

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.

SENATE COMMITTEE ON
TRANSPORTATION

May 7, 1991Hearing Room C
8:00 a.m.Tapes 81-83

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
Scott Marshall, Committee Assistant

MEASURES CONSIDERED: SB 859 - Requires impoundment, confiscation and forfeiture of vehicle driven by person with two or more DUII's. SB 1064 - Requires interstate truck transportation of hazardous substance to use only interstate highways. SB 559 - Prohibits Motor Vehicles Division from releasing name or address of owner of vehicle. SB 689 - Allows motorized wheelchairs to use bicycle lanes and paths. SB 136 - Allows Children's Services Division employees to use employment address rather than residence address for motor vehicle records. SB 495 - Allows certain Department of Human Resources employees to use employment address rather than residence address on motor vehicle records.

WITNESSES: Senator Jim Bunn
Frank Brawner, Oregon Banker's Association
Joan Plank, Department of Motor Vehicles
Joanne Peterson, Department of Motor Vehicles
Paul Henry, Public Utility Commission
Lisa Martinez, Senator Hannon's Office
Bill Seely, Department of Motor Vehicles
Senator Grattan Kerans
Eugene Oregon, Oregon Disabilities Commission
Linda Lynch, City of Eugene
Jim Markee, Oregon Collectors Association

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.

TAPE 81, SIDE A

10CHAIR DUKES: Calls the meeting to order at 8:14.

15RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains the agenda for today's

meeting.

WORK SESSION ON SB 859

25SENATOR BUNN: Submits and reviews -5 amendments (EXHIBIT A).
-Discusses zebra sticker program.

30CHAIR DUKES: This would happen at the time of arrest?

35SEN. BUNN: Yes. There would be a copy given to the driver. This would not allow for impoundment at the time of arrest. The DMV and the security interest holder would be notified on the second notice.

74SEN. DUFF: Is this notice mailed from a central or local DMV office?

SEN. BUNN: We have to work out the details on that. The three day notice is not of real concern. The security holder must get notice in time to get to court.
-Continues to read through the amendments.

101 CHAIR DUKES: Is there any way that a person buying a car through the classifieds can know what the previous record of the car is until the transfer of the title?

110 SEN. BUNN: There will be a sticker on the plate, removal of which is a misdemeanor. It could not be sold legally. Hopefully, that won't be a problem.
-Continues to read through the amendments.
-It's important to note that this bill does not come into effect on the first count, only on the second and subsequent counts. The basic idea is the same as the last bill with the exclusion of impoundment being the only major difference.

112 CHAIR DUKES: Do we have a fiscal on the -5 amendments?

114 LARSON: No, we don't.

117 SEN. MCCOY: Should we wait to see the fiscal?

118 FRANK BRAWNER, OREGON BANKER'S ASSOCIATION: These amendments relieve many of our concerns. We are still concerned with the time at which the security interest holder will receive a notice of impoundment. We support the bill.

120 JOAN PLANK, DEPARTMENT OF MOTOR VEHICLES: Do you have questions or would you like a statement of our position?

122 CHAIR DUKES: Both. Will you be responsible for notifying the security interest holder?

125 JOANNE PETERSON, DEPARTMENT OF MOTOR VEHICLES: This bill, as drafted, will not allow DMV to do that. There are some technical problems, but it does appear that we will have a fiscal impact. DMV does receive notices of conviction, but we need some provision that notifies that a sticker is void and that a transfer is okay.

165 SEN. SMITH: Do section 6, subsection 5 and section 7, subsection 2 deal with the concerns you have?

PLANK: Not quite. We need another section that says if a person isn't convicted and the vehicle isn't seized, that DMV will also be notified.

175 SEN. SMITH: Section 3, subsection 1, subsection A, offers that at times an owner won't get there car seized, and one of those times is when the owner convinces DMV that the car was stolen. Is DMV involved in the investigation?

180 SEN. BUNN: The DMV would have not part in the criminal investigation. The DMV would only provide and develop the forms.

184 SEN. SMITH: How would a person convince the DMV that his car was stolen, if the car is not registered under his name?

187 SEN. BUNN: If the vehicle is stolen, the vehicle is exempted from forfeiture. You must file a stolen vehicle report with the local authorities. It is another case that would be settled by rule.

CHAIR DUKES: We will try to get a fiscal, and get some amendments put together for DMV's concerns.

WORK SESSION ON SB 1064

LARSON: Explains the status of SB 1064.

SEN. TIMMS: There are no states that have designated routes pertaining to the transportation of hazardous substances. The amendment points out the study and it's purpose. (EXHIBIT B)

359 PAUL HENRY, PUBLIC UTILITY COMMISSION: We think that utilizing existing state resource the project can be accomplished with \$220,000. We have identified an outside entity, Battel International, who has extensive experience in this field. They estimate the cost at \$100 thousand. They are interested, because of the provisions of the Hazardous Materials Transportation Uniform Safety Act. They are looking at providing some funds and participating as a member of an advisory committee. I suggest that not all hazardous materials should be routed. An example of this could be gasoline.

360 SEN. TIMMS: The example that is always given is Highway 395, which is the worst possible scenario. We need to establish definite routes. We don't want to put someone out of business without telling him where the safest routes exist.

TAPE 82, SIDE A

43SEN. MCCOY: In Washington do they have a law directing routes for hazardous waste?

HENRY: I don't think so. They do have two laws restricting routes.

SEN. SMITH: If the bill is passed, are we just in an advisory position?

HENRY: As the result of a study, we would be at liberty to identify routes for certain kinds of hazardous materials. Legislative Counsel felt there was no need to add enforcement to the bill at this time.

SEN. SMITH: Are you considering civil monetary penalties through PUC, or traffic infractions?

HENRY: I think there is a need for both.

89SEN. SMITH: Is the soonest we could enforce any restrictions two years from now?

HENRY: I think we can do it in a short time frame. Assuming that Senator Timms amendments were adopted, we would have the authority to restrict the routes.

90SEN. DUFF: Are you going to use the definitions established by the federal government?

HENRY: That would be our intent.

96SEN. MCCOY: How soon will the federal study be ready?

HENRY: In about 24 months. The federal government has been tentative in moving into this field. But, Congress has mandated that in 24 months the criteria must be established for routing. They want to be sure that the linkage between different states is similar.

143 SEN. SMITH: This amendment only refers to hazardous materials. Will that include everything we want?

HENRY: Hazardous material attacks the broad definition.

SEN. SMITH: Aren't some things considered waste and not material?

HENRY: Yes. The term we are now using addresses the most dangerous materials. If the government is going to restrict any routes, the term "hazardous waste" will address the threat. There is a reference to this term in Title 49, Code of Federal Regulations, Part 171.8. of the definition

SEN. TIMMS: Is this for interstate, as opposed to intrastate transportation?

205 HENRY: It would not apply only to one or the other. If it will be delivered to John Day, it will have to go off route to deliver. This is something we need to deal with next session.

CHAIR DUKES: There are other ways to make deliveries. Is this bill only dealing with highway transportation?

HENRY: That is correct.

SEN. TIMMS: Discusses the adoption of subsection 3 of the -1 amendments that adds consideration of the safest routes.

CHAIR DUKES: I am concerned about doing a study, and then not returning to discuss the findings.

SEN. SMITH: Is radioactive waste restricted?

HENRY: There are federal guidelines, but no state rules.

SEN. SMITH: I question whether you have the authority to restrict transportation to particular roads.

HENRY: If we said that I-5 was the safest route, your rules stated that all transport of the specified cargo must be on I-5, then we could proceed with enforcement.

SEN. SMITH: Will that be '93 legislation?

HENRY: The adoption of subsection 3 would be a result of this legislative session.

SEN. SMITH: We don't grant the authority to enforce these restrictions in this legislation.

HENRY: I agree. It needs to be enhanced.

SEN. TIMMS: We can establish the safest routes, and in '93 we can begin

enforcing them.

SEN. DUFF: Will you have alot of public hearings around the state?

HENRY: We are considering 24 hearings at different locations.

CHAIR DUKES: We may not be the best people to decide what the safest routes are.

SEN. SMITH: The safest routes should not be a political decision. The objective for me is to get the truck off Highway 395.

SEN. TIMMS: We want to try to keep it out of the public realm. We should put it in the bill.

CHAIR DUKES: Let's put in some language for the interim.

SEN. DUFF: We need sufficient time and public input to deal with this properly.

223 SEN. TIMMS: The biggest part is the hearings process.

TAPE 81, SIDE B

HENRY: Reviews the number of staff and their roles.

WORK SESSION ON SB 559

LARSON: Explains status of the bill.

LISA MARTINEZ, STAFF OF REP. HANNON: The original purpose of the bill was to prevent harassment and to prevent the sale of DMV records to solicitation groups.

-Submits and reviews -11 and -5 amendments. (EXHIBIT C & D) Submits conceptual amendment. (EXHIBIT E) We still feel that the -11 amendments give a legitimate reason for accessing those files. We suggest the -11 should stand with section 3 in them.

CHAIR DUKES: Who can't get the information?

MARTINEZ: The amendments that have been offered allow the people with a legitimate interest to access the files.

SEN. PHILLIPS: Have written into law that DMV can't release these records unless someone directly acknowledges it to be ok?

MARTINEZ: That's what the bill is intended to do.

SEN. PHILLIPS: Unless I affirmatively sign a form, no one will be able to access this information?

MARTINEZ: That's true.

SEN. PHILLIPS: In section 3, are you are focusing on denying the mass marketers access?

MARTINEZ: No. A DMV document would still not be available for solicitation purposes.

CHAIR DUKES: It would be open the people listed in A - K without prior notice?

SEN. DUFF: If I tell DMV that I don't want my name released, that will not affect the release to certain people?

MARTINEZ: That's correct under current law. With section 3, a person's information would still

be public information, but it could not be sold.

BILL SEELY, DEPARTMENT OF MOTOR VEHICLES: This has been the concern of the other committees that have dealt with this bill. Attempting to balance this problem is very difficult.

CHAIR DUKES: Is it possible to place on your mail going out to the public a notification of the information release procedure?

300 SEELY: Yes, it is.

305 CHAIR DUKES: What if we asked you to have a mailer put together to inform the public about this?

310 SEELY: It could be very expensive.

SEN. SMITH: What if you put a check box on the reregistration forms, etc.?

SEELY: I think it would work well.

CHAIR DUKES: Are you familiar with California's law concerning this?

SEELY: Yes.

CHAIR DUKES: Are their records closed?

SEELY: That's correct. They have recognized that there are legitimate uses for the information, but one must still go through a series of steps to gain access to the information.

CHAIR DUKES: We have an option that would request that DMV put a check box on the form or we can do nothing.

SEN. SMITH: I don't think it's a good bill, so opt to do nothing.

MOTION: SEN. TIMMS MOVES THE CONCEPTUAL AMENDMENT TO SB 559 ADDING ANOTHER EXEMPTION TO THE BILL.

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

SEN. PHILLIPS: If we put section 3 back in, then we are allowing all others except the DMV to sell their lists. Is that accurate?

MARTINEZ: If we take out section 3, then only the parties exempted under section 2 are allowed access to the information.

MOTION: SEN. SMITH MOVES TO TABLE SB 559.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH SENATORS BROCKMAN, PHILLIPS AND TIMMS VOTING NAY.

PUBLIC HEARING ON SB 689

TAPE 82, SIDE B

SENATOR GRATTAN KERANS: Reviews purpose of SB 689.
-Submits and reviews the -1,-2 and -3 amendments. (EXHIBITS F,G & H)

SEN. SMITH: What's the difference between the -1 and the -2 amendments concerning lights?

SEN. KERANS: The -2 amendments do not deal with lighting equipment.

SEN. TIMMS: Does this include private property?

SEN. KERANS: No. It deals with bike paths as defined by ORS which are on public rights-of-way.

SEN. BROCKMAN: I don't think we're intending to put people on the highway.

SEN. MCCOY: People go across country every year in wheelchairs.

SEN. KERANS: We're talking about adults, and people who operate on sidewalks. There is a danger when crossing the road in the path of a truck. Bike paths would provide for better vision of the road ahead.

SEN. SMITH: How do you feel how the -1 & -2 amendments?

SEN. KERANS: Observing the other committees, these seemed necessary. I would adopt the -1 amendments and leave it at that.

CHAIR DUKES: Would any motorized wheelchair be allowed?

SEN. KERANS: That's right.

SEN. TIMMS: Is it legal to go straight down the street?

KERANS: I'm not sure.

EUGENE OREGON, OREGON DISABILITIES COMMISSION: Folks with impaired legs and hands have many problems. Currently only motorized chairs are prohibited, manually operated ones are allowed. Congress recognized the mobility of those on motorized chairs.

LINDA LYNCH, CITY OF EUGENE: The Eugene police have not cited the couple who have been brought to everyone's attention. We recommended lighting requirements to Senator Kerans. The couple who have requested this bill rarely go out at night. Eugene has a good record concerning wheelchair travel. Because of the danger of falling off the curb, bike lanes are safer than sidewalks.

BROCKMAN: Do you license bikes in Eugene?

LYNCH: No.

WORK SESSION ON SB 689

MOTION: SENATOR SMITH MOVES THE -1 AMENDMENTS TO SB 689.

CHAIR DUKES: What about the red taillight bill that recently passed?

LARSON: We required a white light and a red reflector.

SEN. PHILLIPS: We don't need to mandate that a person have a headlight.

SEN. SMITH: I'm an adult and I'm required to have a headlight.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SENATOR MCCOY MOVES SB 689 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, WITH ALL MEMBERS PRESENT VOTING AYE.

PUBLIC HEARING AND WORK SESSION ON SB 136, SB 495 AND SB 596

CHAIR DUKES: Reviews the three Senate bills.

SEN. SMITH: SB 596 has within it the people that are listed in SB 136.

JIM MARKEE, OREGON COLLECTOR'S ASSOCIATION: I submitted the -1 amendments earlier, and reaffirm the importance of them.

MOTION: SENATOR SMITH MOVES TO ADOPT THE -1 AMENDMENTS TO SB 596.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

TAPE 83, SIDE A

MOTION: SENATOR SMITH MOVES SB 596 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH ALL MEMBERS VOTING AYE.

SEELY: This bill deals with corrections officers.

MOTION: SENATOR SMITH MOVES THE CONCEPTUAL AMENDMENT READING "the division shall indicate on records that an employment address has been used." TO SB 495 .

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SENATOR SMITH MOVES SB 495 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH ALL MEMBERS VOTING AYE.

CHAIR DUKES: Adjourns the meeting at 10:10.

Submitted by,

Reviewed by,

Scott Marshall
Committee Assistant

Ruth Larson
Committee Administrator

EXHIBIT LOG

- A - Senator Jim Bunn, 5 pages.
- B - Senator Eugene Timms, 1 page.
- C - Senator Lenn Hannon, 2 pages.
- D - Senator Dukes, 1 page.
- E - Gary Wilhelms, 1 page.
- F - Senator Grattan Kerans, 1 page.
- G - " " , 1 page.
- H - " " , 2 pages.