

**Concepts for 2003 Pre-session Filing
Summaries**

		Concept		Fiscal	
				2003-05	2005-07
		Expenditure		Positive amounts indicate increased expense	
				Credits indicate savings	
		Revenue		Positive amounts indicate increased revenue	
				Credits indicate reduced revenue	
		Positions (FTE)		Positive amounts indicate additional staffing	
				Credits indicate reduced staffing	
LC 741 731-01a CSD-05	<p><u>Motor Vehicle Fuel Tax Performance Bond Increase</u></p> <p>Purpose: This concept would increase the performance bond required for those who sell motor vehicle fuel (gasoline). The current bond level is \$250,000 or two months tax liability whichever is less. The concept would increase performance bond to \$1,000,000 or three months fuel tax liability whichever is less.</p> <p>Policy: This concept would lower the risk that ODOT will not be able to recover tax debt. The performance bonds required by ORS 319.050 are only collected when a fuel dealer does not remit tax to the state. The thresholds set in statute are not adequate given the current amount of fuel dealers' monthly tax liability.</p>	Expenditure	\$ 7,250	Revenue	\$ -
			*	Positions (FTE)	*
		<p>Contacts: Quintin Hess, 503-378-6789 Darel Capps, 503-378-2934</p> <p>*Revenue impact depends entirely on whether or not bond proceeds are required to settle a fuels tax debt owed to ODOT. Bonds are typically called when a business goes into bankruptcy. Had the higher bond limits been in place during 1999-2001 biennium, fuel tax revenues would have been about \$2 million higher. This approximates the debt that is currently owing as the result of two licensee bankruptcies.</p>			

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	Concept	Fiscal	
LC 778 731-01c CSD-07	<p><u>Motor Vehicle Fuel Dealer License Suspension</u> Purpose: This proposal would allow the department to immediately suspend a dealer's license upon discovery of non-compliance with motor vehicle fuel tax law.</p> <p>Policy: Revocation of a fuel dealer's license is a complex and time consuming process. Further, revocation is sometimes too severe a sanction given the infraction. License revocation can lead to automatic loss of other licenses and have other negative effects for the licensee. These effects may exceed the degree of non-compliance.</p> <p>The provision for an immediate suspension would allow the department to 'stop the bleeding' and limit potential further loss of tax revenue immediately, while stopping short of revocation under appropriate circumstances.</p>	2003-05	2005-07
		Expenditure \$ 7,250	\$ -
		Revenue \$ 150,000	\$ 150,000
		Positions (FTE)	
		Contacts: Quintin Hess, 503-378-6789 Darel Capps, 503-378-2934	
LC 779 731-01d CSD-08	<p><u>Denial of MVF Export Exemption When Dealer is Unlicensed in Destination State</u> Purpose: This proposal would allow the department to deny a gasoline dealer who is exporting fuel an exemption from the tax due on the exported fuel unless the dealer holds a license in the state where the gas is being sent.</p> <p>Policy: This proposal can prevent tax evasion up front and result in more effective revenue recovery. In addition, enacting similar legislation in Oregon will provide protection to our neighboring states.</p>	2003-05	2005-07
		Expenditure	
		Revenue *	*
		Positions (FTE)	
		Contacts: Quintin Hess, 503-378-6789 Darel Capps, 503-378-2934	
		*Applying the national estimated evasion rates (3% to 7%) to Oregon's fuel volume (\$750 million in the 99/01 biennium) puts the range of potential tax evasion at \$22.5 to \$52.5 million/biennium. If this type of evasion accounts for 10% of all evasion, recovery of taxes lost could amount to \$2,812,500 in the 2003-05 biennium and \$3,750,000 in the 2005-07.	

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		Concept	Fiscal	
LC 742 731-02 CSD-09	<u>Emerging Small Business (ESB) Update/Revision</u> Purpose: This proposal would move the Emerging Small Business (ESB) Account from the Department of Consumer and Business Services to ODOT. In addition, the concept would: * Adjust the gross dollar limits for ESB certification and add language to adjust the amounts for inflation in future years. * Add a second tier of participation and extend the total time an ESB can participate in the program to twelve years (six years in each tier). * Allow reinstatement to former participants which exhausted their eligibility. Policy: Under this concept, the ESB program will be open to a much broader range of Oregon small businesses than are presently represented. Purchasing and personal services contracts will become major components for certified businesses in addition to construction and maintenance opportunities.	2003-05 2005-07	No Impact No Impact	No Impact No Impact
LC 743 731-03 CSD-11	<u>Update Highway User Tax Bond Statute (ORS 367)</u> Purpose: This proposal would update and modernize ODOT's primary bond-issuing statute. Policy: While sections have been revised by the 1999, 2001, and 2002 sessions, Oregon law still includes a number of out-of-date provisions. These provisions are sometimes contradictory and often confusing. These changes will be coordinated with the State Treasurer's office. The concept does not change existing policy. It refines legislatively approved bond programs and is primarily housekeeping. However, some new provisions will be included. ORS 367 pre-dates many of the recent transportation financing initiatives (such as GARVEE bonds). The proposal will allow ODOT to take advantage of these initiatives. This concept is indirectly related to the State's bond rating. Maintaining clear and unambiguous statutory bond issuance authority helps ODOT seek and obtain the highest possible ratings for our bonds.	2003-05 2005-07	\$ 20,000 \$	-

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	Concept	Fiscal																												
LC 744 731-04 Driver-8	<p><u>Separate Suspension / Revocation Authorities Under ORS 809.410 into Logical Groups under Separate Statutes</u></p> <p>Purpose: To make the laws governing suspensions and revocations easier to understand and work with by separating ORS 809.410, the statute where most of DMV's suspension and revocation authority is found, into smaller more manageable statutes covering actions of similar nature.</p> <p>Policy: This is a "housekeeping" measure. No change to current suspension and revocation authority is being proposed.</p>	<table border="0"> <tr> <td></td> <td align="center">2003-05</td> <td></td> <td align="center">2005-07</td> </tr> <tr> <td>Expenditure</td> <td align="right">\$ 15,000</td> <td>\$</td> <td align="right">-</td> </tr> <tr> <td>Revenue</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Positions (FTE)</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4">Contacts:</td> </tr> <tr> <td colspan="4">Kelly Taylor, (503) 986-3644</td> </tr> <tr> <td colspan="4">Rodney Rosenkranz, (503) 945-5088</td> </tr> </table>		2003-05		2005-07	Expenditure	\$ 15,000	\$	-	Revenue				Positions (FTE)				Contacts:				Kelly Taylor, (503) 986-3644				Rodney Rosenkranz, (503) 945-5088			
	2003-05		2005-07																											
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LC 745 731-05 Driver-13	<p><u>Ignition Interlock Device Suspension</u></p> <p>Purpose: Allow for full reinstatement of driving privileges upon installation of the ignition interlock device (IID), regardless of whether the IID was installed before or after the companion DUII suspension period has ended.</p> <p>Policy: Oregon law requires a person to have an IID installed on their vehicle for six months following a DUII suspension. The intent of requiring an IID upon completion of a suspension for DUII is to monitor the person's blood alcohol content for the first 6 months after the DUII suspension. A recent interpretation of this law is that a person must have an IID installed on their vehicle <u>before</u> the DUII suspension ends, or the person is not entitled to full reinstatement of driving privileges. Instead the person may only apply for a hardship permit which grants limited driving privileges.</p> <p>The concept restores the previous policy interpretation giving incentive to drivers to get IIDs installed because they may then apply for reinstatement of full driving privileges.</p>	<table border="0"> <tr> <td></td> <td align="center">2003-05</td> <td></td> <td align="center">2005-07</td> </tr> <tr> <td>Expenditure</td> <td align="right">\$ 5,000</td> <td>\$</td> <td align="right">-</td> </tr> <tr> <td>Revenue</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Positions (FTE)</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4">Contacts:</td> </tr> <tr> <td colspan="4">Kelly Taylor, (503) 986-3644</td> </tr> <tr> <td colspan="4">Rodney Rosenkranz, (503) 945-5088</td> </tr> </table>		2003-05		2005-07	Expenditure	\$ 5,000	\$	-	Revenue				Positions (FTE)				Contacts:				Kelly Taylor, (503) 986-3644				Rodney Rosenkranz, (503) 945-5088			
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LC 746 731-06 Driver-15	<p><u>Serious Accidents Suspension</u></p> <p>Purpose: Repeals ORS 809.410(15) and replaces statute with language that gives DMV discretion to impose an immediate (5-day notice) suspension when there is a death and the department has reason to believe the driver poses a future endangerment.</p> <p>Policy: Currently, the statute outlines suspension action for accidents that result in "serious property damage" or "injury" as well as death. This concept replaces that authority to clarify that DMV has discretion to suspend, and that a suspension would be imposed only when the department has reason to believe that the driver involved in the accident may endanger people (not property) if not immediately suspended.</p>	<table border="0"> <tr> <td></td> <td align="center">2003-05</td> <td></td> <td align="center">2005-07</td> </tr> <tr> <td>Expenditure</td> <td align="right">\$ 3,300</td> <td>\$</td> <td align="right">-</td> </tr> <tr> <td>Revenue</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Positions (FTE)</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4">Contacts:</td> </tr> <tr> <td colspan="4">Kelly Taylor, (503) 986-3644</td> </tr> <tr> <td colspan="4">Rodney Rosenkranz, (503) 945-5088</td> </tr> </table>		2003-05		2005-07	Expenditure	\$ 3,300	\$	-	Revenue				Positions (FTE)				Contacts:				Kelly Taylor, (503) 986-3644				Rodney Rosenkranz, (503) 945-5088			
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LC 747 731-07 Driver-17		<p><u>Privileges Granted under Hardship and Probationary Permits</u></p> <p>Purpose: To allow people to receive drug treatment/rehabilitation and sustain a livelihood while driving with a hardship-probationary permit. This concept amends statute to allow persons on hardship-probationary driver permits to:</p> <ol style="list-style-type: none"> 1. Drive to and from drug treatment and rehabilitation programs, rather than just alcohol treatment and rehabilitation programs. 2. Drive a vehicle to seek employment, not just retain employment. <p>Policy: Current law allows driving on a hardship/probationary permit to participate in alcohol treatment programs but not other treatment programs for drug or inhalant dependency. These substance abuse treatment and rehabilitation programs are important tools for helping people become safer drivers.</p> <p>Current law also allows work related driving on a hardship/probationary permit but does not provide for seeking employment. Allowing a person to seek employment within the state of Oregon while driving on a hardship permit is a natural counterpart to the existing allowance of driving on a permit to retain employment.</p>	2003-05	2005-07	
			Expenditure	No Impact	No Impact
			Revenue		
			Positions (FTE)		
			Contacts:		
			Kelly Taylor, (503) 986-3644		
			Rodney Rosenkranz, (503) 945-5088		
LC 748 731-08 Driver-19		<p><u>Hardship Permits for Failure to Appear Suspensions</u></p> <p>Purpose: Eliminates hardship permits for all failure to appear suspensions.</p> <p>Policy: Currently, drivers who are suspended for failing to appear in court on a traffic citation are eligible to receive hardship permits, which grant restricted driving privileges for the duration of the suspension period. This allowance erodes the effectiveness of suspending privileges for failure to appear on traffic crimes. This concept encourages drivers to be accountable for their driving related behavior by not allowing them to legally drive after avoiding their obligation to appear in court on a traffic crime. Without this concept, drivers will continue to receive hardship permits when suspended for failing to appear before a court.</p>	2003-05	2005-07	
			Expenditure	\$ (37,758)	\$ (77,544)
			Revenue	\$ (81,050)	\$ (108,100)
			Positions (FTE)	(0.75)	(1.00)
			Contacts:		
			Kelly Taylor, (503) 986-3644		
			Rodney Rosenkranz, (503) 945-5088		

Concepts for 2003 Pre-session Filing Summaries

	Concept	Fiscal	
LC 749 731-09 Driver-25	<p><u>Prohibit issuance of hardship or probationary driver permits that grant authority to operate a commercial motor vehicle</u></p> <p>Purpose: The purpose of the concept is to comply with federal law, which requires that states not grant commercial driving privileges as part of any special license or permit (including hardship / probationary driver permits) issued to drivers whose regular driving privileges are under suspension, revocation, or cancellation. Failure to comply with federal law jeopardizes the federal highway fund money that Oregon receives.</p> <p>Policy: Currently Oregon law allows issuance of a hardship or probationary driver permit that allows on the job driving of commercial motor vehicles by CDL licensed drivers whose regular Class C driving privileges have been suspended or revoked, so long as their privilege to operate commercial motor vehicles is not suspended, revoked, or cancelled. This concept repeals that provision.</p>	2003-05	2005-07
		Expenditure \$ 22,500 \$	-
		Revenue	
		Positions (FTE)	
		Contacts: Kelly Taylor, (503) 986-3644 Rodney Rosenkranz, (503) 945-5088	
LC 750 731-10 Other-1	<p><u>All Vehicles Listed on SR22</u></p> <p>Purpose: Oregon statute says a person who is required to file proof of future responsibility must submit to the department a certificate or certificates (SR22) for all vehicles registered in the name of, or operated by, the person listed on the certificate or certificates. This concept requires insurance companies and the customer to ensure that all vehicles that are registered to, or that may be operated by, a person are covered by the SR22 insurance policy.</p> <p>Policy: It is impossible for DMV to verify that every vehicle that a customer might <i>operate</i> is listed on the SR22. In addition, there would be high FTE impact for the department to verify that every vehicle <i>registered</i> to a customer is listed on the SR22. With the passage of this concept, DMV would no longer be required to ensure that every vehicle registered to a customer is covered by the SR22 insurance policy. The insurance companies and the customers would be responsible for ensuring that all vehicles are covered by the SR22 insurance policy.</p>	2003-05	2005-07
		Expenditure \$ 15,000 \$	-
		Revenue	
		Positions (FTE)	
		Contacts: Kelly Taylor, (503) 986-3644 Rodney Rosenkranz, (503) 945-5088	

Concepts for 2003 Pre-session Filing Summaries

		Concept		Fiscal	
LC 751 731-11 Other-2	<p><u>Repeal allowance of bond or deposit for requirement to comply with financial responsibility</u></p> <p>Purpose: Improve consumer protection and create consistency in Oregon's Financial Responsibility laws by repealing the laws that allow a person to use a bond or to make a deposit to DMV instead of purchasing insurance through an insurance company.</p> <p>Policy: DMV is not able to ensure that the value of real property or a deposit other than cash identified by an individual in lieu of insurance will continue to meet the financial responsibility requirements. Therefore, a judgement creditor may not receive an amount sufficient to satisfy the statutory requirements. In addition, it is more difficult for a judgment creditor to obtain the deposit or foreclose on real property than to collect from an insurance company.</p> <p>Implementation of this concept would avoid the work associated with managing bonds and deposits and would avoid the expense of adopting administrative rules and procedures.</p> <p>Only ten people are using a bond or security deposit to satisfy the financial responsibility requirements.</p>			2003-05	2005-07
		Expenditure	\$ (21,424)	\$	(2,538)
		Revenue			
		Positions (FTE)			
		Contacts:			
		Kelly Taylor, (503) 986-3644			
		Rodney Rosenkranz, (503) 945-5088			
LC 752 731-12 Other-22	<p><u>Change of Address by Telephone</u></p> <p>Purpose: Allow DMV to accept address changes over the telephone for the calling customer's own address.</p> <p>Policy: Currently, DMV accepts address changes submitted in person, by mail and through the DMV webpage. DMV does not accept address changes made over the telephone to a DMV phone agent. In past discussions with legislative committees, members were concerned with the difficulty of customer identification and record security if these transactions were done by telephone. Since that time, DMV has incorporated safeguards to protect customer identity over the telephone that would allow for address changes to be made by telephone. This concept would increase the accuracy of DMV's records and allow another method for the public to inform DMV of their current address.</p>			2003-05	2005-07
		Expenditure	\$ (8,554)	\$	(35,805)
		Revenue			
		Positions (FTE)			
		Contacts:			
		Kelly Taylor, (503) 986-3644			
		Rodney Rosenkranz, (503) 945-5088			

**Concepts for 2003 Pre-session Filing
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		Concept		Fiscal		
LC 753 731-13 Vehicle-2	<u>HB 2142 Statute Clean-Up</u> Purpose: Clean up statute changes made in HB 2142, 2001 Legislative Session. The changes are as follows: * Amend language to apply \$90 title fee to motor vehicles with a GVWR over 26,000 pounds. * Remove the reference to truck tractors. * Clarify which trailers are actually subject to the \$90 title fee and what weight measurement is to be used for trailers, i.e. trailers with "a loaded weight" over 8,000 pounds. * Clarify that manufactured structures are not included in the heavy vehicle title fee. * Exclude motor homes from the heavy vehicle title fee. Policy: This proposal would to align statutory language with legislative intent in 2001 HB 2142, current practice, and industry standards. It would not change policy.	2003-05	2005-07	Expenditure \$	22,500 \$	\$ -
				Revenue \$	(21,000) \$	\$(27,960)
				Positions (FTE)		
				Contacts:		
						Kelly Taylor, (503) 986-3644
						Rodney Rosenkranz, (503) 945-5088
LC 754 731-14 Vehicle-3	<u>Out-of-State Junk Certificates</u> Purpose: This concept would allow DMV to refuse to issue an Oregon title from a junk certificate or similar document received from another state. Policy: Currently, DMV receives applications for a vehicle title with a junk certificate, junk titles, or similar document that has been issued by another state. These documents are issued for vehicles that have been determined not to be roadworthy and, in most cases, are not to be titled again. Current Oregon law does not allow DMV to refuse to issue an Oregon branded title and there are no provisions in the law for Oregon to issue any type of "junk certificate". This concept would improve consumer protection by aligning Oregon with other states' processes for this category of vehicle and address the problem of "washing titles", that is allowing people to obtain titles to cars that have sustained serious damage without sufficient notation of the damaged condition. The concept should increase highway safety by keeping unsafe vehicles off of Oregon's roads. Without the concept, Oregon will continue to issue titles to vehicles considered not worthy to travel on Oregon roads.	2003-05	2005-07	Expenditure \$	4,924 \$	\$(101)
				Revenue \$	(43,165) \$	\$(57,559)
				Positions (FTE)		
				Contacts:		
						Kelly Taylor, (503) 986-3644
						Lana Cully, (503) 945-5236

**Concepts for 2003 Pre-session Filing
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		Concept	Fiscal	
LC 756 731-16	<u>Define the term "When Children Are Present" in school zones</u> Purpose: This proposal clarifies the definition of "when children are present" for the purposes of reducing the speed limit in school zones. Policy: Clarifying the definition will allow more consistent treatment for violations in the court system. This in turn makes enforcement more likely and will provide a safer situation for children around school zones.	2003-05 2005-07	Expenditure \$ 21,000 \$ Revenue Positions (FTE)	\$ -
LC 757 731-17 MCTD-01	<u>Motor Carrier Safety Regulation Exemption</u> Purpose: This concept clarifies what types of motor carrier operations are exempt from state safety regulation. In addition, it clarifies the extent of the exemption (ie., that only vehicles operating in <u>intrastate</u> commerce are exempt). It also clarifies Oregon's seatbelt law. Policy: Without changes to these exemption statutes, Oregon risks losing \$4.6 million of federal grant funds it receives each biennium through the Motor Carrier Safety Assistance Program (MCSAP). In a March 2000 review of Oregon's MCSAP program, the Federal Motor Carrier Safety Administration concluded that Oregon statutes inappropriately exempt vehicles from safety regulations when operating in both intrastate and interstate commerce. Federal tolerance guidelines allow states to only exempt certain vehicles or industries operating in intrastate commerce.	2003-05 2005-07	Expenditure No Impact Revenue Positions (FTE)	No Impact
LC 758 731-18 MCTD-02	<u>Repeal Flat Fees</u> Purpose: This proposal would repeal the substitute tax, commonly called flat fees, that certain motor carriers can pay in lieu of weight-mile taxes. Policy: By repealing flat fees, the State of Oregon may avoid future litigation between it and the trucking industry. In deciding against the American Trucking Association and other plaintiffs in a recent lawsuit alleging that Oregon's flat fees are discriminatory, a Circuit Court judge raised concern and concluded that future changes in flat fees or weight-mile tax rates could open the door to new litigation over Oregon's tax structure. The judge also expressed concern about the lack of accurate recordkeeping by flat fee taxpayers, which "will continue to make analysis of the true impact of the flat fee tax a complicated endeavor."	2003-05 2005-07	Expenditure \$ (10,000) \$ Revenue Positions (FTE)	\$(10,000)

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	Concept	Fiscal					
LC 763 731-23 RD-02	<p><u>Clarification of Crossings</u></p> <p>Purpose: Requires notification when a new “unauthorized public crossings” is proposed.</p> <p>Policy: An unauthorized public crossing (UAX) is a statutory designation for a crossing over a railroad that was a private crossing but has transitioned to “public-by-use” without the benefit of being adopted by a public road authority. There are hundreds of these crossings.</p> <p>Without the willingness of a government entity (state or local) to take over the access road, ODOT cannot order improvements at the crossing. It is not unusual for these crossings to be high-risk crossings. It is also not unusual for the user to refuse to sign a Private Crossing Agreement or to provide insurance covering either the railroad or themselves in the event of a collision at the crossing.</p> <p>This proposal would affect UAXs that are proposed in the future. It would require local governments notify, as part of the land use hearings process, ODOT and the affected railroad(s) when it receives a request to develop land to which the only access is, or will be, across a railroad-highway crossing.</p>	Expenditure Revenue Positions (FTE) Contacts: Claudia Howells, 503-986-4125	<table border="0"> <tr> <td align="center">2003-05</td> <td align="center">2005-07</td> </tr> <tr> <td align="center">No Impact</td> <td align="center">No Impact</td> </tr> </table>	2003-05	2005-07	No Impact	No Impact
2003-05	2005-07						
No Impact	No Impact						

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		Concept	Fiscal		
LC 765 731-27 TDD-04	<u>Exempt Engineering Decisions from Land Use Definition</u> Purpose: This concept provides that a decision by ODOT to determine final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility is not a land use decision. It provides ODOT with the same authority currently granted to local government. The proposed language makes it clear that the final engineering action has already been the subject of a local land use decision and is authorized by the plan and regulations of the local government. Policy: Engineering decisions by local government are excluded from the definition of a land use decision. ODOT engineering decisions have never been considered to be land use decisions, although the statutes are silent on the question. The proposal would result in consistent treatment of local government and ODOT engineering decisions.		2003-05		2005-07
		Expenditure	No Impact		No Impact
		Revenue			
		Positions (FTE)			
		Contacts:			
		Kate Poole (503-986-6397)			
		Craig Greenleaf (503-986-4163)			
LC 766 731-28 DUII-01	<u>Minor in Possession, by Consumption, while Driving</u> Purpose: This proposal would make it a crime for a minor, under 21, to possess alcohol by consumption while operating a vehicle. * Criminal MIP, Class C misdemeanor, 30 days in jail and/or up to \$1,000 fine. * Mandatory suspension of driving privileges. * Can be placed on probation, including evaluation and treatment. Policy: This proposal creates a new offense (minors in possession of alcohol by consumption while operating a vehicle) to strengthen enforcement of DUII laws for underage drivers. There are practical barriers to enforcing the zero alcohol tolerance for drivers who are minors. This will require changes to the arrest process to accommodate minors.		2003-05		2005-07
		Expenditure	\$ 105,612	\$	7,483
		Revenue	\$ 9,103	\$	21,240
		Positions (FTE)			
		Contacts:			
		Gretchen McKenzie, 503-986-4183			
		Sandi Bertolani, 503-986-4193			
LC 767 731-29 DUII-02	<u>Increase the DUII Assessment Fee</u> Purpose: This proposal would increase the maximum allowable fee charged to people convicted of DUII or participating in diversion programs from \$90 to \$130. The concept also gives judicial discretion to add fees. Policy: Currently, Oregon law sets the fee paid by DUII offenders for evaluation and monitoring. Evaluators cannot increase the fees they charge, even with court approval. The DUII assessment fee covers the cost of monitoring persons in DUII diversion (twelve months) and persons convicted of DUII (until treatment is completed). This proposal will also allow the evaluators to add additional fees with the court's approval.		2003-05		2005-07
		Expenditure	\$ 2,900	\$	-
		Revenue	\$ -	\$	-
		Positions (FTE)			
		Contacts:			
		Gretchen McKenzie, 503-986-4183			
		Sandi Bertolani, 503-986-4193			

Concepts for 2003 Pre-session Filing Summaries

		Fiscal	
Concept		2003-05	2005-07
LC 768 731-30 DUII-03	<p><u>Update the Definition of DUII</u> Purpose: This proposal would expand the definition of driving under the influence of intoxicants beyond the limits of alcohol, illegal drugs or inhalants to include any substance or drug that adversely affects the mental or physical abilities of a person operating a vehicle to a noticeable or perceptible degree.</p> <p>The expanded definition would include prescription drugs, controlled substances, non-controlled substances, alcohol, inhalants, etc. The proposal would also eliminate the need to constantly revise the statutes each time a new intoxicating substance becomes available or known. It supports increased doctor/pharmacist communication on prescriptions and jury instructions on current DUII cases.</p> <p>Policy: Individuals who drive while impaired are a danger to themselves and others. These changes will apply the law consistently to those who drive while impaired for any reason.</p>	<p>Expenditure \$ 58,000 \$</p> <p>Revenue</p> <p>Positions (FTE)</p> <p>Contacts: Gretchen McKenzie, 503-986-4183 Sandi Bertolani, 503-986-4193</p>	-
LC 769 731-31 DUII-04	<p><u>Child Endangerment in DUII Arrests</u> Purpose: This proposal would not allow a first time DUII offender to enter a DUII diversion program if that person had a child <u>under the age of 16</u> in the vehicle at the time of arrest.</p> <p>Policy: This proposal would increase penalties for driving under the influence of intoxicants. Oregon is one of the few states that do not impose additional penalties when children are riding in a vehicle driven by a person under the influence.</p>	<p>Expenditure \$ 14,000 \$</p> <p>Revenue</p> <p>Positions (FTE)</p> <p>Contacts: Gretchen McKenzie, 503-986-4183 Sandi Bertolani, 503-986-4193</p>	-
LC 770 731-32 OTSC-01	<p><u>Speed Racing – Increased Penalty</u> Purpose: The proposal would create a new offense (“Organized Speed Racing”). Organized speed racing would be classified as a Class C misdemeanor. Anyone participating in an organized speed race could be arrested and charged with the offense. The maximum penalties for a Class C misdemeanor are 30 days in jail and a \$1,000 fine.</p> <p>Policy: Speed-racing has been identified by law enforcement agencies from around the state as a rapidly increasing problem. Current law classifies speed racing as a Class A traffic infraction (up to \$600 fine). Increasing penalties for participants in organized street racing is intended to curb the incidence of speed racing and prevent deaths, injuries, and property damage.</p>	<p>Expenditure \$ 57,100 \$</p> <p>Revenue</p> <p>Positions (FTE)</p> <p>Contacts: Steve Vitolo, 503-986-4446 Sandi Bertolani, 503-986-4193</p>	-

**Concepts for 2003 Pre-session Filing
Summaries**

	Concept	Fiscal												
LC 771 731-33 OTSC-02	<p><u>Equipment Standards - Housekeeping</u> Purpose: This proposal would update Oregon Vehicle Code Statutes pertaining to vehicle equipment standards. It would make the standards easier to understand and enforce. It would also remove ODOT from the role of an enforcement agency to the extent that the statutes require ODOT to regulate, approve, or certify an equipment standards. The changes would affect ORS 811 (Rules of the Road), ORS 815 (vehicle equipment generally) and ORS 816 (lights). Policy: The proposal removes ODOT from the role of an enforcement agency in keeping with the Department of Justice advice on uses of State Highway Fund money. Clarification of vehicle equipment laws enhances enforcement and compliance.</p>	<table> <tr> <td></td> <td align="center">2003-05</td> <td align="center">2005-07</td> </tr> <tr> <td>Expenditure</td> <td align="right">\$ 20,000</td> <td align="right">\$ -</td> </tr> <tr> <td>Revenue</td> <td></td> <td></td> </tr> <tr> <td>Positions (FTE)</td> <td></td> <td></td> </tr> </table> <p>Contacts: Stan Porter, 503-986-4198 Sandi Bertolani, 503-986-4193</p>		2003-05	2005-07	Expenditure	\$ 20,000	\$ -	Revenue			Positions (FTE)		
	2003-05	2005-07												
Expenditure	\$ 20,000	\$ -												
Revenue														
Positions (FTE)														
LC 772 731-34 OTSC-03	<p><u>Booster Seats - Exemption</u> Purpose: This proposal would amend the current law (2001 Booster Seat Law) to exempt: * Activity vans for schools that are not currently exempt through the Oregon Department of Education. * Vans used for childcare facilities where lap belts are the only belt option. * Drivers from the requirement to carry children in the rear seats of passenger vehicles when the vehicle is not equipped with a combination lap and seat belt. Policy: It is currently impractical for these vehicles to be properly equipped with booster seats. This proposal would bring Oregon law in line with laws in California and Washington. Without these vehicles, individuals operating these vehicles are subject to citation.</p>	<table> <tr> <td></td> <td align="center">2003-05</td> <td align="center">2005-07</td> </tr> <tr> <td>Expenditure</td> <td align="right">\$ 3,500</td> <td align="right">\$ -</td> </tr> <tr> <td>Revenue</td> <td></td> <td></td> </tr> <tr> <td>Positions (FTE)</td> <td></td> <td></td> </tr> </table> <p>Contacts: Carla Levinski, 503-986-4199 Sandi Bertolani, 503-986-4193</p>		2003-05	2005-07	Expenditure	\$ 3,500	\$ -	Revenue			Positions (FTE)		
	2003-05	2005-07												
Expenditure	\$ 3,500	\$ -												
Revenue														
Positions (FTE)														
LC 773 731-35 OTSC-04a	<p><u>Speed Laws - Housekeeping</u> Purpose: Clarify speed statutes by: * Place statutes in sequential and logical order * Remove all language no longer applicable in Oregon * Remove the urban/rural language and treat all roadways the same * Delete reference to the federal maximum limit which had been eliminated years ago * Retain the speed limit designations for special areas, school zones, alleys, etc. Policy: This proposal makes the statutes easier to understand and increases compliance and enforcement.</p>	<table> <tr> <td></td> <td align="center">2003-05</td> <td align="center">2005-07</td> </tr> <tr> <td>Expenditure</td> <td align="right">\$ 161,000</td> <td align="right">\$ -</td> </tr> <tr> <td>Revenue</td> <td></td> <td></td> </tr> <tr> <td>Positions (FTE)</td> <td></td> <td></td> </tr> </table> <p>Contacts: Steve Vitolo, 503-986-4446 Sandi Bertolani, 503-986-4193</p>		2003-05	2005-07	Expenditure	\$ 161,000	\$ -	Revenue			Positions (FTE)		
	2003-05	2005-07												
Expenditure	\$ 161,000	\$ -												
Revenue														
Positions (FTE)														

Concepts for 2003 Pre-session Filing Summaries

		Concept	Fiscal		
LC 774 731-37 BMP -01	<u>Amend Description of Pilotage Grounds</u> Purpose: The current statutory definitions of Oregon's pilotage grounds, where certain vessels must be under the direction of a state pilot, are inadequate. The proposed amendments will provide clear and unambiguous boundaries that fall within the territorial jurisdiction of the state. Policy: Implementation of the proposed revisions will clarify where a vessel must be under the direction of a state licensed pilot. The revision is particularly important for the Columbia River Bar pilotage ground. The current definition actually extends beyond the territorial jurisdiction of the state.	Expenditure Revenue Positions (FTE)	2003-05 No Impact	2005-07 No Impact	
LC 775 731-38 BMP-02	<u>Reinstates provisions of ORS 776.135(2)</u> Purpose: The proposal would reinstate the provisions of ORS 776.135(2), originally enacted in 1957 and repealed by SB 259 in 1993. This statute provided the Board's authority to assess the costs of rate hearings to the parties. Policy: Reinstatement will allow the Board to defray the costs of any hearings held for the purpose of fixing rates for pilotage service, by assessing all of part of the costs and expenses to the parties in any final order. The costs of these hearings are unpredictable and can have a major effect on the agency's budget.	Expenditure Revenue Positions (FTE)	2003-05 \$ - * -	2005-07 \$ - * -	
LC 776 731-39 BMP-03	<u>Enacts new confidentiality provisions</u> Purpose: To enact confidentiality provisions for board records developed during the course of an investigation of a maritime pilot's performance. The records would become available after the board has taken final action on the matter. Policy: The course of conducting investigations can be hampered by the public records law. A confidentiality provision would put the board on a more even footing with the parties subject to an investigation. The proposal would allow the board to keep private the investigative evidence it develops from the party subject to the investigation. It may also permit the board access to information developed by other parties, such as other state and federal investigating authorities, that are not subject to public records. Under current requirements, these agencies are reluctant to share information because it can become public during the investigation.	Expenditure Revenue Positions (FTE)	2003-05 \$ 1,000	2005-07 \$ -	

**Concepts for 2003 Pre-session Filing
Summaries**

	Concept	Fiscal	
			<p align="center">2003-05 2005-07</p>
	Total Expenditures - All Proposals	Expenditure \$	497,600 \$ (118,505)
	Total Revenues - All Proposals	Revenue \$	18,888 \$ (12,379)
	Total Positions - All Proposals	Positions (FTE)	(0.75) (1.00)