



*PO Box 1345
Ashland, OR 97520
541-488-2755*

Oregon Senate Committee On Judiciary and Ballot Measure 110 Implementation
Senate Bill 201
Chairman Prozanski

February 1, 2021

Chairman Prozanski, as well as members of the Committees, my name is Mark Gibson; I would first like to thank you for the opportunity to testify on SB 201.

I have served in past years as Chairman of the Board for the Oregon Trucking Associations and currently continue to provide services to that organization. Today I testify on behalf of the companies I own and operate. I am currently President and CEO of Siskiyou Transportation, Inc. and Timberland Helicopters, Inc. Both small businesses located in Ashland, Oregon. We have been in business since 1981. We employ an average of 25 full-time employees and depending on the season operate 14-18 trucks. Our companies provide trucking; primarily logging and chips, as well as helicopter services to various governmental agencies, public utilities and private companies throughout the western United States.

I must first emphasize my support for keeping our roads safe by keeping intoxicated drivers off the roads through education and enforcement. I very much support law enforcement. My father served as a police officer for many years and I have a great

respect for the profession. I recognize that often times convictions can be elusive due to technicalities and unintended consequences of the law or lack thereof. I further support the stricter penalties for professionals engaged in transportation, specifically our truck drivers and, for my companies, my pilots as well. However, this where my concern regarding SB 201 comes into play. As you likely know the loss of ones Commercial Drivers License (CDL) is a life changing event. An event that can cause economic harm to an individual. Allowing any vagaries in the laws created to prosecute DUII's creates a very real concern to all whos livelihood depends on a license.

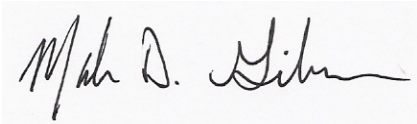
My first concern is regarding "Statutory counterpart", specifically the phrase; "Another jurisdiction statute need not be the same or nearly the same as an identified Oregon statute to be considered a statutory counterpart". This phrase is much too broad allowing for the potential for excessive interpretation. What makes it more concerning is the fact that a conviction for operating a boat while under the influence, for example, in another state could count toward an Oregon DUII offense. We should not be relying on blanket statements providing that we will allow other jurisdictions to make such determinations that would automatically affect citizens of our state.

My next concern is the bills allowance that a BAT may be administered within two hours of driving and that there would be the presumption that the individual was under the influence while behind the controls of the vehicle. This is especially unfair to drivers of commercial motor vehicles as they are the only segment that must legally maintain their records of duty status, including driving status. Again, I must state I am not in any way

supporting allowing any driver to drive impaired. However, it is very much within a drivers rights to end his shift, stop for a beer and not be presumed to be under the influence 2 hours prior. There is too much a presumption of guilt. I also recognize there is an affirmative defense clause written into the bill. However, it is somewhat compromised by requiring the defendant to provide 21 days written notice in advance.

Again, I would like to thank you for allowing my testimony to be submitted for the record and hope that you will reconsider SB 201 based on the issues I have raised and that these issues can be addressed.

Thank you,

A handwritten signature in black ink on a light gray background. The signature is written in a cursive style and reads "Mark D. Gibson".

Mark D. Gibson
President