



TESTIMONY IN OPPOSITION TO HB 2639

Offered by Chris Flammang, Member
Governor's Commission on Senior Services
March 2007

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Chair Beyer and Members of the Committee:

My name is Chris Flammang and I am a resident of Coos County. I also serve as a member of the Governor's Commission on Senior Services, and am submitting this testimony on behalf of the Commission.

I wish to take this opportunity to address several basic issues that are inherent in HB 2639 as proposed.

Before addressing my arguments in detail, however, I would like to be on record as assuring the Committee of my sincere understanding of the thrust of the reported testimony supporting this bill that was presented to the Committee at its last hearing.

Included in that testimony was the poignant story of the grandmother who lost three grandchildren in an accident involving an 85-year old driver. Having myself lost a child at age ten and a grandchild at age seventeen for other reasons, I can attest to the lifelong mark carried by those who survive the death of a child.

Even in light of that human tragedy, however, I must ask you if similar restrictive legislation would now be before this Committee had that offending driver been one of the numerous DUII persons frequenting Oregon roads and highways, or if the offending driver had been a newly licensed youth under eighteen (18) years of age, or between eighteen (18) and twenty-five (25)?

I am certain an answer to my query would include the fact that Oregon already has in place other laws and other means to respond to such situations. The wisdom of such an answer is fully applicable to this proposed legislation, since there are in place systems to remedy the revocation of driving privileges for the driver who may be impaired for reasons of deterioration of faculties and/or mental or medical reasons causing similar driving dysfunction - regardless of age.

The result of this bill is that ALL persons renewing a driver license after age 71 have been tacitly categorized as being potentially hazardous, merely due to their age. This amounts to discrimination of an entire group of citizens of Oregon based solely on age. Nothing in the bill provides any other reason for determining a shortened period for the license to be renewed. In fact, the period of four calendar years is, in and of itself, arbitrary and capricious. Why not, I ask, should such persons suffering from a supposedly rapid loss of driving function, not be re-examined at some other set interval?

Most likely, no other single group of licensed drivers exhibits the degree of self-awareness and monitoring concern for one's own driving abilities, than older adults. This is evidenced by the fact that each of us is acquainted with a person within the senior citizen population group who has voluntarily limited his/her driving due to the recognition of an alteration in function, such as driving at night.

The Oregon Department of Transportation figures show that as a group, drivers 75 years of age and older account for but a small percentage of the 35,000 to 40,000 crashes reported annually in Oregon. In the year 2002, as an example, less than four percent of such accidents involved persons in that age group.

The argument in support of this bill has been made that the older adult driver, being physically more fragile, is likely to sustain more serious or even fatal injuries when in an accident. I find it strange that what is not being mentioned, is the likelihood that persons of such a fragile physical nature, will be just as susceptible to such severe injury as a passenger, regardless of the transportation mode.

Finally, it is being put forward in support of this legislation, that the bill would alleviate family tensions by removing the need for the family (or friends) to confront the elderly driver, even to the extent of reporting the individual to the Department of Motor Vehicles. While undoubtedly well meaning, such a premise is misplaced, as it is based upon the failure of individuals (family, friends, community members, and even the physician) to make responsible choices in

order to protect the older driver and the motoring public. Exhibiting such "conflict anxiety" is no reason to shift the burden toward the age discrimination of a specific group of Oregon citizens by our constitution and statutes.

The Governor's Commission on Senior services is committed to helping Oregon leaders plan now and invest now for our future. As you know, Oregon's population is aging. In less than twenty years, nearly one out of five Oregonians will be over the age of 65. The aging of our population represents challenges and opportunities for us all. We need to encourage, not discourage, more social connections and greater awareness and responsibility on the part of community members toward our senior population.

If we want to increase the safety of our roads and highways, we ought to reduce the interim between renewal and testing for *all* our drivers, not single out a group of people who accounts for less than four percent of all fatalities each year.

The Commission strongly opposes HB 2639, for the reasons given above. We ask that you discard the notion that this legislation will truly and effectively produce the outcome desired—that of the safety of our roads and highways. Unfortunately, this is another classic situation where a single group has been identified to unfairly carry a partial burden for society, without attendant results.

Let's not have government set an arbitrary age at which people are deemed unsafe, which is not supported by medical science. Let's not encourage family members and medical professionals to abandon their duty to reporting and helping those seniors who cannot drive make good choices. Instead, let's go back to our families and communities, and ask that we all be responsible for the condition of our roads.

Thank you for your consideration of our testimony.