

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 & WS:
SB 172
SB 74
SB 75
SB 970

SENATE COMMITTEE ON
TRANSPORTATION

April 2, 1991Hearing Room C
8:00 a.m.Tapes 55 & 56

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: Larry McCall, Oregon ATV Association
Joe Thomas, Oregon ATV Association
Bill Seely, Motor Vehicle Division
Dale Penn, Oregon District Attorney Assoc.
Jim Hunter, Motor Vehicle Division
Joan Plank, Motor Vehicle Division
Karl Krueger, Motor Vehicle Division

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TAPE 55, SIDE A

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

013 RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains SB 172-1 amendments. (EXHIBIT A)

017 DALE PENN, OREGON DISTRICT ATTORNEY ASSOCIATION: Testifies in support of

SB 172.

-Discusses felony and misdemeanor prosecutions.
-It will be a significant costs savings for DMV.
-Suggests the committee look at some of the forfeiture bills now pending.
-We request that lines 16-21 of the original SB 172 be retained.

061 PENN: Discusses current forfeiture bills.

063 JIM HUNTER, DEPUTY ADMINISTRATOR, MOTOR VEHICLE DIVISION: Submits written testimony. (EXHIBIT B)

-Discusses SB 172-1 amendments in regard to number of cases that may not be able to be

prosecuted.

106 SEN. MCCOY: How did you come up with the 6,000 figure?

109 HUNTER: Those are based on actuals for 1990.

112 CHAIR DUKES: The SB 172-1 amendments would enlarge the bill to include those 6,000 cases.

118 SEN. TIMMS: Of the notices returned to you do you still pay the postage? Are 80% of the notices not ones prosecuted by the District Attorney?

122 HUNTER: That is correct.

123 SEN. TIMMS: How long has certified mail been in effect?

126 HUNTER: Discusses the original intent behind the issue of mailing notices.
-Discusses an experimental mailing process done by Motor Vehicles.

167 SEN. TIMMS: Has this been proposed before?

168 SEN. PHILLIPS: We worked on this last session.

170 SEN. TIMMS: It seems to make sense.

172 HUNTER: If we can isolate those 6,000 cases then this would be a substantial savings.

177 CHAIR DUKES: Does SB 172 isolate those 6,000 cases?

181 HUNTER: I would need to look at this in more depth.

187 CHAIR DUKES: Explains the time frame involved. This is your shot.

198 HUNTER: We balanced it and thought the fiscal impact was worth some of those concerns. We would have the original bill rather than no bill at all.

209 CHAIR DUKES: Is there a middle ground?

212 SEN. PHILLIPS: Last session we started down this road. The original bill will probably see more success. The amendments make me nervous.
-Discusses convictions versus suspensions.

WORK SESSION ON SB 172

230 MOTION: SENATOR PHILLIPS MOVES SB 172 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

PUBLIC HEARING SB 74

260 LARSON: Explains SB 74 and why there is no revenue impact statement.

285 SEN. MCCOY: Motor Vehicles would know what the impact is.

296 JOAN PLANK, DIVISION OF MOTOR VEHICLES: Submits written testimony. (EXHIBIT C)

304 CHAIR DUKES: What else is exempt?

311 PLANK: Discusses mobile home toters.

320 PLANK: The intent of legislation last session was to either have a vehicle pay higher registration fees or weight mile tax not both.

WORK SESSION SB 74

330 MOTION: SENATOR PHILLIPS MOVES SB 74 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION AND REQUESTS THAT THE SUBSEQUENT REFERRAL TO WAYS & MEANS BE RESCINDED.

336 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES UNANIMOUSLY. SENATOR DUFF WILL CARRY.

PUBLIC HEARING SB 75

386 LARSON: Explains the Attorney General's opinion on SB 75. (EXHIBIT D)

400 PLANK: SB 75 would allow DMV to suspend the license of a person convicted in a juvenile court.

TAPE 56, SIDE A

002 CHAIR DUKES: So if they were 17 years old and they got a 3 year suspension than under this it would go up to 20 years of age. Does Juvenile court have this authority for anything else?
What is the maximum amount of time DMV can suspend a license?

010 KARL KRUEGER, MOTOR VEHICLE DIVISION: The types of suspension we are talking about the maximum time of suspension is 5 years, and yes Juvenile court has this authority for other things.

012 SEN. PHILLIPS: Asks about a work permit license and if it would be effected.

018 KRUEGER: It would depend on the type of suspension. These offenses that we are talking about are revocations and so there is no provision for that sort of thing.
-We are talking about murder, manslaughter, criminal negligent homicide, assault, recklessly endangering another person, criminal mischief and criminal trespass.

028 CHAIR DUKES: Do you suspend past the age of 18 on a DUII?

031 KRUEGER: That is correct. It would be treated the same as the adult suspension.

039 SEN. SMITH: Are these acts done with a vehicle?

040 KRUEGER: Yes they have to involve a vehicle.

041 SEN. PHILLIPS: Criminal trespass and mischief have to occur with a vehicle.

040 PLANK: We are not adding new suspensions. We do estimate the numbers to be small.

WORK SESSION SB 75

050 MOTION: SENATOR TIMMS MOVES SB 75 TO THE JUDICIARY COMMITTEE WITH A "DO PASS" RECOMMENDATION.

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

PUBLIC HEARING ON SB 970

074 JOE THOMAS, CITIZEN: Submits and reviews written testimony. (EXHIBIT E)

119 LARRY MCCALL, OREGON ATV ASSOCIATION: Submits and reviews written testimony. (EXHIBIT F)

143 SEN. TIMMS: What does it take to be an ATV instructor?

146 MCCALL: Explains requirements needed to be a qualified instructor.

150 SEN. TIMMS: Who determines the courses?

158 THOMAS: I think the criteria was developed by the ATV safety institute.

165 SEN. TIMMS: Expresses concern over issuing plates that wouldn't be used properly.

170 MCCALL: There is a consumer product safety commission that has developed guidelines which are in the ATV institute requirements.

177 THOMAS: Explains the instructor courses and the process of becoming a registered ATV instructor.

191 SEN. BROCKMAN: Asks about machines not registered.

197 THOMAS: Explains the process of the manufacturers in regard to the machines.

203 SEN. BROCKMAN: What about the title?

206 THOMAS: The machine when it comes to us is in the same status as when it goes to a dealer.

215 SEN. MCCOY: Does an operator need insurance?

218 THOMAS: Not at this time.

222 CHAIR DUKES: These are off road vehicles.

226 THOMAS: Discusses the risk involved and who pays in case of an injury.

237 SEN. MCCOY: What are the different classes of off road vehicles?

242 THOMAS: Explains the different classifications of the all terrain vehicles.

249 CHAIR DUKES: This bill relates to class I only.

256 BILL SEELY, MOTOR VEHICLE DIVISION: Submits and reviews written testimony. (EXHIBIT G)

277 CHAIR DUKES: How do you know if the instructor is in good standing?

281 SEELY: When we issue the plate we would know but after that we don't.

288 SEN. SMITH: Why does the state of Oregon require plates for off road vehicles?

294 SEELY: That law came about in 1987 at the request of the ATV industry and users.

307 SEN. BROCKMAN: Asks about the process in getting registered to drive an ATV.

317 SEELY: Explains DMV's process for registration of ATV instructor and machine.

325 CHAIR DUKES: I'm nervous about turning out 8 plates forever.

329 SEELY: It wouldn't really be a problem to renew the plates since that is our business.

336 SEN. SMITH: Who administers the reclamation fund that the registration fees go into?

342 SEELY: The ATV Allocation Account Committee.

351 MCCALL: The ATV account is handled through ODOT and the Highway Division. The purpose for the titling and registration was to have the vehicles titled for theft purposes.
-Discusses the 1985 legislation regarding the ATV account.

385 CHAIR DUKES: What about these being renewed periodically.

392 MCCALL: That would be fine.

402 SEELY: Instructor permits are renewed every two years, maybe we could tie that in together.

410 CHAIR DUKES: So a person would submit their instructor permit to get the plates.

TAPE 55, SIDE B

011 THOMAS: An expiration date would be fine.
-Explains the report each instructor must submit.

025 SEN. SMITH: Would it be revoked if they don't renew?

029 SEELY: We could tie the expiration to the permit.

035 CHAIR DUKES: If they didn't send their information in you wouldn't automatically renew the registration.

042 SEELY: Explains the costs involved with getting the plates made.

056 CHAIR DUKES: I would prefer not to go in the hole with this.

062 SEELY: Right now there are 11 instructors that are active.
-Discusses other ways in which the renewal would effect the division.

081 CHAIR DUKES: How often do you get stopped?

083 THOMAS: That really isn't an issue.

085 CHAIR DUKES: Why couldn't we exempt ATV vehicles used for training?

086 THOMAS: Explains why there would be some problem with exemption.

108 CHAIR DUKES: Let's work all of this out and come up with something that makes sense.

110 CHAIR DUKES: Adjourns hearing at 9:20 a.m.

Submitted by, Reviewed by,

Shannon GossackRuth Larson
AssistantAdministrator

EXHIBIT LOG:

- A - Staff, SB 172-1 amendments, 4 pgs.
- B - Jim Hunter, SB 172, 2 pgs.
- C - Joan Plank, SB 74, 3 pgs.
- D - Staff, SB 75, 5 pgs.
- E - Joe Thomas, SB 970, 2 pgs.
- F - Larry McCall, SB 970, 1 pg.
- G - William Seely, SB 970, 1 pg.
- H - Staff, SB 970, 1 pg.