

COMMITTEE ON JUDICIARY

Seventh Meeting, November 26, 1974

Minutes

Senate Members Present: Senator Elizabeth W. Browne, Chairman
Senator Wallace P. Carson, Jr.

Excused: Senator George Eivers

House Members Present: Representative Robert P. Marx, Chairman
Representative Stan Bunn
Representative Lewis B. Hampton
Representative Norma Paulus

Staff Present: Mr. Donald L. Paillette, Project Director
Mrs. Marion B. Embick, Research Counsel

Witnesses: Miss Vinita Howard, Public Information and
Publications, Motor Vehicles Division
Mrs. Laura B. Smith, 2104 NE 25th, Portland
Hon. Yvonne Addington, Municipal Judge,
Tualatin
Mr. Art Hedglin, Dek/Electro, 2313 Camino Re
Cadito, Fullerton, California
Mr. Ted Ehrlich, Government Program Manager
for Polaroid Corporation, 827 Perry Lane,
Foster City, California
Mr. Larry Greene, Artz Photo Finishing, Salem
Capt. John C. Williams, Traffic Division,
State Department of Police

Agenda: Periodic reexamination of drivers

Color photographs on drivers' licenses

Expanded scope of written examination for
drivers' licenses

The meeting was called to order at 10:00 a.m. in Room 14 of the
State Capitol by Senator Elizabeth W. Browne, Presiding Chairman.

Approval of Minutes of Meeting of September 24 and 25, 1974

There being no objection, the minutes of the meeting of
September 24 and 25, 1974, were approved as submitted.

Discussion on Agenda Items

In response to Chairman Browne's request for background information on the subject of driver reexamination, Mr. Paillette advised that the staff had not prepared a bill draft as such but had distributed material to the members prior to today's meeting. This included a synopsis of Engrossed Senate Bill 142 (1973 Regular Session) and a reference paper on driver reexamination as well as photo licenses. He noted that the reference paper referred to the Highway Safety Program Manual, March 1972, which states that the Driver Licensing Standard sets a target date of 1977 for legislation to meet the minimum requirement that "each driver be reexamined at an interval not to exceed four years, for at least visual acuity and knowledge of rules of the road." This requirement is also included in the comprehensive plan prepared for Oregon by the Traffic Safety Commission. Mr. Paillette then asked Mrs. Embick to summarize the relationship between the three bills introduced on these subjects at the 1973 Legislative Assembly.

Mrs. Embick explained that Senate Bills 286 and 398 were essentially identical. The chief difference between those two bills and Engrossed Senate Bill 142 related to testing of a driver upon application for renewal of his license. Under both SB 286 and SB 398, the Motor Vehicles Division was given authority to waive only that portion of the driving test wherein the applicant demonstrates his ability to operate a motor vehicle. The other two portions of the driving test -- the test for vision and the test of knowledge of rules of the road -- were mandatory. SB 142 required the division to waive all parts of the examination when the applicant had a good driving record for the immediately preceding 12 months, the only exception being that the division was given discretion to require the applicant to take a vision test. If the applicant had two or more traffic violation convictions or reportable traffic accidents during the preceding 12 month period, he would then be required to take all portions of the driving test including a test of his ability to operate a motor vehicle satisfactorily.

Mr. Paillette reported that both SB 286 and SB 398 were tabled by the Senate Transportation Committee in preference to SB 142 which received a "do pass as amended" recommendation and was then referred by prior reference to the Ways and Means Committee where it died. He indicated that Miss Howard had participated in the Senate hearings on the three bills, was thoroughly versed on their background and suggested the committee hear from her. He also recommended that the committee direct its attention to SB 142 rather than the other two Senate bills.

Miss Howard first listed the five options available to the committee as set forth in the written testimony she distributed to each member, a copy of which is attached as Appendix A.

She suggested the committee separate the two subjects of reexamination and color photo licenses into two bills so that passage of one would not hinge upon passage of the other.

Chairman Browne asked if the chief objection to color photo licenses at the last session was based on cost and Miss Howard agreed that was one of the major concerns. She pointed out that there was also some cost involved in reexamination. However, the 1973 bills included provision for changing the license fees so that the program would be self-supporting. The proposal at that time was to raise the license fee to \$6 for a license valid for four years with an additional \$4 added to each license for the Motor Vehicle Accident Fund and the Driver Training Fund so that the total cost for a four-year period would have been \$10.

Under SB 142 no one would have been tested upon renewal if he had an absolutely clean driving record during the immediately preceding 12 months. Statistics indicated this would have meant that about 81% of the drivers would not be reexamined. (See Appendix B for statistics compiled by MVD.) The intent was that persons who had one accident or one conviction on their record during the preceding 12 months would be required to take the vision and written test only. This would mean that about 13% of the drivers would be required to take those two tests. If the applicant had two or more accidents or convictions, he would be required to take all three phases of the test -- vision, law and driving -- which would mean that about 5 1/2% of the drivers would be subjected every four years to all three segments of the examination program.

Miss Howard next explained the advantages of expanding the scope of the written portion of the driver's test. (See page 2 of Appendix A.) It was her recommendation that if the committee approved this concept, it should be introduced in a measure completely separate from the questions of reexamination and color photo licenses. She said the present law (ORS 482.260) was very restrictive as to what questions could be asked in the written examination. It did not permit questions on knowledge of general safe driving practices. The MVD included this type of material in the drivers' manual but applicants could not be tested to determine whether they had read it. She believed it was extremely important to test drivers on the subject of safe driving practices in order to do an effective job of making the licensing program not just a testing program to screen out the unfit but to make it an educational effort as well.

Rep. Paulus asked what the division's authority was at the present time to take some type of action when information was received that a given person was an unfit driver because of infirmities, poor eyesight, etc. Miss Howard advised that they presently have authority to request a driver to come in and be tested. When information is received from members of the family, judges, police officers, etc. that a person is

no longer qualified to drive, the division writes to that person and requests him to appear for an examination. If he fails to appear, another letter is written. If there is still no response, the division has statutory authority to suspend the license for failure to appear. In reply to a question by Rep. Paulus as to how often this was necessary, Miss Howard said she did not have those figures with her, but those occasions are rare.

When a person appeared in response to the division's request, he was given the vision test, the law test and, if he passed those two, the drive test. If he passed all three, he was free to drive. If he did not pass the vision or law test, he was given several opportunities to take the exams again. The same was true with respect to the drive test. He was given several opportunities to pass it and was sometimes given an instruction permit so he could get 30 days of instruction before returning to try another time. When a person was unable to pass an examination of the full testing program but it appeared it was necessary for him to drive for certain limited purposes, many times a restricted license was issued so he could drive on a certain route such as from home to the doctor, the grocery store, etc.

Chairman Browne asked if this section of the law was ever used to harass anyone and Miss Howard said she did not believe it was. Experience had shown that restricted licenses worked very well, particularly for older people, and that they were very conscientious about abiding by the restrictions imposed.

With respect to the expanded scope of the written test, Miss Howard said other states were examining successfully in this area and the expanded scope of the test was also a part of the Federal Highway Safety Standards requiring every state to test in the area of safe driving practices. She disagreed with statements that this would make the test more difficult to pass. At the present time, she said, the written test involved the ability of a person to remember what he had read and some of the division's evaluations showed that very young people passed the written tests with higher grades than older people because they were accustomed to a testing environment in school. If the written test were balanced with practical driving questions, it might become easier for the older person because the test would include questions the more experienced drivers were apt to be more familiar with than were the younger drivers.

Chairman Browne asked Miss Howard how she would recommend the statute be worded to accomplish the expanded scope of the written examination and was told that the language in section 3 (1) (b) of SB 142 was satisfactory and was the same language appearing in the Federal Highway Safety Standards.

Chairman Browne called attention to the phrase in section 3 (1) (b) of SB 142, "including but not limited to proper operating procedure

in emergency situations." She asked why the "not limited to" phrase was included. Miss Howard replied that the topics listed in that subsection were the ones the division would like to see incorporated in the bill. The "not limited to" language was probably just a drafting technique.

Chairman Browne was of the opinion that the scope of the topics included in the examination should be limited to the material included in the drivers' manual. Miss Howard asserted that MVD would test only on material in the manual, so this approach would be perfectly acceptable to them.

Miss Howard expressed agreement with Mrs. Embick's earlier comment that there was an error in section 5 (1) (b) of SB 142 where the reference to paragraph (c) of subsection (1) of ORS 482.260 should be deleted. She further suggested that the language in section 8 (2) beginning on line 12 and continuing through line 20 be deleted. It provided for a different colored background on the photograph of anyone under the age of 21 and the division, she said, was not convinced that was a worthwhile requirement.

Miss Howard next pointed out that the fees written into SB 142 were placed there before the change in fees enacted by the 1973 session. Any bill coming from this committee should therefore be in agreement with the existing fees plus the cost of the new program.

Also, in some parts of the bill there were references to "operators' and chauffeurs' licenses" while other parts referred to "operator-chauffeurs' licenses." The division in fact tested for a chauffeur but did not actually issue a separate chauffeur's license; they issued a combined operator-chauffeur's license. This was a housekeeping amendment that should be made.

Additionally, the effective date of the bill would have to be changed in section 10. The division had always proposed a four-year phase-in program. If the beginning date were July 1, 1976, drivers with odd-numbered birth dates for the first two years would come in and comply with the requirements of the new law -- reexamination, photo or whatever. The drivers with even-numbered birth dates would continue to renew as under the present law for the first two years and would comply with the new requirements during the second two-year period. This would place the Division of Motor Vehicles on a four year cycle with approximately one-fourth of the licensed drivers renewing each year, dependent upon their birth date.

Chairman Browne asked Miss Howard if she would favor reexamination for everyone or only for those who had accidents or violations on their driving records. Miss Howard replied that from the standpoint of cost and benefit, it made sense to the division to look first at those who were causing problems. The Federal Standards said the states

shall have full scale reexamination and there was some value in making sure that every driver knows the laws that govern traffic, but a full scale reexamination program of every driver every four years would involve a great deal more cost than a selective reexamination program. She said she would personally lean toward a phase-in beginning with selective reexamination. If that did not satisfy the Federal Highway Safety Standards, Oregon could then move into full scale reexamination. She pointed out that research showed that drivers involved in an accident this year would not be the drivers involved in accidents the following year so that the 80% figure she had quoted earlier as the number in a given calendar year who would not be affected by the reexamination law did not give a true picture. There would in all likelihood be a different group each period who would qualify for the testing program because of their involvement in accidents in different years. For this reason, eventually, even with the selective reexamination program, more than the 13 to 20% of the driving population would be reexamined, although not all in the same period of time.

Rep. Bunn posed a hypothetical situation where two drivers, one 78 and the other 28 or 38 years of age, were involved in the same type and number of accidents requiring them to take all three parts of the licensing examination. He asked Miss Howard if she was convinced that the 78 year old would get the same treatment and courtesies as those extended the younger driver. Miss Howard replied affirmatively and advised that each would be subjected to the same tests, and the same bases would be used for evaluation. Under the proposal, she said, there would not be as many 78 year olds tested as in the younger group because the younger ones had a larger percentage of accidents.

Rep. Bunn pointed out that occupational licenses were given to certain drivers who had committed what he considered to be some of the most serious traffic offenses. He asked Miss Howard if she would favor as liberal a policy for occupational licenses for the older driver who failed to pass the driving test as for occupational licenses for those who were convicted of serious traffic offenses. Miss Howard replied that she did not believe it would happen that thousands of people would fail to pass the driving test. Most drivers' license administrators recognized that it was a necessity for most people to drive a car. She believed the examination program being proposed would upgrade the quality of drivers rather than depriving thousands of the elderly of their licenses. There was, she said, plenty of leeway in the law to permit more than one test before the MVD would suspend a license. Also in the law was authority to grant restricted licenses, as she had discussed earlier. Rep. Bunn commented that so long as occupational licenses were available to those who had been convicted of serious traffic offenses, he intended to work for equitable treatment for senior citizens.

Rep. Hampton suggested it might be more relevant to base the selection of those to be reexamined upon the date of an alleged infraction rather than the date of conviction. Miss Howard advised

that the MVD was aware of neither the arrest date nor the conviction date until the abstract reached their office. She added that SB 142 provided that the division must establish administrative rules for determining which traffic violations and which convictions were to be excluded in determining when an applicant for license renewal became subject to reexamination. That provision was included to give the division the authority to exclude accidents for which a driver was not responsible, an example being one where he was rear-ended while sitting at an intersection waiting for a signal to change.

In response to the Chairman's request for her opinion on photo drivers' licenses, Miss Howard said the photos were not as critical to the agency she represented as to police agencies and to drivers themselves who generally like photo licenses. The two basic photo processes, she said, were the instant process and the wet process, and she believed the instant process would be simpler to administer.

Chairman Browne asked if amendment to ORS 482.260 to broaden the scope of the drivers' examination would have a fiscal impact and was told by Miss Howard that it would not.

Mr. Paillette asked Miss Howard if section 3 (1) (b) of SB 142 was intended to be limited to a written examination. Miss Howard said that was the intent although the term, "written," might not always be accurate because "written" tests might not always be a piece of paper on which the applicant would write his answer; some type of testing machine might be used in the future. However, the language was not meant to include the on-the-street driving portion of the test.

Mr. Paillette's next question was directed at section 11 of SB 142 which set a limitation of \$398,000 for the biennium beginning July 1, 1973. He asked Miss Howard what her estimate would be of the amount the program might cost at today's prices. She was unable to answer the question, explaining that some of the cost would bear a relationship to the cost of the photo license, and the cost of reexamination would depend upon whether the committee decided to go for full or partial reexamination. She pointed out also that inasmuch as the program is a requirement of the Federal Highway Safety Standards, the state should be able to get some federal funds to offset the initial cost of re-examination which would reduce the cost at the state level.

Mrs. Laura B. Smith was the next witness. She indicated she was present to speak on the subject of teen-aged drivers on behalf of herself, her husband and Mr. and Mrs. B. J. Williams whose son was killed in the same automobile accident that took her son's life. Teen-agers, she said, study the same manual as older drivers, take the same driving test, pay the same license fee, and yet when they have an accident or are picked up for speeding or any other violation of the rules of the road, they are allowed to go to juvenile court where they can hide under a security blanket. It was her opinion that if the teen-aged driver was going to assume the responsibilities and privileges

of an adult, he should go to the same traffic court as an adult and be sentenced according to adult standards.

Mr. Paillette advised that the Judiciary Committee would submit a bill for introduction to the next session of the legislature with respect to juvenile drivers. Basically, it would provide that the driver between 15 and 18 years of age would be cited originally to adult court, and only under very limited circumstances, where the adult court is of the opinion that the nature of the offense and the background and circumstances of the case could better be handled through the juvenile court, would he go to juvenile court. The case would not initially go to juvenile court unless the driver was under 15. The proposed measure would also give the juvenile court additional authority which it does not now have to impose a fine or to order the suspension of a juvenile's license.

Judge Yvonne Addington expressed her belief in alternative sentencing. She said she handled juvenile traffic cases in her court in Tualatin and sentenced violators to emergency duty in a hospital for eight hours to give them an opportunity to see what actually happens to victims of automobile accidents. Judge Addington said she supported periodic reexamination of drivers because she had found in her court that many violations occurred because people who needed glasses to see well refused to wear them while driving and because defendants were unfamiliar with the rules of the road, not having looked at a driver's manual for years. At a very minimum, she said, drivers should be given an eye test and a written test on the rules of the road every four years.

Rep. Hampton asked Judge Addington if she had been able to evaluate the impact of sentencing juvenile offenders to eight hours in a hospital emergency room. She replied that the program had been in effect for four years at the Gresham Community Hospital and she was presently sending offenders to the Meridian Park Hospital in Tualatin also. One young person went every Saturday and every Sunday to each hospital which meant that four a week were assigned this duty, all of whom had received their first citations. Following their hospital duty, they were required to write the judge a letter telling what they had learned from their experience, after which she dismissed the citation. The records of those in the program had been checked with the Motor Vehicles Division after one year and she found that only about 10 out of the nearly 900 who had gone to the hospitals had received a second citation.

Following a ten minute recess, Mr. Art Hedglin told the committee that the company he represented, Dek/Electro, was managing 21 of the photo license systems in operation in the country. He was, he said, present to answer questions and to express support for the photo license program proposed in Oregon. He had with him samples of photo licenses produced by his company and told the members the public

generally approved photo licenses because of their extensive use for identification purposes.

Rep. Hampton asked Mr. Hedglin what distinguished his product from that of his competitor and was told that the only real difference was that they used a wet process with conventional film as opposed to the dry Polaroid process.

Sen. Carson inquired concerning the amount of time involved in issuing a photo license by the wet process and Mr. Hedglin replied that, dependent upon the type of system in use, the photos were processed in 24 to 72 hours. Sen. Carson next asked if the technique had been improved to the point where the subject was recognizable and was told that when the process went to color, the photographs were greatly improved.

Rep. Paulus asked if a profile photo was more identifiable than a full-faced view. Mr. Hedglin said it was less identifiable, but some states used a full-faced picture for persons over 21 and a profile for those under 21. It was just one way of identifying minors, another being the use of a different colored background.

Rep. Marx asked what the cost per unit would be for photo licenses and was told by Mr. Hedglin that depending on the number of cameras in the state, the number of licenses issued and several other factors, the cost would be between 25 and 40 cents. The cost differential between the wet and dry process, he said, was virtually non-existent.

Mr. Ted Ehrlich representing the Polaroid Corporation was the next witness. He had prepared written testimony for distribution to the committee, a portion of which is attached as Appendix C. A complete copy of the material he submitted is on file with committee records.

Chairman Browne inquired as to some of the security features available to guard against counterfeiting photo licenses. Mr. Ehrlich explained that the sample before the committee showed a photograph of both the data card and the individual on the same sheet of film which was accomplished through a double lens camera system. The data on the license was reduced by approximately 31% which made it a non-standard type size. It also bore a validating signature at the bottom of the picture which overlapped both the picture and the data, thus preventing someone from cutting out the picture. Most states also used a state seal and a camera number overlapping both the picture and the data as further precautionary measures. In addition, it was possible to use special types of security stripes, surface lamination, etc. He added that any type of photo license was infinitely more difficult to reproduce than was Oregon's current driver's license.

Rep. Hampton asked if any of the states used fingerprints as an added means of identification on drivers' licenses. Mr. Ehrlich said they did not and questioned the need of a file containing fingerprints of every licensed driver.

Sen. Carson asked what categories of information were included on data cards in other states using photo licenses. Mr. Ehrlich said every state made its own choice. Basically, they used the person's photograph, his name and address, license number, date of birth, restriction codes and date of license expiration. Some states required physical descriptions and others did not.

Rep. Marx asked how much time was involved in issuing a photo license with the instant process and was told by Mr. Ehrlich that after the applicant filled out the data card, the photo could be taken and the license issued in two minutes.

Rep. Paulus asked whether it would be a savings to adopt a process whereby the applicant would take his license with him rather than mailing it out later. Miss Howard indicated that the MVD leaned toward the instant photo process because they had been told of problems in other states occasionally occurring with the wet process where a film can was broken open and all the photos on that reel had to be retaken. Also, there were some low volume offices in the state where overcosts could result because the office could not use a full roll of film before the time limit for developing the photos. It appeared to make more sense, she said, to take the photos in the field offices wherever possible.

In response to further questions concerning the costs of a photo license, Mr. Ehrlich said the cost differential between the instant and wet process was a fraction of a cent. Bids were customarily issued on a four or six year contract and the contract required the state to pay for licenses on a pay-as-you-go basis. The vendor would supply the cameras, supplies, materials, training and service of the equipment throughout the state for the contract period. The state would pay the bid price per license, usually on a quarterly basis. He believed 40 cents was a reasonable estimate for Oregon, regardless of the system finally chosen. He pointed out, however, that this was not the only cost involved in a photo license system. For instance, MVD was considering video terminals in some of their locations to give immediate access to an applicant's driving record and this would be an additional cost. Also, some of the offices might have to hire more staff to take care of the added workload.

In closing, Mr. Ehrlich said he supported driver reexamination and recommended that this subject be introduced in a bill separate from photo licensing so each could be considered on its own merit.

Mr. Larry Greene urged that a total cost analysis be conducted on the wet versus the dry process for photo licenses. He indicated there would be an advantage to law enforcement officials inherent in the wet process because there would be negatives on file. The company he represented, Artz Photo Finishing, offered 24 to 48 hour service on wet process photo finishing in a five state area. He urged the

committee to give local photo finishers an opportunity to bid on the system. Chairman Browne asked Mr. Greene if he believed he could meet the bid costs of the larger companies, and she was told that he believed he could on a total cost basis.

Rep. Paulus asked Mr. Ehrlich if a negative was used in the dry process and was told that no negative was utilized for instant photos. The privacy of the individual would be completely protected because there was no possibility that the photograph could be reproduced except by taking a second picture of the individual.

Capt. John Williams advised that the State Department of Police favored reexamination and, without addressing the problem of cost benefit, favored total reexamination rather than the selective system. They also supported photo licenses.

Rep. Paulus asked if the State Police would want a copy of the photo for their files. Capt. Williams replied that with the concern over individual privacy, he felt sure such a proposal would not have a ghost of a chance of passage by the legislature.

Rep. Bunn inquired concerning the possibility of including space on the back of drivers' licenses to give drivers the option of donating an organ, eye, etc. to another person should he be killed in an auto accident. Miss Howard advised that one state was trying such a program with a tear-off application where the torn off portion was sent to the proper medical authorities. The Motor Vehicles Division, however, was concerned about the administration of such a program because of the many problems that could arise. She urged that before such a program was proposed, it should first be scrutinized very carefully and discussed in detail with the medical profession.

Mr. Paillette noted that the Federal Highway Safety Standards, which presumably the states will have to face up to by 1977, required as a minimum a reexamination for eyesight and knowledge of the rules of the road for all drivers on a staggered basis every four years. Assuming a selective type of reexamination passed the next session of the legislature, he wanted the committee to be aware that this issue would in all likelihood have to come back before the legislature for revision again in 1977 to meet those minimum standards.

Rep. Hampton indicated he had some reservation about requiring the written and vision examinations on a selective basis. He agreed, however, that the driving portion of the test could be selective, at least for the time being. He was also of the opinion that a photo license should be designed not to mandate but to permit an individual to add whatever information he wanted to the license to assist in his identification; for example, fingerprints, credit card numbers, etc.

Chairman Browne moved that the committee introduce the three bills discussed today:

(1) To broaden the scope of the written driver's examination and to limit the scope of the test to material in the drivers' manual.

(2) To require color photos on drivers' licenses.

(3) To impose reexamination on a selective basis.

There was no objection and the motion carried.

Rep. Paulus inquired concerning the status of the bill the committee proposed to introduce dealing with appeals. Mr. Paillette advised that he planned to meet with Judge Schwab and Judge Gilliland early in December to put together the basic recommendations for presentation to the Consulting Committee. He indicated he had attended the District Judges' Conference earlier this month to discuss the revision package generally and he had also talked with them about the appeals bill. They appeared to favor the SB 403 approach but had some of the same reservations about the scope of the appellate review that were expressed by the Judiciary Committee. In any event, a bill on this subject would be ready for introduction to the '75 legislature in December.

Mr. Paillette told the committee that the final committee report was at the printer's and he expected it to be ready for distribution the following Monday.

The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Mildred E. Carpenter, Clerk
Committee on Judiciary

There are a number of options available to this committee and the Legislature in considering periodic reexamination of drivers. Engrossed SB 142 from the 1973 Legislature provides a good basis to begin this discussion of options.

OPTION #1 -- This would be a full-scale reexamination of all drivers every four years combined in with a color photo license. This concept was embodied in SB 398 introduced in the 1973 Legislature and was later eliminated and the bill renumbered to SB 142. SB 398 in its original form provided:

- 1) Personal appearance at time of renewal.
- 2) A four year license cycle.
- 3) Mandatory vision and written test (expanded scope) for all renewing drivers, with some minor exceptions: out-of state, servicemen.
- 4) Drive test - optional with DMV.
- 5) Color photo license.

OPTION #2 -- This would be the same as #1 except no photo license.

OPTION #3 -- This is a selective re-examination program based on the driver's record for the 12 months immediately preceding renewal, plus a color photo license. This is the program provided by Engrossed SB 142. It provided:

- 1) Personal appearance at time of renewal.
- 2) A four year license cycle.
- 3) Generally no vision or written test if driver's record free of violations or accidents in preceding 12 months. (Vision could be given if DMV had reason to doubt.)
- 4) Expanded scope of written test.
- 5) Vision and written test would be given if applicant had one accident or conviction, depending on type of entry and as provided by administrative rule of DMV. (Approximately 15% of drivers would be given these tests.)
- 6) Vision, law and drive test would be given if driver had two or more entries in last 12 months. (Approximately 5½% of drivers would get all three steps.)
- 7) Color photo license.

OPTION #4 -- Same as Option #3 except no photo license.

OPTION #5 -- This would be a photo license, but no change in reexamination program from the present law. It would provide for:

- 1) Personal appearance at time of renewal.
- 2) Four year license cycle.
- 3) Color photo license.

Expanded Scope of Written Test

In 1973 SB 142 included a provision to expand the scope of the written test for a driver's license. We believe this change is important enough that it should not be tied to the success of either reexamination or a photo license bill. For that reason, we suggest that the language that appears in Eng SB 142, Section 3 (1) (b) should also be made a separate bill as well as a part of any reexamination bill.

The basic driver examination law has not been changed in Oregon since the driver license examination program was launched in 1931. But the demands on drivers have changed.

Economics and practicality rule out the possibility of including in a behind-the-wheel examination every conceivable driving situation a driver might encounter but we could, through a law that would permit us to expand the scope of the written test, do a better job of testing drivers at the point of initial or original application.

The present language is too restrictive. It allows questions only on limited subjects: ability to understand highway signs regulating, warning and directing traffic and the knowledge of traffic laws including the rights of blind pedestrians.

The law does not permit questions on knowledge of general safe driving practices or techniques, emergency driving techniques, accident factors, or the role and use of vehicle safety equipment in driving.

We long ago recognized that in preparing to drive it was essential for would-be drivers to understand more than just the laws and highway signs. Thus we have long included information in the Driver's Manual on defensive driving, emergency driving practices, freeway driving, night and bad weather driving, and drinking and its effect on a driver's ability to drive safely on the assumption that for many people the only literature or material they will ever see or read is that that appears in the Driver's Manual.

But if questions are not asked in the test on this material, we have no way to ascertain if they are reading these sections of the manual, let alone learning to apply them to their driving. We suspect many are not bothering to read it or are at best skimming through it because they know, from conversation with those who have been tested before them, that there are no questions in the test on these subjects.

As an example: as part of the ASAP we included five questions, which we could not grade as a part of the test, on alcohol and its effect on safety. These questions were based on material in the manual. A high percentage of applicants were unable to answer these questions correctly. We determined that the reason they could not answer them correctly was because many of them were not reading that section of the manual. They had been told by friends and acquaintances that the test did not include questions on this information so they did not bother to read the section on drinking drivers because, many said, they "didn't drink" so saw no need to know this information.

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The state spends a great deal of time, effort and money on the drinking driver problem in highway safety. Yet, at the point of original licensing to drive a car, we cannot grade a question on the effects of alcohol on a driver nor any other question relating to the role of alcohol in accidents because that's not law. Better testing at the beginning just might help eliminate some problems later.

Under the present law, we can ask questions in the test about right-of-way; that's law. But we cannot ask which direction a driver should check first when approaching an intersection because that's a safe driving technique, not a law. Many drivers conscientiously look to the right as they approach an intersection to see if there is a car approaching to which they must yield under the law. And while they're checking to the right, they are hit by a car on their left who failed to yield to them. Perhaps if they had read and been tested on this subject more drivers would know that they should check, first to the left, then right, at intersections.

From a safety standpoint, we believe it is much more important that we try to determine if a driver knows the best technique to stop safely on snow or ice, or to recover from a skid, or to get back on the paved portion of the road after drifting off the road edge than to know how far behind a fire truck to follow, or how many feet a load may extend beyond the front of a car -- all of which would be acceptable test questions because they are points of law.

Authority to expand the scope of the written test would not make it more difficult to obtain a license. The information already is in the manual. It just might make it easier because it would permit inclusion of practical driving questions rather than test the ability of a driver to remember precise points of law. We believe it would make obtaining a license a better indication that the would-be driver is better prepared to cope with today's traffic situations, including a knowledge of the techniques required for freeway driving.

Most people who really want to drive will ultimately drive with or without a license. If driver licensing is to make a more significant contribution to highway safety, then the program should be more than a testing program that screens out the unfit but, more importantly, a program that educates and improves, through testing procedures, those who will be driving.

ASSUMPTION: Bill would take effect or become operative on July 1, 1976.

SB 142 provides for a four year phase-in of reexamination and photo licenses. During the first two years (July, 1976 - June, 1978) drivers with birthdates on odd-numbered dates would appear in person, have a photo taken and a new license issued, valid for four years. They would pay the new fee and be tested according to provisions of the reexamination bill.

In the meantime, drivers with even-numbered birthdates would continue under the present renewal system, be issued a license valid for two years with no photo, and pay the same fee as at present. There would be no reexamination.

During the next two years (July, 1978 - June, 1980) drivers with even-numbered birthdates would appear in person for renewal, have a photo taken, be tested (as required by bill), and pay the new fee. They would then begin a four-year renewal cycle.

July 1, 1976 through June 30, 1978
ODD NUMBERED BIRTHDATES

- 1) Appear in person to renew.
- 2) DMV issue photo license
- 3) Reexam as required by new law.
- 4) Begin four year cycle for renewal.
- 5) Pay new fee.

EVEN NUMBERED BIRTHDATES

- 1) Renew by mail or in person as at present.
- 2) No photo - paper license issued.
- 3) No re-examination
- 4) Remain on a two-year renewal cycle.
- 5) Pay same fee as at present.

July 1, 1978 through June 30, 1980
ODD NUMBERED BIRTHDATES

- 1) No impact. Licenses remain valid.

EVEN NUMBERED BIRTHDATES

- 1) Appear in person to renew.
- 2) DMV issue photo license
- 3) Reexam as required by law.
- 4) Begin four year renewal cycle.
- 5) Pay new fee

At the end of this four year period, all drivers would be on a four year renewal cycle with approximately one-fourth of licenses being renewed each year.

Driving Record Description - 1972

Drivers of Record by %

NO. OF ACCIDENTS	&	NO. OF VIOLATIONS	MALES	FEMALES	BOTH
0		0	40.821	40.233	81.054
0		1	7.647	2.749	10.396
0		2	1.858	.303	2.161
0		3 & UP	.911	.063	.974
0 - SUB TOTAL			51.238	43.349	94.586
1		0	1.981	1.196	3.177
1		1	.951	.358	1.310
1		2	.334	.058	.392
1		3 & UP	.228	.015	.243
1 - SUB TOTAL			3.495	1.626	5.121
2		0	.085	.032	.117
2		1	.062	.016	.078
2		2	.036	.006	.042
2		3 & UP	.034	.002	.036
2 - SUB TOTAL			.217	.057	.273
3 & UP		0	.004	.001	.005
3 & UP		1	.005	.001	.006
3 & UP		2	.003	.000	.004
3 & UP		3 & UP	.003	.000	.004
3 & UP - SUB TOTAL			.016	.003	.019

TOTAL DRIVERS OF RECORD - 1,593,749

MALE DRIVERS OF RECORD - 876,011

FEMALE DRIVERS OF RECORD - 717,738

Senator Browne, members of the committee, my name is Ted Ehrlich. I am employed by Polaroid Corporation as Government Program Manager for the Western United States. I would like to take this opportunity to thank you for inviting me to be here today. Hopefully, the information I can provide will give you a better insight into the photo drivers license -- its uses and advantages for Oregon.

In 1968 we entered the photo drivers license field. At that time there were twelve states issuing a photo drivers license. Currently, 31 states issue a photographic license. Before I go into detail concerning the types of systems available, etc., let us consider some of the basic reasons for this decisive trend.

The drivers license is the most widely used and accepted means of identification. There is some disagreement that the motor vehicle division is in the identification business. It is true the drivers license is a document issued by the state to reflect a privilege granted to a citizen. This document is designed primarily to identify the individual to law enforcement officials on request as proof that the driving privilege has indeed been granted to the individual. However, the greatest majority of the driving public are never required to use the license for this purpose. The drivers license is used most frequently as a means of personal identification to cash checks or provide proof of age for the youngest and oldest drivers. (The older drivers use it as means of eligibility for many senior citizens programs.)

The reason for the growing popularity of photographic licenses is that a portrait, particularly one in full color, is a highly accurate and detailed form of identification that is very difficult to change or counterfeit without detection.

Your motor vehicle division people tell me that there is a growing problem among certain ethnic groups in Oregon of stand-ins for drivers tests.

This problem is virtually eliminated with the photo license.

A North Carolina Highway Patrol spokesman said that people no longer hire professional driving test stand-ins to obtain a license. He explained that before the photographic license was adopted, people who felt they couldn't pass the driving test, or would be refused a license for some other reasons would hire someone to obtain a license for them. The photo license stopped that practice.

The spokesman for the Highway Patrol in North Carolina also credited the photo license with reducing the number of people driving despite having their license revoked or suspended.

"The photograph just makes it too risky," he explained. "These people used to drive with a borrowed, stolen, or counterfeit license, and we had no way of knowing it. Since we began issuing licenses with the driver's photograph on them, the number of drivers using counterfeit and borrowed licenses has been reduced by about 60 percent."

Currently the Oregon Liquor Control Commission issues a photo ID card to persons reaching the ages of majority. This is done to aid the young adult in identifying himself for the purpose of purchasing alcoholic beverages. Most of these individuals already carry a drivers license, but it is not accepted by bar operators because it can be passed around so readily. This entire system which is inefficient, inconvenient, and costly, could be eliminated with the photo license. The photo also helps reduce the number of drinking and driving minors. All minors' licenses would possess a distinctly different color coding making it readily apparent that he is in fact still a minor.

In past sessions of the Oregon legislature, consideration has also been given to having the applicant supply the photograph. This procedure is not used by any state and is wrought with potential problems. Some of these include:

- Lack of security.
- Lack of uniformity.
- Inconvenience to the citizen.
- Large possibility for error.

Also, the subject of thumb-prints on the license has been discussed.

While there are some very valid uses of thumb-prints by law enforcement, I think you will all agree they are of little value on the license document itself. Personally, I can't envision a police officer on the highway taking a thumb-print, then comparing it with that on the license. No license in this country uses the thumb-print, nor does the U.S.

Passport for that matter. If the Oregon Legislature and law-enforcement feel that a finger-print file is of value, then the prints should be obtained at the time of application and kept on file in some central location. However, it seems to me even this procedure would invoke resistance from civil rights groups and others.

Let me now move to another subject area --- driver re-examination. The federal government has been strongly urging all states to adopt mandatory periodic re-examination.

States combining re-examination with photo licenses decreased traffic fatalities by 12% compared to a national average of 4%. Nine of these states reduced traffic deaths by more than 10%.

The only states with a reduction in death rate of more than 20% were those combining re-examination with photo licenses.