

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.

Measures Heard
Informational
PH: SB 58, SB 72,
SB 73
WS: SB 58, SB 73

SENATE COMMITTEE ON
TRANSPORTATION

January 29, 1991Hearing Room 137
8:00 a.mTapes 8 & 9

MEMBERS PRESENT:Sen. Joan Dukes, Chair
Sen. William McCoy, Vice-Chair
Sen. Glenn Otto
Sen. Paul Phillips
Sen. Tricia Smith
Sen. Eugene Timms

MEMBERS EXCUSED:Sen. Peter Brockman

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

WITNESSES: Joan Plank, Motor Vehicle Division
Mike Unger, Motor Vehicle Division
Tom Malloy, Teamsters
Jim Markee, Amalgamated Transit
Paul DonHeffner, Marine Board
Joanne Peterson, Motor Vehicle Division
John Rist, Oregon Dept. of Transportation

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TAPE 8, SIDE A

ORGANIZATIONAL MEETING

008 CHAIR DUKES: Calls meeting to order at 8:10 a.m.

010 JOHN RIST, OREGON DEPT. OF TRANSPORTATION: Submits and reviews written testimony. (EXHIBIT A & B)

045 CHAIR DUKES: You talked about the two in a half cents that is going to the trust fund, with half a cent going to transit. Does the federal trust fund include transit? Is it more than just highways?

049 RIST: There is a highway component and an urban mass transit. Continues

with written
testimony. (EXHIBIT A)

141 SEN. SMITH: Expresses concern about congress reducing the federal match
for west side light
rail project.

156 RIST: We are trying to secure the 75/25 split.

162 SEN. SMITH: What happens to the west side?

164 RIST: West side may not be very high on the priority list for funding.

167 SEN. SMITH: How much money will the state of Oregon have spent on west
side before we
know what congress is going to do?

173 RIST: I don't anticipate any major expenditures.

182 SEN. SMITH: You don't anticipate Trimet issuing bonds prior to
September?

183 RIST: I don't know Trimet's intent on the selling of bonds.

189 CHAIR DUKES: I understand that our congressional delegation has some
sort of an agreement
that this is the last project at the old split.

195 RIST: Discusses appropriation bills in regard to the grandfather
clause. What we are talking is
getting the grandfather clause into the new authorization bill.

207 CHAIR DUKES: This is the first time anyone has suggested that the west
side light rail might
fall apart.

209 RIST: We just want the assurance in there so that the 75/25 split will
be there.

214 SEN. SMITH: I was just trying to determine the fallout if that
grandfather clause does not get
in.

226 SEN. TIMMS: Is it written down anywhere that the public lands
compensation will be spent on
public lands highways?

230 RIST: Those highways have to be on public lands prescribed by the
federal government.

240 CHAIR DUKES: The department would like us to give our stamp of approval
to this as it goes
through its process and on to congress.
-Refers to testimony. (EXHIBIT B)

MOTION: Senator Smith moves that the Committee formally endorse Oregon's
Action
Transportation Act.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

PUBLIC HEARING SB 58

268 PAUL DONHEFFNER, MARINE BOARD: Submits and reviews written
testimony. (EXHIBIT
C) It is our intent to stay in conformance with the federal requirement.

303 SEN. SMITH: Why do we need to raise ours limit to theirs?

308 DONHEFFNER: We are collecting additional accident reports that we don't
report to the federal
government. There are very few reports that fall in to this threshold
category between \$200.00

and \$500.00 dollars. Rather than burden the public with this we would like to stay in conformance with the federal requirement.

322 SEN. SMITH: If injury or death occurs in an accident below the limit is a report required?

331 DONHEFFNER: With any injury in an accident it has to be reported. We are dealing with accidents where no one is hurt or killed. Strictly boat damage.

350 SEN. SMITH: Would you object to language that says you may set the limit by administrative rule to reflect the limit required by the federal government?

356 DONHEFFNER: We would go along with that.
-We would like to adjust it without having to go through the legislature.
-Your Committee Administrator suggested we use language to show we will be conforming to the federal regulation.

377 SEN. SMITH: If we were to adopt language suggested by the administrator would you still have to go through an administrative rule process in order to set that limit?

383 DONHEFFNER: I believe it would.

385 CHAIR DUKE: Does the board have any reason to be involved in this?

387 DONHEFFNER: We already have a rule making board that deals with this process.

WORK SESSION ON SB 58

MOTION: Senator Smith moves to delete "established by the board", and insert "fixed by the federal government".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: Senator Timms moves SB 58, as conceptually amended to the floor "DO PASS" recommendation.

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES WITH SENATORS MCCOY, TIMMS, OTTO, PHILLIPS, DUKES, AND SMITH VOTING AYE, AND SENATOR BROCKMAN EXCUSED. SENATOR SMITH WILL CARRY THE BILL.

TAPE 9, SIDE A

PUBLIC HEARING SB 72

037 JOAN PLANK AND MIKE UNGER, MOTOR VEHICLE DIVISION: Submits and reviews written testimony.(EXHIBIT D)
-Discusses farm workers in regard to transporting.

147 SEN. SMITH: Do tow trucks need a passenger endorsement to tow a bus?

160 PLANK: The only vehicle that a passenger endorsement is required on is a bus.

168 CHAIR DUKES: Would that include a larger mobile home?

169 UNGER: They might need a higher class commercial drivers license.

172 SEN. MCCOY: What does the law say?

174 PLANK: Towers must have a commercial drivers license to tow an empty bus, but that has been taken out.

198 PLANK: Discusses vehicles that would be based on weight not the number of passengers.

209 UNGER: Explains the definition of a motor home in statute.

-Discusses the use of the vehicle in regards to commercial licenses.

243 PLANK Continues to review written testimony.(EXHIBIT D)

255 SEN. SMITH: What is the expertise within the Motor Vehicle Division in determining an appropriate recovery treatment program?

257 PLANK: Reviews Motor Vehicle's role in dealing with DUI drivers.

265 SEN. SMITH: Expresses concern about repeat offenders that also have a commercial drivers license.

285 PLANK: When we develop the rules to determine what this rehabilitation program will consist of we will be working with organizations and state agencies who have expertise in these areas. We are just dealing with the licensing action.

311 SEN. PHILLIPS: Is the lifetime ban based on three conviction in a three year period?

320 UNGER: Explains how the serious violations would effect the lifetime penalty issue.

338 SEN. PHILLIPS: What happens if this bill dies?

340 PLANK: If this program does not get approved it will mean a loss of federal highway dollars. There may be sections of the bill that could be changed.

348 CHAIR DUKES: The rehabilitation program is allowed but not required by the federal outline.

356 SEN. PHILLIPS: There are other issues in the bill that I am concerned about. -I have a problem with lifetime bans.

365 SEN. MCCOY: Do other state have a rehabilitation plan like the one in the bill?

371 UNGER: I am not aware of any other states but I could check. -Is the lifetime suspension part of the federal program? -Asks for clarification on the study done by Motor Vehicle Division regarding commercial drivers licenses.

394 UNGER: Explains the process Motor Vehicle Division used in their study.

410 PLANK: Continues with testimony. (EXHIBIT D) -Discusses "implied consent" suspension in regards to other states.

440 SEN. SMITH: Is there an automatic reporting system between states?

447 PLANK: There is a national computer system.

TAPE 8, SIDE B

010 PLANK: Continues with written testimony.(EXHIBIT D) -Submits amendments to SB 72.(EXHIBIT E)

054 SEN. MCCOY: Why did you take out "failure to signal"?

056 PLANK: It was not required to be included in the definition by the federal government.

079 TOM MALLOY, TEAMSTERS: I would like to bring some truck drivers here to discuss this further.

099 SEN. MCCOY: Is there anything here that you think a professional driver would object to?

103 MALLOY: Discusses concern about three convictions identified as serious

violations. An arrest
is a judgement call on the part of a police officer.

114 SEN. OTTO: How many over the road truckers belong to the teamsters?

118 MALLOY: Probably 40%. I am also concerned about the fact that we were
never contacted
about the amendments.

125 SEN. TIMMS: What percentage of truck drivers drive interstate?

129 MALLOY: Probably 80% are interstate drivers.

134 SEN. TIMMS: Discusses stipulations in the commercial driver license
law.

135 SEN. PHILLIPS: Maybe Motor Vehicles could provide a list of which of
what things are
optional and what things are required.

149 JIM MARKEE, AMALGAMATED TRANSIT UNION: I do share Mr. Malloy's concern
about drivers loosing their livelihoods over some of these violations. I
also don't think that
failure to signal is federally required to be in there.

195 SEN. MCCOY: Since these rules have been promogated there really is no
discussion.

203 CHAIR DUKES: Could Motor Vehicles please get us some information on all
of the permissive
changes and some draft rules on the rehabilitation section.

PUBLIC HEARING SB 73

205 JOAN PLANK, MOTOR VEHICLE DIVISION: Submits and reviews written
testimony.
(EXHIBIT F)

234 Staff submits written testimony of WANDA WAHUS, OREGON INDEPENDENT AUTO
DEALERS ASSOCIATION: (EXHIBIT G)

263 PLANK: Submits proposed amendments to SB 73. (EXHIBIT H)
-We will still provide the information to the State Police but this would
just provide us with some
flexibility.

339 JOANNE PETERSON, MOTOR VEHICLE DIVISION: Explains agreement with the
state
police regarding inspections and the language on page 2, line 9 of SB 73
regarding "may" instead
of "shall".
-We only pay for the inspections that are actually referred.

401 CHAIR DUKES: Concerned about the permissiveness of the "may" language.

417 PLANK: This will not affect the VIN inspections done by the State
Police.

421 CHAIR DUKES: But it could under a new administration.

422 PLANK: It could under existing language. This does not effect our
relationship with the state
police but it allows us to check for stolen vehicles against the National
Crime Information Center.

432 CHAIR DUKES: The language doesn't need to be as broad?

435 PLANK: What were trying to do is to have more flexibility as to where
we refer stolen vehicle
reports.

TAPE 9, SIDE B

015 SEN. OTTO: It costs money to recover stolen vehicles.
-Discusses possibility of owner error in regard to stolen vehicles.

029 CHAIR DUKES: I like the idea of charging a fee for owner error, but I think they would probably make up excuses.

039 PLANK: I am not sure that fault is determined when a vehicle is stolen. It may be possible to give the state police that authority.

044 SEN. OTTO: We could develop some sort of law to address the problem.

046 PLANK: It would be revenue for the Oregon State Police.

052 SEN. MCCOY: How would you break it out if the city is also involved?
-Discusses reason for introduction of the bill.

062 CHAIR DUKES: Under existing language you can't request that those checks be done by anyone other than state police?

063 PLANK: We are asking for the authority to do the check so we don't have to issue a title to that vehicle.

068 PETERSON: The law says we have to report it to the State Police. It is sometimes a duplication of effort.

077 PLANK: Discusses the Motor Vehicle Division and the test program they did.
-This would help towards better consumer protection.

110 PETERSON: The intent of the amendment was to provide a way to send reports to the Oregon Law Enforcement Data center.

121 CHAIR DUKES: Section 4 of the amendments deals with the data center.

125 PETERSON: Yes, and it also clarifies that the language in the statute does not prohibit us from checking in other situations. The existing language is very limiting and we want it clear that if there are other reasons to check a vehicle to see if it has been stolen we can do it.

138 CHAIR DUKES: I wonder why line 1 of the amendments was originally taken out?

WORK SESSION SB 73

MOTION: Senator Phillips moves to adopt SB 73-1 amendments.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: Senator Phillips moves SB 73, as amended, to the floor with a "DO PASS" recommendation.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES WITH SENATORS MCCOY, TIMMS, OTTO, PHILLIPS AND DUKES VOTING AYE, AND SENATORS SMITH AND BROCKMAN EXCUSED. SENATOR MCCOY WILL CARRY THE BILL.

There was some discussion on why this was referred to Ways and Means. It was later determined not to have a subsequent referral to Ways and Means so the original motion made by Senator Phillips stands.

175 CHAIR DUKES adjourns meeting at 9:50 a.m.

Submitted by:Reviewed by:

Shannon GossackRuth Larson
AssistantAdministrator

EXHIBIT LOG:

- A - John Rist, Testimony, 11 pgs.
- B - John Rist, Letter, 1 pg.
- C - Paul DonHeffner, Testimony SB 58, 1 pg.
- D - Joan Plank, Testimony SB 72, 5 pgs.
- E - Joan Plank, Amendments SB 72-1, 1 pg.
- F - Joan Plank, Testimony SB 73, 3 pgs.
- G - Staff, Testimony Wanda Wahus SB 73, 1 pg.
- H - Motor Vehicles, Amendments SB 73-1. 1 pg.