

Senate Committee on Transportation  
March 21, 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.

Measures Heard

WS: SB 375  
SB 191  
PH: SB 506

SENATE COMMITTEE ON  
TRANSPORTATION

March 21, 1991Hearing Room C  
8:00 a.m.Tapes 49 & 50

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 Jeannette Hamby

Gil Bellamy, Oregon Traffic Safety Commission  
Stephanie Schmidt, Senator Hamby's staff  
Keith Woods, Citizen  
Jim Stevenson, Oregon State Police  
Senator Jane Cease  
Bill Seeley, Motor Vehicle Division  
Mike Stinson, Legislative Fiscal

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TAPE 49, SIDE A

008 CHAIR DUKES: Calls hearing to order at 8:12 a.m.

010 RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains SB 375-1, 375-2 & 375-3 amendments. (EXHIBIT A, B & C)

WORK SESSION SB 375

018 SENATOR JANE CEASE: Explains intent of SB 375.

047 CHAIR DUKES: Discusses the concern of out of state vehicles going through the process.

-Discusses fiscal impact regarding SB 375-3. (EXHIBIT D)  
-Why is there an increase in the number of FTE's?

073 BILL SEELEY, MOTOR VEHICLE DIVISION: Explains why there would be a need for 3 FTE's and how that is reflected in the fiscal.

078 SEN. SMITH: Why is there an increase in FTE's in the 93-95 biennium?

082 SEELEY: Discusses transaction forecast done by DMV.

089 SEN. SMITH: What about the reduction which may occur because of the trip permit issue?

094 SEELEY: Discusses the study DMV did in 1986 regarding the purchasing of trip permits.

103 SEN. SMITH: Do think people would really tell you the truth in regard to their insurance?

116 SEELEY: This is an unknown area. We don't know how many people purchase a trip permit in lieu of insurance. What we have is our best projection.

119 CHAIR DUKES: Last time you were here you said it would cost an extra .50 cents.

-Expresses concern over the fiscal impact statement.

-I thought we corrected the problem with the \$1.00 increase.

-Does Legislative Fiscal communicate with you on these impact statements?

-Revenues are considerably shorter than expenditures.

156 SEELEY: The fiscal is based on the information we gave fiscal. The net increase in revenue does

match what we gave them.

-Explains the revenue in regard to increased costs.

200 SEN. SMITH: Asks about the dollar amounts listed as services and supplies outlined in the fiscal. (EXHIBIT D)

210 SEELEY: Explains what is included in the supply cost outlined in the fiscal statement.

219 CHAIR DUKES: We are trying to fix a problem with people driving without insurance. What is the cheapest way to fix this?

226 SEELEY: The insurance problem is not an easy one. It simply has a cost associated with it.

228 CHAIR DUKES: Can't the division help absorb some of this? It sounds like you don't want to do this.

239 SEN. SMITH: You indicated that this would take an additional minute or minute in a half to do this. I don't think you need to recall the forms.

-Ninety three thousand dollars a year for the first biennium is outrageous.

260 SEELEY: The gross revenue with SB 375-3 amendments is \$523,000.00 dollars.

273 SEN. SMITH: I thought you estimated that you issued 300,000 permits not half a million.

278 SEELEY: Discusses the biennium and calendar issue.

294 SEN. SMITH: How many people admitted to you that they were buying trip permits in lieu of insurance?

296 SEELEY: About 1% of those sold admitted it.

-Discusses ways in which DMV absorbs increases.

313 CHAIR DUKES: What is your best guess on the issue of absorbing the cost?

320 SEELEY: This is going to increase the amount of time to issue the trip permits. There is a potential for a decrease which could reduce the amount of time.

338 CHAIR DUKES: Does the cost of the trip permit cover the cost of you issuing it?

342 SEELEY: The unit cost is just under \$5.00.

351 CHAIR DUKES: Why are we charging \$40.00 for permits issued for 120 days if it only costs you \$5.00 dollars to issue it?

356 SEELEY; Explains how past legislation determined that fee.

366 CHAIR DUKES: Can you shift your funds?

369 SEELEY: No we can not.

374 CHAIR DUKES: Discusses the process of trip permits and the process involved.

388 SEELEY: Discusses all fee legislation in regard to the Motor Vehicle Division.

393 CHAIR DUKES: Can the fiscal be absorbed with current fees?

397 SEELEY: Yes I think it can.

399 CHAIR DUKES: If your getting extra money on the 120 trip permits than that could be used to cover this fiscal.

407 SEN. SMITH: Does this bill go to Ways & Means?

412 CHAIR DUKES: This goes to Judiciary.

TAPE 50, SIDE A

018 CHAIR DUKES: We will still come a little better than even we increase nothing and tell you to begin to require then information when you issue the trip permit.

023 SEN. SMITH: I would like to see this bill go without the fiscal. If they need the 4 FTE's in the future than the Motor Vehicle Division can come back to us and make adjustments.

044 CHAIR DUKES: Existing fees will still cover the increase that we are doing and still have money left over to go into the trust.

047 SEN. SMITH: Expresses concerned about fiscal implications.

055 SEN. MCCOY: Discusses the fiscal impact figures and where Legislative Fiscal got information.  
-Are you still holding to the fiscal statement?

063 SEELEY: Yes we are.

069 CHAIR DUKES: Asks about the Emergency Board and Ways and Means in regard to DMV's funding.

074 SEELEY: If this increases the time in the field offices than we will go to the Emergency Board and Ways and Means.

077 CHAIR DUKES: You've already told me that we are taking in more in the fees now than what is needed to cover the program.  
-Expresses frustration with what goes on after session in regard to the Emergency Board.

080 SEELEY: Explains how money will be distributed in regard to the Highway trust fund.

094 CHAIR DUKES: How many trip permits do you issue for the top categories?

097 SEELEY: Explains data collected from DMV study.

112 CHAIR DUKES: Than 43% of your trip permits are coming into the category that is in excess of the amount of fee you need to cover the cost.

116 SEN. DUFF: Do you have the actual numbers for each category?

119 SEELEY: I don't have that information in front of me.  
-Explains numbers which were based on a target group.

125 SEN. DUFF: That is based on a 10 month period in 1986.

130 MOTION: SENATOR MCCOY MOVES TO ADOPT SB 375-2  
AMENDMENTS TO SB 375.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SENATOR MCCOY MOVES SB 375, AS AMENDED, TO THE FLOOR WITH  
A "DO PASS" RECOMMENDATION WITH A REQUEST TO THE SENATE  
PRESIDENT'S OFFICE THAT THE REFERRAL TO JUDICIARY BE RESCINDED.

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

183 CHAIR DUKES: Asks for clarification on the fiscal impact statement.  
(EXHIBIT D)

198 MIKE STINSON, LEGISLATIVE FISCAL: Explains why the fiscal was impacted  
by SB 375-3  
amendments.  
-Discusses the total amount of fees generated by the total trip permit fee.  
-Describes how the revenue on the fiscal was calculated.

262 CHAIR DUKES: The fees currently charged are more than enough to cover  
this transaction and  
then we get a fiscal like this. Is it possible to put a not into a fiscal  
like this that currently fees  
are sufficient to cover the increase?

272 STINSON: We can extend the analysis in the fiscal to cover the whole  
transaction.

287 CHAIR DUKES: With that would be the explanation that it would decrease  
revenues to the trust  
fund.

290 STINSON: Explain Motor Vehicle Division accounts and how they are  
distributed.

300 CHAIR DUKES: Could you get me the base figures of what goes into the  
trust account.  
transactions.

311 SEN. DUFF: The Motor Vehicle Division doesn't measure how much each fee  
earns.

318 STINSON: I think DMV could tell you that.

337 SEN. BROCKMAN: Asks for explanation of the fiscal analysis process.

355 STINSON: Discusses how the fiscal process works.

TAPE 49, SIDE B

009 SEN. BROCKMAN: People involved in your office aren't not influenced by  
the agencies.

016 CHAIR DUKES: Assuming what DMV has said is correct. Do you think this  
bill should go to  
Ways and Means?

023 STINSON: If the DMV budget is entirely dependent on one piece of  
legislation and they have  
to absorb the cost than the response time will suffer.

071 CHAIR DUKES: The reality would be that they would come before the  
Emergency Board.

072 STINSON: Discusses the Motor Vehicle Division budget in regard to SB  
375 .  
-Discusses how Ways & Means could modify the implementation of SB 375.  
-Discusses the odometer legislation.

075 CHAIR DUKES: I'd like to reconsider SB 375 and take out SB 375-3  
amendments and move the  
bill. The dash 3 amendments can be put on another bill.

089 CHAIR DUKES: Sen. Cease's part of the bill doesn't need to go to Ways &

Means.

092 MOTION: SENATOR SMITH MOVES TO RECONSIDER SB 375.

101 SEN. DUFF: If we don't require the evidence at the time of permit it could end up costing even more.

104 CHAIR DUKES: The SB 375-3 amendments will come back again on another bill.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

118 MOTION: SENATOR SMITH MOVES TO DELETE SB 375-2 AMENDMENTS PREVIOUSLY PASSED.

121 VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

124 MOTION: SENATOR SMITH MOVES SB 375 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION AND REQUESTS THAT THE SUBSEQUENT REFERRAL TO JUDICIARY BE RESCINDED.

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

PUBLIC HEARING ON SB 506

157 SENATOR JEANNETTE HAMBY: Discusses intent of SB 506.

175 KEITH WOOD, CITIZEN: Discusses personal experience with noise and vehicles. (EXHIBIT E)

234 SEN. HAMBY: Discusses SB 506-1 amendments. (EXHIBIT F)

287 STEPHANIE SCHMIDT, STAFF, SENATOR HAMBY: Continues with written testimony. (EXHIBIT E)

299 GIL BELLAMY, TRAFFIC SAFETY COMMISSION: Discusses the issue of safety in regard to noise levels.

325 CHAIR DUKES: What does "plainly audible" mean?

331 SCHMIDT: That you could hear the words of the music from 50' away.

337 CHAIR DUKES: Would that fix this problem?

342 WOODS: I believe the wording is an improvement.

359 CHAIR DUKES: We are taking out "can be heard" and putting in "plainly audible".

371 WOODS: Gives another example of experience with car stereos.

382 SCHMIDT: Explains intent of SB 506-1 amendments. (EXHIBIT F)

394 CHAIR DUKES: Expresses concern about relaying information to an officer.

410 JAMES STEVENSON, OREGON STATE POLICE: Discusses the noise issue in regard to police complaints.

TAPE 50, SIDE B

022 CHAIR DUKES: Will the language in the amendment be more or less enforceable?

033 STEVENSON: There might be a problem with enforcement within the courts. -Discusses the horn law in regard to distance.

044 CHAIR DUKES: If we worked with this and came up with some language that you could enforce you wouldn't have a problem with doing this?

051 SEN. SMITH: How did you come up with 50 feet? That seems to be a long

distance.

058 WOODS: It's about 50 feet from the lane closest to S.E. 32nd and my front window. The ordinance for Hillsboro is 100 feet and the distance for the City of Portland is 25 feet.

077 CHAIR DUKES: What about a convertible in the summer?

083 STEVENSON: I think this bill addresses extreme cases.

094 SEN. SMITH: I don't think you could hear my car stereo from 50 feet away, even with the windows rolled down and the volume all the way up. It seems like 50 feet is to long of a distance.

WORK SESSION ON SB 191

141 SEN. BROCKMAN: What ever became of the legislation from last session which allowed a school bus driver the ability to cite someone. What ever happen to that?

148 CHAIR DUKES: The only testimony from last time that seemed possible to do was the trooper on the train SB 191-1 amendments. (EXHIBIT G) The state police have also requested the SB 191 -2 amendments. (EXHIBIT H)

163 SEN. PHILLIPS: It seems to make sense to have the police aircraft able to cite.

169 STEVENSON: Explains the original intent of SB 191 in regard to the police aircraft.  
-Explains Operation Lifesaver.

196 CHAIR DUKES: What would you be using the aircraft for in terms of citations?

207 STEVENSON: The officer in the plane would be a witness, but the officer on the ground can cite based on probable cause.

208 SEN. BROCKMAN: How many planes do you have up there?

223 STEVENSON: Right now we have 4 aircraft, but they are only in the air for about 25 hours total for the whole year.

WORK SESSION ON SB 191

250 MOTION: SENATOR PHILLIPS MOVES TO AMEND SB 191-1 AMENDMENTS BY ADDING "FROM AN AIRCRAFT OR A TRAIN" IN LINE 2.

260 VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SENATOR PHILLIPS MOVES SB 191-1 AMENDMENTS, AS AMENDED, TO SB 191.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

292 MOTION: SENATOR PHILLIPS MOVES SB 191, AS AMENDED, TO THE FLOOR WITH A "DO PASS" RECOMMENDATION WITH A LETTER TO THE SENATE PRESIDENT TO RESCIND THE SUBSEQUENT REFERRAL TO JUDICIARY.

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

300 SEN. BROCKMAN: We aren't talking about casual stuff. We're not going to have police officers picking on people that they might not particularly like.

318 CHAIR DUKES: Adjourns hearing at 9:58 a.m.

Submitted by, Reviewed by,

Shannon GossackRuth Larson  
AssistantAdministrator

EXHIBIT LOG:

- A - Staff, SB 375-1 amendments, 1 pg.
- B - " "-2 amendments, 1 pg.
- C - " "-3 amendments, 2 pgs.
- D - Staff, SB 375 fiscal, 2 pgs.
- E - Keith Wood, SB 506, 3 pgs.
- F - Sen. Hamby, SB 506-1 amendment, 4 pgs.
- G - Sen. Dukes, SB 191-1 amendment, 1 pg.
- H - Staff, SB 191-2 amendment, 1 pg.
- I - Staff, SB 191, 8 pgs.