

**MINUTES OF THE
TRANSPORTATION INTERIM COMMITTEE**

Wednesday, July 18, 2001 – 2:00 p.m. – Room 405 State Capitol

Members Present:

Rep. Joseph G. Murray,
House Chair
Sen. Dan R. Eastman
Sen. Karen Hale
Sen. Peter C. Knudson
Sen. Ed Mayne
Sen. Carlene M. Walker
Rep. Gerry A. Adair
Rep. Don E. Bush
Rep. Stephen D. Clark
Rep. Marda Dillree
Rep. Neil A. Hansen
Rep. David L. Hogue
Rep. Kory M. Holdaway
Rep. Brad King
Rep. Karen W. Morgan
Rep. Max W. Young

Members Excused:

Sen. David H. Steele,
Senate Chair

Staff Present:

Mr. Benjamin N. Christensen,
Research Analyst
Ms. Cherylann S. Felt,
Associate General Counsel
Ms. Junie G. Anderson,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Committee Business

Chair Murray called the meeting to order at 2:12 p.m.

MOTION: Rep. Hansen moved to approve the minutes of the June 20, 2001 meeting. The motion passed unanimously. Rep. King and Rep. Morgan were absent for the vote.

2. I-15 Reconstruction Wrap-up Issues

Mr. John Bourne, Utah Department of Transportation (UDOT), distributed a handout "I-15 Reconstruction Project Update" and reported on the successful completion of the project. He said the contractor's one-year warranty on the project began Sunday, July 15, 2001. He discussed the issue of additional debris along the highways and the effort by UDOT for cleanup.

Rep. Adair requested that UDOT examine pavement roughness, especially at overpasses, and bring a report back to the committee at the September meeting. Mr. Bourne said if there is settlement in the approach slab that makes the ride outside of tolerance level, it would fall under warranty.

Mr. Bourne invited the committee, at Linda Hull's request, to join her on a field trip in the near future to observe Olympic venues.

3. Motorboat Driver Licensing and Boating Under the Influence Provisions (Draft Legislation)

Rep. Loraine T. Pace distributed amendments to draft legislation "Motorboat Driver Licensing and Boating Under the Influence Provisions" and discussed the amendments.

MOTION: Rep. Bush moved to amend the bill as follows:

1. Page 24, Line 742: Delete "78-18-2" and insert "73-18-2"
2. Page 24, Line 743: After "Water" delete the remainder of line 743 and insert "means any waters within the territorial limits of this state."
3. Page 56, Line 1723: Delete "2006" and insert "2007"
4. Page 57, Line 1737: Delete "permit" and insert "license"
5. Page 57, Line 1738: Delete "permit" and insert "license"
6. Page 57, Line 1759: Delete "permit" and insert "license"
7. Page 57, Line 1764: After "operator" delete "permit" and insert "license" and after "duration of the" delete "permit" and insert "license"

The motion passed unanimously. Rep. King and Rep. Morgan were absent for the vote.

Rep. Pace also distributed a handout "Motorboat Driver Licensing and Boating Under the Influence Provisions Overview" and discussed the handout.

Sen. Mayne expressed concern that laws, such as the open container law, are not included in the motorboat bill and the driver of the motorboat should be penalized the same as a driver of a vehicle for the same offenses.

Mr. Ted Woolley, State Parks and Recreation, answered questions from committee members regarding the Boating Under the Influence (BUI) laws. He showed a video of a news clip announcing the boating death of Chad Ethington.

Rep. Nora Stephens distributed a letter from the Governor's Council on Driving Under the Influence, which encouraged support of the motorboat legislation.

Ms. Amber Kiley, survivor of a boating accident in which alcohol was involved, and whose fiancé was killed in the boating accident, encouraged committee members to support the motorboat legislation and to make the BUI laws the same as the DUI laws. She distributed a letter written to her brother, David, from his friend, Jamie, after the accident.

Ms. Cindy Stanley, mother of the boating accident victim, and Mr. Bart Blackstock, Drivers License Division, also spoke in support of the legislation.

Mr. Brent Hale, motorboat owner involved in the death of Chad Ethington, distributed an article from *The Arizona Republic* "Fatal ski-boat fumes sound alarm." He discussed the importance of making people aware of the dangers of carbon monoxide poisoning around houseboats and motorboats. He too spoke in favor of the legislation.

MOTION: Sen. Eastman moved that the committee approve draft legislation "Motorboat Driver Licensing and Boating Under the Influence Provisions" as a committee bill. The motion passed unanimously. Rep. Adair, Rep. Clark, and Rep. King were absent for the vote.

4. Administrative Traffic Proceedings

Sen. Knudson, Chair of the Decriminalization of Traffic Offenses Task Force, and Mr. Christensen, research analyst for the task force, provided background information on the study of the Decriminalization of Traffic Offenses Task Force. Mr. Christensen also distributed a handout "Traffic Citation Process" and discussed the handout.

Judge Keith L. Stoney, West Valley City, distributed a handout "Civil Traffic Enforcement" and recommended that government entities be given the option of decriminalizing minor traffic violations. He asked that their jurisdictions be allowed to continue to use the justice courts and the civil system because of the success of the program in West Valley City.

Judge L. Zane Gill, Salt Lake City, provided a handout of slides "Salt Lake City Courts, Administrative Court, Hearing Officer Duties, The ALJ Trial, No-shows/Default, Due Process, Efficiencies, Service Issues." He discussed the slides with the committee. He expressed support for West Valley City's recommendation because of the success of the program in Salt Lake City.

Sen. Walker suggested that Sen. Knudson's option 4, which allows counties and municipalities served by a justice court to use administrative traffic proceedings, and in which justice court judges are allowed to conduct administrative proceedings and serve as an administrative law judge. The committee decided to place this issue on the September agenda.

5. Other Committee Business

The next Transportation Interim Committee meeting will be held on September 12, 2001.

6. Adjourn

Due to the lack of a quorum, Chair Murray adjourned the meeting at 4:10 p.m.