

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

PH: SB 72
PH & WS: SB 272 &
SB 245

SENATE COMMITTEE ON
TRANSPORTATION

February 19, 1991Hearing Room C
8:00 a.m.Tapes 24 - 26

MEMBERS PRESENT:Sen. Joan Dukes, Chair
Sen. William McCoy, Vice-Chair
Sen. Peter Brockman
Sen. Scott Duff
Sen. Paul Phillips
Sen. Tricia Smith
Sen. Eugene Timms

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

WITNESSES: Alan Willis, Port of Portland
Steve Johnston, Highway Division
Maura Roche, Automobile Assoc. of Oregon
Mike Meredith, Oregon Truckers Association
Jane Aiken, Governors DUI Advisory Commission
John Sullak, Oregon Trucker Associations
Tom Malloy, Joint Council of Teamsters
Mike Unger, Motor Vehicle Division
Joan Plank, Motor Vehicle Division
John Aranda, Teamsters
Jim Markee, Amalgamated Transit Union
Mary Botkin, AFSCME
Virginia Barton, Maritime Pilots
Mark Nichols, Lewis & Clark Pilotage
Jody Fischer, Lewis & Clark Pilotage

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TAPE 24, SIDE A

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

011 ALAN WILLIS, PORT OF PORTLAND: Explains LC 3121 which would allocate lottery money for dredging. (EXHIBIT A)

WORK SESSION LC 2131

073 MOTION: Senator McCoy moves that the committee adopt LC 2131 as a Committee bill.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

PUBLIC HEARING SB 272

084 STEVE JOHNSTON, HIGHWAY DIVISION: Supports SB 272 which would allow the weighmaster to cite for mudflap violators.
-Explains the number of citations issued for mudflap violations in 1989.

120 CHAIR DUKES: Discusses mudflap legislation in regard to citations.

130 SEN. BROCKMAN: Asks about fee for class B traffic infractions.

132 CHAIR DUKES: The maximum fee for that is \$250.00

135 MARA ROCHE, AUTOMOBILE CLUB OF OREGON: Submits and reviews written testimony. (EXHIBIT B)

158 MIKE MEREDITH, OREGON TRUCKING ASSOCIATIONS: Supports SB 272.

173 SEN. MCCOY: Did your research prove conclusively that mudflaps work or not?

180 MEREDITH: Explains the comparison between splash and spray devices and the rubber mudflap.

188 CHAIR DUKES: The mudflaps do help with the rocks and mud.

WORK SESSION SB 272

220 MOTION: Senator Smith moves SB 272 to the floor with a "DO PASS" recommendation.

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES UNANIMOUSLY. SENATOR SMITH WILL CARRY THE BILL.

PUBLIC HEARING SB 72

240 RUTH LARSON, COMMITTEE ADMINISTRATOR: Introduces dash 2 and dash 3 amendments to SB 72. (EXHIBIT C & D) Submits written testimony from Motor Vehicle Division regarding mandatory and discretionary requirements. (EXHIBIT E)

260 SEN. BROCKMAN: The dash 3 amendments seem more stringent than what we are trying to do here?

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

295 MIKE UNGER, MOTOR VEHICLE DIVISION: Clarifies written testimony. (EXHIBIT E)

323 SEN. BROCKMAN: Asks about section 9 within testimony regarding speeding tickets.

331 UNGER: Explains serious traffic violations.

338 SEN. TIMMS: Mudflaps are mandatory.

349 JANE AIKEN, GOVERNOR'S ADVISORY COMMISSION ON DUI: Testifies in support of SB 72-2 amendments. (EXHIBIT D)

371 SEN. PHILLIPS: Do you support life time suspensions?

375 AIKEN: Yes, on commercial drivers licenses.

385 JOHN SULLAK, OREGON TRUCKING ASSOCIATIONS: Supports SB 72 and amendments.
(EXHIBIT C & D)

-We are trying to offer some assistance in training so we don't lose people.

-Discusses concern over truckers who can't take a written test.

TAPE 25, SIDE A

018 SEN. BROCKMAN: Do you support the dash 2 amendments to SB 72?

021 SULLAK: Yes.

023 SEN. TIMMS: Is there a problem getting young people into the

profession?

027 SULLAK: Generally if someone is new they must prove their skills.
-Discusses skills truck drivers must possess.

040 SEN. TIMMS: If someone already has a DUI before they become a
commercial driver how does
that affect this?

045 SEN. SMITH: The statute says you must be driving as a commercial
driver.

051 TOM MALLOY, TEAMSTERS: Reviews Mr. Aranda's experience in truck driving.

089 JOHN ARANDA, TEAMSTERS: Explains the American Road Team.
-The trucking industry is the most vital part of our nation.
-Discusses public image of truck drivers.
-Explains the amount of freight hauled in the nation last year.
-Discusses fatalities in regard to the increased speed limit.

276 SEN. PHILLIPS: Discusses the issue of the lifetime ban versus a ten year
ban.

291 ARANDA: I am opposed to lifetime bans. I think there should be a
rehabilitation program.
The way we do this has some real constitution questions that need to be
answered.

327 JIM MARKEE, AMALGAMATED TRANSIT: Discusses the changes made by the Motor
Vehicle Division in regard to the Federal mandate. The dash 3 amendments
that change the blood
alcohol level is a great concern to me.

358 SEN. SMITH: Can you blow a .01 with mouthwash?

367 MARKEE: Explains alcohol content in mouthwashes.

383 SEN. TIMMS: We are talking about a one year suspension if you blow a
.01.

385 CHAIR DUKES: It would be the same penalty that you have at .04 now.

387 SEN. SMITH: How long does alcohol stay in the blood stream?

393 MARKEE: I am not an expert on the dissipation of alcohol. I think that
.01 is going a bit too
far.
-Discusses the inaccuracy of intoxilizer machines.

TAPE 24, SIDE B

017 CHAIR DUKES: What is acceptable.

019 MARKEE: We are comfortable with the .04. We oppose the .01 very
strongly.

034 CHAIR DUKES: Then is it okay to drink some alcohol as long as it is
just a little; before you
get in a car and drive?

035 MARKEE: I don't think it is okay to drink and drive. I believe you can
be at a .01 without
drinking.

037 SEN. TIMMS: This is a one year suspension with no hardship licensing.

040 MARKEE: There is also a change in the suspension and a deletion of the
rehabilitation program.

052 SEN. TIMMS: Do people know that we are changing things?

054 MARKEE: We are trying to keep up with all of the changes. With respect
to the 10 years
versus lifetime we are taking no position on that.

064 SEN. TIMMS: What is the standard level of alcohol for a non-commercial

driver?

067 MARKEE: Discusses the Oregon law regarding intoxication.

070 SEN. TIMMS: We are taking a person's job away for a year. If they don't have enough sense to get help after two DUI's then maybe they shouldn't be a commercial driver.

084 MARKEE: To be convicted of an alcohol offense you must be a .08.
-Discusses the conviction and suspension under the proposed amendments.

107 LT. KEN CHICHESTER, STATE POLICE: Explains the intoxilizer machine.
-Explains absorption and dissipation rates and the factors that effect them.

161 CHAIR DUKES: We hear very often that the intoxilizer machine is not accurate.

171 CHICHESTER: Discusses the blood alcohol test. The blood test is usually higher.

183 SEN. TIMMS: Does this have a referral to Judiciary? I am concerned about changing this to a .01.
-Discusses implied consent in regard to increased court cases?

210 CHICHESTER: Explains the suspension process at Motor Vehicle Division.
-Explains "implied consent" process within Motor Vehicle.

234 SEN. TIMMS: It is still a cost to government.

237 SEN. SMITH: Asks about "reasonable grounds" language in the implied consent law.

241 CHICHESTER: Explains what "reasonable grounds" means.

266 SEN. SMITH: Before someone is required to take a breath test they must be under arrest.

278 SEN. DUFF: Can you visually tell between .04 and .01?

283 CHICHESTER: I doubt it. Maybe the odor of alcohol would be a factor.
-Discusses horizontal gaze.

322 CHAIR DUKES: How do you determine a .04 blood alcohol level?

325 CHICHESTER: It would vary depending on the persons tolerance.
-Explains the difficulty in determining intoxication in regards to alcoholics.
-Explains his role with the State Police.

386 MARY BOTKIN, AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES: The question that arises from SB 72 is the deletion of any option to rehabilitate yourself. The reality is that if you remove people from the environment for ten years they probably won't go back to driving.
-Discusses personal experience with alcoholism.
-Disagrees with the lifetime ban.

TAPE 25, SIDE B

035 SEN. DUFF: What if we required rehabilitation after the first offense.

042 BOTKIN: Discusses accuracy of testing procedures in regard to alcohol levels.

PUBLIC HEARING SB 245

070 VIRGINIA BARTON, MARITIME PILOTS: Submits and reviews written testimony. (EXHIBIT F)

126 CHAIR DUKES: What other agencies have this type of rule making? It seems that we have been doing the opposite of what you're proposing.

129 BARTON: Discusses boards that currently operate this way.

138 SEN. MCCOY: Explain the problem with money in regard to prosecution within boards.

146 BARTON: That could be an issue; in the past five years we have not.

164 SEN. PHILLIPS: Why do you expect the Attorney General fees to increase?

176 BARTON: We are in the process of rule review right now which deals with our licensing requirements. It has created a greater than anticipated Attorney General expense.

183 SEN. PHILLIPS: Discusses the language in the draft bill put in by Legislative Counsel.
-I do not like things that don't have specific limits on fees.

206 CHAIR DUKES: Because of the internal difficulty you are having I am not entirely convinced that this might be adding fuel to the fire.

215 BARTON: Continues with testimony. (EXHIBIT F)

229 CHAIR DUKES: What was the budget that the Ways and Means subcommittee approved based on? If you went to the maximum of \$1,500.00 in the original bill would you still have to go to the Emergency Board?

231 BARTON: It was based on \$1,250.00 fee. We would still have to go back to the Emergency Board or the legislature for an increase.

242 CHAIR DUKES: So you are anticipating a \$1,200.00 fee. The original bill would cover your immediate needs and allow for some increase if necessary.

256 JODY FISHER, CAPTAIN MARK NICHOLS, CAPTAIN GORDON HOWE, LEWIS & CLARK PILOTAGE: Submits and reviews written testimony. (EXHIBIT G)

293 SEN. DUFF: So the \$1,500.00 fee in the original SB 245 is okay?

295 NICHOLS: What ever is needed to keep things operating.

298 SEN. MCCOY: Discusses the increase in fees.

WORK SESSION SB 245

336 SEN. PHILLIPS: Suggests conceptual amendment to SB 245.

352 SEN. SMITH: If we left in the word "subject" on line 6 of SB 245, would that allow them to adjust the fees on their own?

360 CHAIR DUKES: Up to the \$1,500.00 dollar limit; with the approval of the appropriate legislative board.

387 SEN. PHILLIPS: If they came back they would wind up in front of the Emergency Board.

388 BARTON: Our current budget is \$112,000.00 The proposed budget was voted out of the Ways & Means subcommittee on Thursday. There were some technical adjustments, but it was basically \$163,00.00 for administration for 1991-93. Projected revenue based on the license fee would generate \$175,000.00 in revenue.

TAPE 26, SIDE A

020 MOTION: Senator Phillips moves to change SB 245, on line 9 and 10 after the word "budget" put a period and delete the language "as it may be modified by the Emergency Board".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

024 MOTION: Senator Phillips moves SB 245, as conceptually amended, to Ways and Means with a "DO PASS" recommendation.

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES UNANIMOUSLY.

033 CHAIR DUKES: Adjourned the hearing at 10:05 a.m.

Submitted by,

Reviewed by,

Shannon Gossack,
Assistant

Ruth Larson,
Administrator

EXHIBIT LOG:

- A - Alan Willis, LC 3121, 2 pgs.
- B - Maura Roche, Testimony SB 272, 1 pg.
- C - Senator Dukes, -3 Amendment SB 272, 1 pg.
- D - Senator Smith, -2 Amendment SB 272, 1 pg.
- E - Joan Plank, Testimony sSB 72, 4 pgs.
- F - Virginia Barton, Testimony SB 245, 8 pgs.
- H - Cpt. Mark Howe, Testimony SB 245, 1 pg.