

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 30, 1991Hearing Room C
8:00 a.m.Tapes 96 - 98

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

MEMBER EXCUSED:

VISITING MEMBER:

STAFF PRESENT: Ruth Larson, Committee Administrator
Scott Marshall, Committee Assistant

MEASURES CONSIDERED: HB 2315 - Requires person operating Class III all-terrain vehicle to either have driver license or be accompanied by person 18 years of age or older who has license.
HB 3252 - Authorizes special vehicle registration plates for members of Oregon National Guard for passenger vehicles and motor homes. HB 2879 - Enacts Boating Offense Pact. HJM11 - Memorializes Congress to repeal new Coast Guard user fee on recreational boaters. HB 2867 - Modifies fees payable by railroads to Public Utility Commission for administrative costs. HB 2839 - Exempts emergency vehicles from definition of commercial motor vehicles.
HB 2857 - Authorizes lessor of vehicle to determine whether lessor or lessee shall be considered owner of vehicle.

WITNESSES:

Representative Bill Markham, District 46
Joan Plank, Motor Vehicles Division
Stephen Ross, Motor Vehicles Division
Floyd Peterson, Oregon Fire Chief's Association
Representative Tom Novick, District 16
Major Mike Caldwell, Oregon National Guard
Bill Seely, Motor Vehicles Division
Representative Bob Repine, District 49
Paul Donheffner, State Marine Board
Representative Dave McTeague, District 25
Barry Groce, Oregon Railroad Association
Dave Astle, Public Utility Commission
Mike Meredith, Oregon Trucking Association
Joanne Peterson, Motor Vehicles Division
Larry McCall, Oregon ATV Association
Lieutenant Glen Rader, Oregon State Police

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TAPE 96, SIDE A

CHAIR DUKES: Calls the meeting to order at 8:16.

RUTH LARSON, COMMITTEE ADMINISTRATOR: Reviews the items on the agenda.

PUBLIC HEARING ON HB 2839

REPRESENTATIVE BILL MARKHAM, DISTRICT 46: Explains the intent of HB 2839.

CHAIR DUKES: The fiscal statement shows this bill as costing money due to decrease in highway funds.

REP. MARKHAM: This will cut down on the bureaucracy. License issuance and testing will be reduced.

LARSON: This applies only to emergency vehicles.

JOAN PLANK, MOTOR VEHICLES DIVISION: We will be saving some money. There is a revenue loss due to the reduction in test fees. But we are also not doing the work.

STEPHEN ROSS, MOTOR VEHICLES DIVISION: Submits and reviews testimony. (EXHIBIT A)

FLOYD PITTARD, OREGON FIRE CHIEFS ASSOCIATION: We support this bill.

WORK SESSION ON HB 2839

MOTION: SENATOR TIMMS MOVES HB 2839 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

PUBLIC HEARING ON HB 3252

LARSON: Reviews the status of the bill.

REPRESENTATIVE TOM NOVICK, DISTRICT 16: We have many individuals who serve in the National Guard and they need to be readily identified. They desire the plates for two reasons - one, they take pride in their role, and, two, they feel they need to be easily identified to assist in emergency situations.

CHAIR DUKES: We have seen many different plate ideas.

REP. NOVICK: The DEQ amendments were brought by Rep. Watt.

SEN. PHILLIPS: Have there been any emergency situations where there was difficulty in identifying Guard personnel?

REP. NOVICK: Not that I know of.

180 CHAIR DUKES: What will be on these plates?

REP. NOVICK: It will just have "NG".

MAJOR MIKE CALDWELL, OREGON NATIONAL GUARD: This legislation will allow us to be identified in emergency situations. Aside from this, the plates will give us something to be proud of.

CHAIR DUKES: Would this work for motor homes?

CALDWELL: Yes. There are many instances where we have voluntarily aided in traffic accidents and other emergencies.

BILL SEELY, MOTOR VEHICLES DIVISION: Submits and reviews testimony. (EXHIBIT B)

SEN. SMITH: How much will the plate cost the purchaser?

SEELY: \$2.50.

SEN. SMITH: How much does a regular plate cost me?

SEELY: The same amount.

CHAIR DUKES: Will they cost more per plate to make?

SEELY: Only a few cents more per plate. There will be a one time fee for setting up the new series.

-Continues through testimony.

REPRESENTATIVE BOB REPINE, DISTRICT 49: I support the bill. During the interim I was involved with the National Gaurd. They put in a real effort to help Oregonians.

WORK SESSION ON HB 3252

MOTION: SENATOR DUFF MOVES HB 3252 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

TAPE 97, SIDE A

PUBLIC HEARING ON HB 2879

LARSON: Reviews the intent of HB 2879.

PAUL DONHEFFNER, STATE MARINE BOARD: Submits and reviews testimony. (EXHIBIT C)

CHAIR DUKES: Would you not prefer that the county reciprocate by charging the Idaho residents fees?

DONHEFFNER: Counties are now prohibited from charging additional registration fees. This bill would allow them to do so. It would give us the ammunition to reciprocate.

CHAIR DUKES: Can you get Idaho to accept reciprocity without allowing the counties to do their own permit?

DONHEFFNER: We need a hammer in order to negotiate.

CHAIR DUKES: Have we tried to negotiate?

SEN. PHILLIPS: Who have you talked to in Idaho?

DONHEFFNER: The Idaho State Parks Department. It has not gone to the Governor, but they welcome this for opening up discussions. It will not go into effect, if Idaho recognizes reciprocity.

CHAIR DUKES: We will wait to go into work session. I want to check with the Governor and see if we can avoid this type of legislation.

SEN. TIMMS: This type of legislation will put in reciprocity. It's a good idea to let them know by phone what this is about.

CHAIR DUKES: We will see what we can negotiate before we pass this.

DONHEFFNER: Currently, we don't have such a compact with other states. We don't have anything comparable for boaters. Section 4 and 5 tend to temper the initial force of the bill.

CHAIR DUKES: Do they also have the registration fee that we have?

DONHEFFNER: Yes, they do.

CHAIR DUKES: They might be concerned about Idaho residents registering their boats in Oregon.

DONHEFFNER: That is a real concern. You have to buy the registration from the assessor, so that you have to be there on a weekday during business hours.

PUBLIC HEARING ON HJM11

LARSON: Reviews the status of HJM11.

235 DONHEFFNER: Submits and reviews testimony. (EXHIBIT D)

CHAIR DUKES: Are they not collecting this yet?

DONHEFFNER: Not yet. The Coast Guard is being driven by revenue needs, not public welfare. This memorial is not an anti-Coast Guard bill. It singles out recreational boaters with this tax. We have a lot of support from other states and associations.

REPRESENTATIVE DAVE MCTEAGUE, DISTRICT 25: The bill was submitted Oregon League of Boaters. This memorial will have a significant impact.

WORK SESSION ON HJM11

MOTION: SENATOR MCCOY MOVE HJM11 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH ALL MEMBERS PRESENT VOTING AYE, WITH SENATORS TIMMS AND PHILLIPS ABSENT.

MOTION: SENATOR TIMMS REQUESTS THAT HIS VOTE BE RECORDED AS AN AYE ON HJM11.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

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PUBLIC HEARING ON HB 2867

BARRY GROCE, OREGON RAILROAD ASSOCIATION: Submits and reviews testimony. (EXHIBIT E)

SEN. SMITH: How is the fee determined?

GROCE: Explains the formula used for deriving the fee.

SEN. SMITH: Will the other railroads costs be increased while UP's will be decreased?

GROCE: Yes. But all this has been agreed upon by the other railroads.

SEN. SMITH: Will the net effect to the state will be the same except for the crossing provision?

GROCE: That' correct. The crossing maintenance costs will be raised. The bill has been uncontroversial thus far.

SEN. MCCOY: How are the railroads classified?

GROCE: Class 1, 2 and 3. Class 1 are railroads with gross operating revenues over 50 million dollars a year.

DAVE ASTLE, PUBLIC UTILITY COMMISSION: Submits and reviews testimony. (EXHIBIT F)

SEN. MCCOY: Please explain what led up to this.

ASTLE: The commission's railroad crossing program has, up to now, been paid through a gross revenue fee by the railroads. Under this bill the railroads will pay for only half the cost of the grade crossing program. The savings to the railroads would be about \$309,000 per biennium. The net effect on the highway fund would be about \$9,000 a year during the first biennium. After that it will depend on the future legislative allotment.

CHAIR DUKES: The fiscal impact shows a decrease of \$24,212 in '91-'93.

ASTLE: The net fiscal impact on the highway fund has been reduced.

CHAIR DUKES: Does this \$25,000 come out of PUC?

ASTLE: It comes from the railroads, but it comes out of our railroad budget.

SEN. MCCOY: Is the \$25,000 per year or biennium?

ASTLE: Per biennium.

CHAIR DUKES: How is the \$24,212 reduced?

ASTLE: Because none of it should been included in the rail crossing safety planning program.

The total impact on the highway fund should be about \$18,311 per biennium.

WORK SESSION ON HB 2867

MOTION: SENATOR DUFF MOVES HB 2867 TO THE FLOOR WITH A REQUEST TO RESCIND THE SUBSEQUENT REFERRAL TO WAYS AND MEANS.

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

PUBLIC HEARING ON HB 2857

MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: Submits and reviews testimony. (EXHIBIT G)

300 SEN. MCCOY: The title has the owner and the lessee. Does that mean that they are equally responsible for the vehicle in case of an accident?

JOANNE PETERSON, MOTOR VEHICLES DIVISION: This bill will correct that situation. It makes the lessor responsible for the vehicle.

SEN. MCCOY: If a trucker has an accident, he doesn't have the ability to pay.

MEREDITH: If I own a truck, I don't want another person's name on that truck. The responsibility for an accident will lie with the company that the truck is leased to.

CHAIR DUKES: When do people lease trucks?

MEREDITH: People lease their trucks and themselves to a company, and, in return, the company gives them commodities to haul. The owner-operator does not have PUC authority, so he must go through the company which has this authority.

PETERSON: Under current law, the company that is leased to must have their name on the title.

CHAIR DUKES: If I lease a car for 15 days would my name go on the title?

PETERSON: If you lease it for 10 or more days, you are required to put your name on the title.

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PETERSON: The owner is defined as a lessee of 10 or more days. In most lease situations, the lessor will be shown as the owner.

CHAIR DUKES: Is it up to the lessee and lessor as to who will be shown as the owner?

PETERSON: Right. Under prorate situations, a person can file lease agreements.

CHAIR DUKES: How do you determine, under this bill, who should be on the title?

PETERSON: It will depend upon who is shown as the owner on the application. This bill corrects a malady in the current statute.

WORK SESSION ON HB 2857

MOTION: SENATOR SMITH MOVES HB 2857 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

PUBLIC HEARING ON HB 2315

LARSON: Reviews the intent of the bill. Submits ATV classification handout. (EXHIBIT G)

LARRY MCCALL, OREGON ATV ASSOCIATION: Submits and reviews testimony and pamphlet. (EXHIBITS H & I)

CHAIR DUKES: Have people been cited for being down on the beach?

MCCALL: There have been warnings issued. That's what we are trying to clear up with this bill.

CHAIR DUKES: Why do ATV users go onto the beach?

MCCALL: For the same reason other go on foot - to enjoy the beach.

SEN. MCCOY: Is this mixed with foot traffic?

MCCALL: There is a little bit in the area. There are areas closed to vehicular traffic, marked for foot traffic only. There are only 32 miles of beach accessible by vehicles.

-Continues through testimony.

CHAIR DUKES: Can an 8 year old ride unsupervised?

MCCALL: No. Under current law, an officer may attempt to issue the child a citation. The language in section 6 provides that the officer can cite the parent or the owner of the vehicle for an unsupervised child.

CHAIR DUKES: If there is a difference between the owner of the vehicle and the parent of the child, who would get cited?

MCCALL: The owner of the vehicle. The language is in section 6, lines 15 and 16 on the A-Engrossed version.

LIEUTENANT GLEN RADER, OREGON STATE POLICE: Submits and reviews testimony. (EXHIBIT J) Submits and reviews the -4 and -6 amendments. (EXHIBIT K AND L)

- In section 3 on page 2, line 37, we ask that "class I or class II all-terrain vehicles" be inserted for enforcement purposes.

CHAIR DUKES: Are there similar situations where an unlicensed individual is allowed under supervision to operate a motor vehicle?

RADAR: Yes. A motorcycle or a learner's permit.

SEN. SMITH: Are ATV riders not required to have liability insurance?

RADER: That's true.

SEN. SMITH: If I were to injure someone while riding an ATV, I would not be liable?

MCCALL: We have never had to carry insurance.

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RADER: Many do carry it, but it's very expensive.

CHAIR DUKES: Adjourns the meeting at 10:09.

Submitted by, Reviewed by,

Scott MarshallRuth Larson
Committee AssistantCommittee Administrator

EXHIBIT LOG

- A - Stephen Ross, 2 pages.
- B - William Seely, 1 page.
- C - Paul Donheffner, 2 pages.
- D - " " " " ", 2 pages.
- E - Barry Groce, 5 pages.
- F - David Astle, 8 pages.
- G - Mike Meredith, 2 pages.
- H - staff, 1 page.
- I - Larry McCall, 2 pages.
- J - " " " " ", 1 page.
- K - Lieutenant Glen Rader, 2 pages.
- L - " " " " " ", 1 page.
- M - " " " " " ", 1 page.