

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
WS: SB 907
PH: SB 615

SENATE COMMITTEE ON
TRANSPORTATION

March 12, 1991Hearing Room C
8:00 a.m.Tapes 40 & 41

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: Senator Frank Roberts
Jeff Stone, Columbia River Bar Pilots
Sue Hanna, Legislative Counsel
Laurel Whitehurst, Citizen
David Ingerson, United Cerebral Palsy of Oregon
Jack Munro, Oregon Food Industries
Eugene Organ, Oregon Disabilities Commission
Tina Dugan, Staff, Senator Frank Roberts
Jayme Armstrong, Staff, Senator Frank Roberts
Jose' Mata, Staff, Senator Frank Roberts

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TAPE 40, SIDE A

010 CHAIR DUKES: Calls hearing to order at 8:15 a.m.

PUBLIC HEARING SB 615

013 SENATOR FRANK ROBERTS: Discusses intent of SB 615.
-Expresses concern over compliance with the current law.
-Submits SB 615-1 amendments. (EXHIBIT A)

096 JOSE MATA, STAFF, SENATOR ROBERTS: The purpose of SB 615 provides for towing of cars parked in disabled parking spaces without a permit.

112 CHAIR DUKES: What parking structures does this bill address?

116 MATA: There are at least 26 parking spaces that this bill would address. The bill also addresses areas with a population of 10,000 or more or one which is within two miles of city limits.
-Reviews SB 615

135 SEN. PHILLIPS: Have you talked to people that own a lot of different facilities?

139 MATA: We met with a representative of the retail businesses. They are concerned about towing their customers and how that would affect their business.

150 JAYME ARMSTRONG, STAFF, SENATOR ROBERTS: Discusses which retailers were contacted and how those retailers currently operate with a towing contract.

159 SEN. PHILLIPS: Does this conflict with the City of Portland ordinance?

162 MATA: We didn't check.

164 SEN. PHILLIPS: We don't know if they have a problem with this.

167 MATA: My understanding is that they are currently using three tickets and then towing.
- Discusses city center parking.
-Continues reviewing intent of SB 615.

195 CHAIR DUKES: Reviews how SB 615 would affect a business owner with 100 parking spaces.
-Would the tow truck driver need permission from the owner of a business?
-Discusses the issue of liability in regard to towing.

220 MATA: The towing people are concerned about liability.

225 CHAIR DUKES: Did you talk to any independent business owners?
-Discusses the City of Portland in regard to availability of towers.
-Expresses concern about this bill and how it would work in rural areas.

243 MATA: There are already numerous contracts where the towing companies have contracts with independent companies.

255 CHAIR DUKES: Smaller areas tend not to have contracts with towing companies.

263 MATA: Discusses the population intent of SB 615-1 amendments. (EXHIBIT A)

275 CHAIR DUKES: I have concerns about the amendments.

280 MATA: The amendments were put in because of the concerns from the towing businesses.
-The main purpose of the bill is to make towing mandatory.

340 SEN. SMITH: Do you think the real intent is to stop people from parking in spaces initially?

368 MATA: The bill would add language to the sign concerning the towing company.

377 SEN. SMITH: Will the sign say you car will be towed?

383 MATA: Yes, it does say that in SB 615.

407 TINA DUGAN, STAFF, SENATOR FRANK ROBERTS: Discusses statistics in regard to citations issued. (EXHIBIT B)

TAPE 41, SIDE A

020 CHAIR DUKES: Can police go onto private property to patrol?

023 MATA: I think that would be a 4th amendment issue. It might constitute a search.

027 CHAIR DUKES: If we stayed with the original bill then the police could only patrol those private lots where the owner had given permission.

030 MATA: Explains the limitations outlined in the SB 615-1 amendments. (EXHIBIT A)

033 SEN. SMITH: I think SB 615 and the amendments say that the owner of the facility will authorize by contract or otherwise.

039 SEN. TIMMS: I don't see a real problem with handicapped spaces being used by people without

a permit.

-Discusses personal experience with being towed.

079 MATA: This bill utilizes the existing mechanism which is in current law regarding towing responsibilities.

090 SEN. TIMMS: Are you requiring a towing company to patrol?

093 MATA: Explains the original bill versus the amendments.

104 SEN. MCCOY: When we first passed this bill every thing went well.
-Discusses how individuals policed handicapped spaces in Portland.

137 SEN. PHILLIPS: How many private lots are we talking about?

140 MATA: We were unable to local any statistics on that. We have tried to limit this bill with the SB 615-1 amendments.

144 SEN. PHILLIPS: Discusses limitations of SB 615-1 amendments. Have you calculated the additional cost to these owners?

153 MATA: Explains cost in regard to the towing issue. Entering into the contract would not cost a company anything.

198 SEN. SMITH: I want to know what the impact would be on a disabled person.

235 EUGENE ORGAN, OREGON DISABILITIES COMMISSION: Submits and reviews written testimony. (EXHIBIT C)
-Suggests ways in which the patrolling of handicapped spaces could be handled.

332 SEN. PHILLIPS: Is there any type of market analysis that has been done to determine frequency of use or misuse?

351 ORGAN: We haven't done anything like that.

355 SEN. MCCOY: I think Fred Meyer has done a study.

369 SEN. PHILLIPS: Discusses the issue of mixing public lots with private lots.

389 ORGAN: It would be nice if there were some funding to accomplish the task.
-Discusses the enforcement issue.

TAPE 40, SIDE B

008 ORGAN: I think we have enough spaces at this point. We have tightened the issuing of the permits.

019 JACK MUNRO, ASSOCIATION OF OREGON FOOD INDUSTRIES: Most of the retailers would probably say that they have had to take four or five spots to make three disabled spots that aren't frequently not used.
-First rule of a retailer is to never offend the customer.
-Discusses the retail grocery issue in regard to competition.

072 CHAIR DUKES: Are you opposed to the amendments?

074 MUNRO: I think the original bill is a problem. I am opposed to SB 615.

084 SEN. SMITH: Your retail clients don't want one of their customers parked illegally to be offended. I suspect that if the population shifted and 51% was handicapped, your clients would be screaming for this kind of legislation.

103 MUNRO: I think you are drawing some inferences that aren't there. We attempt to service the handicapped community as well as we can. Relative to this particular

situation; there is a lot of information and statistics that we don't know.
-Discusses the possibility of having an angry customer because their car was towed.

122 SEN. SMITH: So your concern is for the handicapped person whose placard has fallen off the dash?

126 MUNRO: We are concerned about many things.
-Discusses the fact that a lot of grocers don't actually own their facility.
-Expresses concern about the liability issue.

152 CHAIR DUKES: Discusses the issue of patrolling in regard to SB 615.

157 MUNRO: What reasons exist for our enforcement agencies so that they aren't dealing with this issue is the real question.

165 CHAIR DUKES: Regardless of what the reasons are it isn't happening.
-Are your people interested in participating in solving this issue?

181 MUNRO: Yes we are.

189 CHAIR DUKES: When this bill comes before us again I would like something from the industry that you represent stating their position on this issue and some possible solutions to this issue.

200 DAVID INGERSON, UNITED CEREBRAL PALSY OF OREGON: Submits and reviews written testimony. (EXHIBIT D)

334 LAUREL WHITEHURST, CITIZEN: I feel this bill allows the business person to deal with this issue in a very effective way. (EXHIBIT E)
-Discusses specific areas where there are problems.

409 SEN. SMITH: If you were a business owners who had handicapped spaces out in front full of illegally parked cars, and a disabled person were hit in your lot would you be liable?

TAPE 41, SIDE B

018 WHITEHURST: I think that if I were a business owner I would look at that issue.

022 SEN. MCCOY: Which Fred Meyer did you mention?

025 WHITEHURST: The Fred Meyer on 158th up in Portland.

045 SEN. SMITH: Discusses why the police department does not cite on private property.

WORK SESSION SB 907

065 CHAIR DUKES: Explains why this bill is back for reconsideration.

078 SUE HANNA, LEGISLATIVE COUNSEL: Reviews SB 907-3 amendments. (EXHIBIT F)

103 SEN. SMITH: Do the SB 907-3 amendments refer to SB 907-2 amendments or the original printed bill?

107 HANNA: Explains line 1 of SB 907. It just conforms it to what you thought you were doing the last time.
-Discusses technical corrects made on page 1, line 10 of SB 907-3.
-On line 22 the bracket should be outside of the 2.
-Discusses other technical cross-reference changes that were made to SB 907 -3.

139 CHAIR DUKES: What does ORS 776.405, subsection 1-A do?

144 HANNA: That is the basic requirement that a pilot be on board. When I put in the new language I needed to conform all of my references.

145 SEN. SMITH: Can you explain the exceptions to SB 907-3 amendments, on

line 12.

153 HANNA: The Coast Guard wrote and said they did not want our statutory language. The exemption came straight out of the federal law. It refers to fishery, recreational or coastwise endorsement, which refers to vessels registered under the federal law. We need to exempt those so I don't have to have a pilot on my sail boat.

171 SEN. SMITH: What is a coastwise endorsement? What kind of boat is that?

175 JEFF STONE, COLUMBIA RIVER BAR PILOT: Discusses what a coastwise endorsement is.
-Discusses the difference between vessels under registry and vessels under enrollment.

176 SEN. SMITH: Discusses coastwise endorsements.

182 STONE: If it makes one stop overseas than it becomes registered and under the jurisdiction of the state.

189 SEN. SMITH: Would this amendment eliminate the part of the bill that would require a pilot to be trained for the Columbia? That was one of the parts of the bill I liked.

198 STONE: The laws on federal pilotage are not as tight as they should be. Yes, you are correct. In most cases there is a state pilot on board.

216 SEN. SMITH: Discusses the boat grounded in Astoria.

222 STONE: That was a foreign registered vessel.

226 CHAIR DUKES: SB 907 will require state licensed pilots on those ships for which we have the ability to require.

233 STONE: Discusses the problem with federal pre-emption.

MOTION: SENATOR PHILLIPS MOVES TO AMEND SB 907-3 AMENDMENTS, CHANGE BRACKET ON LINE 22, AND ON PAGE 2, ADD SUBSECTION 1-A ON LINE 24.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

258 MOTION: SENATOR PHILLIPS MOVES TO CHANGE LINE 19 AND 20, OF SB 907 TO ADD THE LANGUAGE, "SUBSECTION 1".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

269 MOTION: MOVES SB 907-3, AS AMENDED, TO THE AMENDED SB 907.

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

276 MOTION: SENATOR PHILLIPS MOVES SB 907, AS AMENDED, TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

287 CHAIR DUKES: Adjourns hearing at 10:27 a.m.

Submitted by, Administrator

Shannon Gossack
AssistantAdministrator

Ruth Larson

EXHIBIT LOG:

- A - Senator Frank Robert, SB 615-1 amendments, 2 pgs.
- B - Tina Dugan, Staff, Sen. Roberts, Testimony SB 615, 5 pgs.
- C - Eugene Organ, Testimony SB 615, 1 pg.
- D - David Ingerson, Testimony SB 615, 2 pgs.
- E - Laurel Whitehurst, Testimony, SB 615, 2 pgs.
- F - Senator Dukes, SB 907-3 amendments, 2 pgs.