforcement or under contract with a lot owner.

Sen. Smith: You don't have a problem towing persons parked in the lot at the wrong hours, but you don't want to tow people in handicapped spots?

ELKINS: That's correct.

85Sen. Roberts: Let's repeal the law that says that handicapped people should have placards and just not tow anyone. That's what he's saying.

95Rep. Barnes: Here him out and stop interrogating the witness.

CHERYL PERRIN, FRED MEYER: From a private store position, we have seen

police ticket cars in our lots. More people call to complain about the tickets than complaints about not enough handicapped parking. - Towing companies have a clause stating that they are not liable. We don't want a liability situation. - Easier to ticket than to tow.

Sen. Roberts: What is the reservation of Fred Meyer to have someone who was licensed to go through the lot and ticket people. You would protect many of your customers.

CHERYL: This issue has come up with deputizing people to ticket people. Even after tickets, people get out of the fine.

212 PHIL FELL: B20 amendments speaks of law enforcement. In some communities where this is of major priority there would be the potential liability.

Chair Ford: We are doing this in other communities. Could we see that it works.

FELL: Doesn't like it to be mandatory.

Rep. Dominy: Concerned with rural districts where there may be small towns without a towing company.

261 FELL: Circumstances are different in each community.

Sen. Roberts: Are you familiar with Drain? In a community that size would there be an area with number of parking spaces needed to fall into this bill.

Rep. Dominy: Yes.

Sen. Roberts: If the police would just agree to stop by it would be acceptable.

BETSY BAILEY: Opposed to the towing contracts.

MARK NELSON, SOUTHLAND CORP: Overall concern with the issue of towing, and how to enforce. If the legislature would encourage cities to enforce the law to make money for the community. We could look at different methods to encourage cities to do this.

334 Sen. Smith: So far in Salem in 1991, there have been 51 citations for illegal parking in handicapped spaces. That is a \$4100 revenue for Salem. However, it has cost the city \$29,000 to enforce.

NELSON: Salem does a good job.

Recess at 1:00 pm. Reconvene at 1:45 pm.

378 Chair Ford: Sen. Roberts will not confer with the new amendments (EXHIBIT G). Was under the impression that it was law enforcement responsibility.

JOAN PLANK, DMV: That is correct.

Sen. Roberts: Too low of a priority for them to take action.

Chair Ford: This conference committee cannot come to consensus. Will appoint new conferees.

Chair Ford adjourned the hearing at 2:07 pm.

Submitted By:

Reviewed By:

Evie Redler

Melanie Zermer

EXHIBIT LOG

A: HB 3135, Staff, 8 pages B: HB 3135, Sen. Roberts, 2 pages C: HB 3135, Staff, 1 page D: HB 3135, Sen. Roberts, 1 page E: HB 3135, Staff, 2 pages F: HB 3135, Sen. Roberts, 2 pages G: HB 3135, Jose Mata, 1 page