

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 191
SB 192
WS: SB 506
SB 663
PH: SB 559

SENATE COMMITTEE ON
TRANSPORTATION

April 4, 1991Hearing Room C
8:00 a.m.Tapes 57 - 59

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: Stephanie Schmidt, Senator Hamby
Bill Drew, Senator Hamby
Representative Tom Novick
Jim Stevenson, Oregon State Police
Doug Gyllenskog, Weighmasters
Richard Angstrom, Oregon Concrete & Aggregate Association
Senator Lenn Hannon
Wanda Wahus, Oregon Independent Auto Dealer Association
Jim Markee, Oregon Collectors Association
Keith Burns, Oregon Financial Association
Jeanine Meyer-Rodriguez, Oregon Public Employees
Donna Kelly, Oregon Public Employees
Charles Williamson, Oregon Trial Lawyers Association
John Powell, State Farm Insurance
Bob Keyser, Oregon Assoc. Process Servers, Oregon Council of Police
Association
DonnaKay Olson, Representative Sowa
Jim Long, American Civil Liberties Union of Oregon
John Jurvay, Oregon Newspaper Publishers Association
Ray Gribbling, Oregon Auto Dealers Association
Al Alkins, Oregon Tow Truck Association

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TAPE 57, SIDE A

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

WORK SESSION SB 506

010 STEPHANIE SCHMIDT, STAFF, SENATOR HAMBY: Submits SB 506-3 amendments. (EXHIBIT A)

014 BILL DREW, STAFF, SENATOR HAMBY: Explains SB 506-3 amendments in regard to ORS 815 .025.
-DMV suggested that we put this amendment under ORS 809.6.

045 CHAIR DUKES: So we would have a separate statute that would deal with a noisy stereo?

046 SEN. BROCKMAN: Playing your stereo too loud is with failing to yield to an emergency vehicle?

054 SEN. PHILLIPS: You probably wouldn't hear the emergency vehicle if you had your stereo blasting.
-Asks if the definition of "clearly audible" is addressed in the amendments.

061 DREW: Discusses the language on line 17 of SB 506-3.

068 LARSON: Explains that the language was agreed upon by all parties involved.

079 CHAIR DUKES: So the man that was here last time wouldn't be helped under the SB 506-3 amendments?

083 SEN. PHILLIPS: It sounds like this is broad enough that it would include the "boom-boom" issue.

087 SEN. BROCKMAN: Discusses the Seaside, Oregon ordinance regarding loud music.
-How many offenses do you have to have to get a ticket?

107 DREW: This would be on the first time unless the police officer gave a warning first.

112 REPRESENTATIVE TOM NOVICK: Explains why he is interested in SB 506.
-Discusses anti-cruise ordinance in his district.
-Explains HB 2661 in regard to SB 506.

162 SEN. MCCOY: What is the status of HB 2661?

165 REP. NOVICK: The Chair of House Transportation is holding it to see what happens with SB 506 .

172 JIM STEVENSON, OREGON STATE POLICE: We can enforce SB 506-3 amendments, and it does include the "boom-boom" issue.

180 SEN. BROCKMAN: Is Mr. Woods satisfied with the SB 506-3 amendments?

191 SCHMIDT: He is fine with the amendments.

196 SEN. SMITH: What is the difference between subsection 1 and 2 of SB 506 -3 amendments?

205 DREW: It is existing law and this is just changing the ORS.

208 SEN. SMITH: How many times would a person have to commit these offenses before having a suspension?

211 SCHMIDT: It is a total of twenty offenses.

WORK SESSION SB 506

230 MOTION: SENATOR SMITH MOVES SB 506-3 AMENDMENTS TO SB 506.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SENATOR SMITH MOVES SB 506, AS AMENDED, TO THE JUDICIARY COMMITTEE WITH A "DO PASS" RECOMMENDATION.

237 VOTE: THE MOTION CARRIES UNANIMOUSLY.

WORK SESSION ON SB 663

265 RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains SB 663-1 amendments. (EXHIBIT B)

274 DOUG GYLLENSKOG, WEIGHMASTER: The weighmaster you're talking about works for Jackson County not for ODOT.

302 SEN. PHILLIPS: Discusses sideboards in regard to shifting loads and movement.
-We do a good job regulating the honest person and the dishonest person goes ahead and breaks the law.

321 GYLLENSKOG: Discusses how the law would be enforced at the scale.

340 SEN. PHILLIPS: I saw some trucks this morning that had tarps on their loads. Are the big operators where the problems are?

350 GYLLENSKOG: This would get at some of the problems.
-Part of the problem with rock on the highway is that it comes from other things besides a dump truck.
-If the truck were carefully loaded then I don't see how it could be an undue burden to the individual.
-Discusses peaking and the shifting of loads.

391 SEN. SMITH: Is there a statute that deals with the six inches and load covering issues?

TAPE 58, SIDE A

003 GYLLENSKOG: How much further the vehicle had to travel to their destination would be one

question that would enter into the decision.
-Explains the trial situation in regard to the weighmaster.

025 SEN. SMITH: It seems to be a very difficult statute to enforce from your standpoint. Who decided on the figure of six inches?

028 GYLLENSKOG: That came from Washington State.
-Discusses the material of the load and how that would be a consideration

038 MOTION: SENATOR MCCOY MOVES SB 663 TO JUDICIARY.

040 SEN. PHILLIPS: Asks that the industry come up to answer question before the Committee moves on the bill.

042 RICHARD ANGSTROM, OREGON CONCRETE AND AGGREGATE ASSOCIATION:
I would be happy to answer any questions.

048 SEN. PHILLIPS: Why couldn't a person load up their truck to conform to the six inches?

058 ANGSTROM: Discusses different types of loads and how they settle.

078 CHAIR DUKES: How can they do this in Washington and California and make money, and we can't do it here?

083 ANGSTROM: Cost can be passed on in some cases but not always.

098 SEN. SMITH: Rates on sand and gravel are set by the market place. I think that the cost would be passed on to the consumer if this law passed.

105 CHAIR DUKES: But the tarped trucks wouldn't fall under this law.

119 SEN. DUFF: Asks about the cost to state in regard to covering their loads.

120 LARSON: Even with the amendments this does not have a fiscal impact.

122 SEN. DUFF: I am amazed that there isn't an impact.

134 VOTE: IN A ROLL CALL VOTE THE MOTION FAILS WITH SENATORS TIMMS, DUFF, BROCKMAN AND SMITH VOTING NAY, AND SENATORS MCCOY, PHILLIPS AND DUKES VOTING AYE.

PUBLIC HEARING ON SB 192

148 JIM STEVENSON, OREGON STATE POLICE: Submits and reviews written testimony. (EXHIBIT C)

179 SEN. DUFF: What percentage of accidents are involved with the 21 thousand?

188 SEN. SMITH: This failure to appear is for a traffic infraction.

191 STEVENSON: That is correct.

193 LARSON: Submits written testimony of Barbara Stoeffler (EXHIBIT D)

WORK SESSION 192

208 MOTION: SENATOR BROCKMAN MOVES SB 192 TO JUDICIARY WITH A "DO PASS" RECOMMENDATION.

VOTE: THE MOTION CARRIES WITH SENATOR PHILLIPS EXCUSED.

PUBLIC HEARING ON SB 559

257 LARSON: Explains SB 559-1, 2, 3, 4, 5 & 6 amendments. (EXHIBITS E, F, G, H, I & J)
Submits written testimony regarding the proposed ORS changes. (EXHIBIT K)

312 SENATOR LENN HANNON: Discusses intent of SB 559.
-Discusses businesses who buy lists from DMV for business purposes.
-Explains language on line 13 of SB 559.
-We as elected officials will be effected by this. People resent the fact that DMV is giving out this information. This is not to restrict the availability of DMV, police, bank and other people associated with vehicles to conduct their business. It is intended to restrict access to the general public.

387 CHAIR DUKES: So you want access for only those people who have legitimate involvement with DMV.

394 HANNON: It would be easier to let the individual choose in regard to this issue.

405 CHAIR DUKES: Explains personal experience with being notified through

lists that were bought
from DMV.

TAPE 57, SIDE B

008 SEN. SMITH: Would this keep someone who was interested in purchasing a used vehicle from a car lot from going to DMV and determining whether or not the car had been in an accident?

018 HANNON: Refers to language in SB 559-1 amendments on line 15.

034 SEN. SMITH: The consumer may not know that the dealer can get this information.

037 HANNON: Are you talking about individual sells?

040 SEN. SMITH: Sells from a dealer.

048 SEN. DUFF: What do you mean by "the normal course of business"? Would someone need a security interest in a vehicle?

052 HANNON: I think you need to look at that language to define what ordinary course of business is.

057 SEN. TIMMS: Suggests that SB 559-6 amendments would take care of things. (EXHIBIT J)

075 HANNON: The bill started out simple but now everyone wants to be exempt.

082 SEN. DUFF: Do we have a Freedom of Information Act in Oregon? I would like to know how SB 559 fits with that act.

093 HANNON: We need to seriously look at what this information is being used for.
-Discusses the revenue to DMV in regard to this information.
-Clarifies intent of SB 559.

122 WANDA WAHUS, OREGON INDEPENDENT AUTO DEALERS ASSOCIATION: Submits and reviews written testimony. (EXHIBIT L)

156 SEN. SMITH: Accident reports are not tied to the vehicles?

164 WAHUS: I don't believe so. We have a bill that deals with the unlicensed person that is selling cars out on the street. There would be no protection for a person who buys from that type of person.
-We have no problem with SB 559-1 amendments as long as our people can get the information they need.

176 JIM MARKEE, OREGON COLLECTORS ASSOCIATION: The original bill did not make an exemption for collections agencies. We feel we have a legitimate need for this information.
-We support SB 559-2 amendments. (EXHIBIT F)

192 SEN. SMITH: How do you feel about the bill?

195 MARKEE: We would have to oppose the bill without SB 559-2 amendments.

199 SEN. TIMMS: Did you look at the SB 559-6 amendments regarding financial interest?

204 MARKEE: That wouldn't necessarily relate to my client. They may or may not have an interest in the vehicle at the time they are inquiring about it.
-Discusses the registration file and the license file.

236 KEITH BURNS, OREGON FINANCIAL SERVICES ASSOCIATION: Discusses SB 559-3 amendments.

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

309 CHAIR DUKES: Even under the original bill you would need to block out certain information?

313 SEELY: Yes that would be the case.
-Discusses identification requirements for an exemption list.

321 CHAIR DUKES: You have existing exemptions. How do you deal with that?

325 SEELY: Discusses the process in place.
-Discusses SB 559-6 amendments.
-Explains three areas that need to be exempt.

386 CHAIR DUKES: How do you prove you have a financial interest?

391 SEELY: That seems to be the problem area.

412 SEN. TIMMS: Asks about requirements currently in statute.

422 SEELY: Discusses possessory liens and how they are carried out.

TAPE 58, SIDE B

019 SEN. TIMMS: You are saying you haven't had an opportunity to study this?

022 SEELY: I understand DMV's amendments and the reason. I am unclear on the amendments by the financial institutions and why they might want information.

025 SEN. PHILLIPS: Discusses the Freedom of Information Act in regard to media.

032 SEELY: This is a policy decision that needs to be made by the Committee.

040 SEN. PHILLIPS: Does this close the media out?

043 SEN. DUFF: Why couldn't this be an individual choice?

050 SEELY: Explains past legislation regarding the bulk mail issue.

059 SEN. DUFF: Has this process been used?

061 SEELY: We had about 3,000 records marked in that manner.

060 SEN. DUFF: What is the financial impact if you can't sell this information anymore?

069 SEELY: We haven't had a chance to figure that impact yet, because the list kept growing.

077 SEN. SMITH: I would like to know the fiscal and revenue impacts before we take action on this.

083 SEN. DUFF: Asks about the numbers of people exempting out of the bulk mailing issue.

087 SEN. TIMMS: If you mark the box, then someone can't do what?

090 SEELY: Explains that the checked box would prohibit bulk mailings.

096 SEN. DUFF: This would not prevent a financial institution from re-marketing that list.

123 JEANINE MEYER-RODRIGUEZ, OREGON PUBLIC EMPLOYEES UNION: Reviews intent of SB 559.

129 DONNA KELLY, OREGON PUBLIC EMPLOYEE UNION: Submits and reviews written testimony.(EXHIBIT N)

221 CHAIR DUKES: Do you support this bill?

226 MEYER-RODRIGUEZ: Our interest is violence against individuals not junk mail.

-Distinguishes between individuals and organizations.

-Discusses the accounts that businesses have with DMV in regard to obtaining information.

260 CHAIR DUKES: There is a record kept by DMV on people who ask for information.

265 MEYER-RODRIGUEZ: Donna Kelly doesn't have access to that.

277 CHAIR DUKES: What about the bill as written?

280 MEYER-RODRIGUEZ: There are a number of organizations not excluded that want the information.

-My interest is protecting people from violence, not marketing.

299 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Submits and reads written testimony.(EXHIBIT O)

357 JOHN POWELL, STATE FARM INSURANCE: The bill appears to be designed to prevent someone from getting the name and address from a plate number. We would already have the name and address of the person.

-Suggests language on line 7 of SB 559; that would include insurer or agent.

TAPE 59, SIDE B

013 BOB KEYSER, OREGON ASSOCIATION OF PROCESS SERVERS, OREGON COUNCIL OF POLICE ASSOCIATIONS: Discusses SB 559-4 amendments.

-Process servers are not registered in the state of Oregon.

-Someone that is very serious about causing harm to someone will do it where ever they can.

-Discusses cautionary steps that could be put in place regarding personal information.

079 CHAIR DUKES: Is it fair to say that the Police Association would not object to returning to the

original language in the statute; whereby they would use their home address not their business address.

080 KEYSER: I can't answer that question.

084 SEN. DUFF: Do the SB 559-4 amendments cover only people who have Errors and omissions insurance? Does it cover other process servers?

090 KEYSER: No it wouldn't. The Secretary of States office provides a number for the servers who have the insurance.

105 CHAIR DUKES: We could also license and register process servers.

114 SEN. DUFF: This would possibly restrict process servers to some degree.

121 SEN. SMITH: If you didn't serve writs of garnishment would you still be a process server and would you be required to have this insurance?

122 KEYSER: You would not be required to carry the insurance.

127 DONNAKAY OLSON, SECRETARY, LARRY SOWA: Submits and reviews written testimony. (EXHIBIT P)
-Discusses the profit DMV makes from private citizens requesting this information.
-Suggests charging people to keep their name off the list.

169 CHAIR DUKES: Which list are you talking about?

170 OLSON: The people who walk in off the street and ask for a person's address.

167 SEN. SMITH: Representative Sowa would support the idea of having a person paying not to have any information given out?

171 OLSON: It would be some protection.

179 JIM LONG, AMERICAN CIVIL LIBERTIES UNION OF OREGON: Supports SB 559 as written.
-The existing laws of Motor Vehicles Division are inappropriate.
-Citizens have rights to privacy.
-Discusses HB 2974; which sets up an interim committee to look at this issue across the board.
-Explains the Electronic Records Advisory Committee.

247 JOHN GERVAIS, OREGON NEWSPAPERS PUBLISHERS ASSOCIATION: Opposes SB 559 ; this is an intrusion on the open records process of this state.
-Discusses the commission put together to look at this issue.
-Suggests that DMV set up some sort of trail of information.
-If the Committee does take action on SB 559 we would ask that you create a media exemption; which goes against our normal policy.
-Our legal counsel has not looked at this issue.

286 SEN. SMITH: I am surprised that your association would take such a position.

335 RAY GRIBLING, OREGON AUTOMOBILE DEALERS ASSOCIATION: Supports SB 559-1 amendments if the bill moves out of committee.
-There are other people who sell lists.

367 CHAIR DUKES: I have heard that the key piece to DMV records is the age.

376 GRIBLING: On behalf of the dealers we need this information.

392 AL ELKINS, OREGON TOW TRUCKS ASSOCIATION: On line 17 of SB 559-1 amendments there were three words left out. The language, "or it's agent's", should be inserted after the ORS 822.205.

429 CHAIR DUKES: Adjourns hearing at 10:00 a.m.

Submitted by, Reviewed by,

Shannon GossackRuth Larson
AssistantAdministrator

EXHIBIT LOG:

A - Senator Hamby, SB 506-3 amendments, 3 pgs.
B - Gordon ClaSB y, SB 506-1 amendments, 2 pgs.
C - Jim Stevenson, SB 192, 22 pgs.
D - Staff, Testimony SB 192, 1 pg.
E - Senator Hannon, SB 559-1, 1 pg.
F - Staff, SB 559-2 amendments, 1 pg.
G - Staff, SB 559-3 amendments, 1 pg.
H - Staff, SB 559-4 amendments, 1 pg.
I - Staff, SB 559-5 amendments, 1 pg.

J - Staff, SB 559-6 amendments, 1 pg.
K - Senator Hannon, Testimony SB 559, 2 pgs.
L - Wanda Wahus, SB 559, 1 pg.
M - William Seely, SB 559, 1 pg.
N - Donna Kelly, SB 559, 3 pgs.
O - Charles Williamson, SB 559, 1 pg.
P - DonnaKay Olson, SB 559. 1 pg.