

Senate Bill 787

Sponsored by Senators KNOPP, HASS; Representatives PARRISH, READ

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes cities and school districts to use cameras to record drivers failing to obey traffic control devices that are mounted on school buses. Establishes citation procedures, including sign requirements. Provides that photographs may be submitted into evidence only to prove or disprove failure to obey traffic control device.

A BILL FOR AN ACT

1
2 Relating to traffic control devices.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 4 of this 2013 Act are added to and made a part of the Oregon**
5 **Vehicle Code.**

6 **SECTION 2. (1) Any city or school district may, at its own cost, operate cameras that**
7 **are mounted on school buses and that are designed to photograph drivers who violate ORS**
8 **811.265 by failing to obey a traffic control device that is displayed on a school bus.**

9 **(2) Photographs taken under this section must indicate the date, time and the location**
10 **of the violation.**

11 **(3) A city or school district that chooses to operate a camera under this section shall:**

12 **(a) Conduct a public information campaign to inform local drivers about the use of the**
13 **cameras before the issuance of citations is begun; and**

14 **(b) Once each biennium, conduct an evaluation for the purposes of subsection (4) of this**
15 **section that includes:**

16 **(A) The effect of the use of the cameras on traffic safety;**

17 **(B) The degree of public acceptance of the use of the cameras; and**

18 **(C) The number of citations issued under this section for the city or school district.**

19 **(4) By March 1 of each odd-numbered year, each city or school district that operates a**
20 **camera under this section shall present to the Legislative Assembly the evaluation conducted**
21 **by the city or school district under subsection (3) of this section.**

22 **(5) As used in this section and section 4 of this 2013 Act, "school district" has the**
23 **meaning given that term in ORS 330.005.**

24 **SECTION 3. Photographs taken under section 2 of this 2013 Act may be submitted into**
25 **evidence in a trial, administrative proceeding or other judicial or quasi-judicial proceeding**
26 **only for the purpose of proving or disproving a violation of ORS 811.265.**

27 **SECTION 4. (1) Notwithstanding any other provision of law, if a city or school district**
28 **elects to operate a camera under section 2 of this 2013 Act and the city or school district**
29 **complies with this section and section 2 of this 2013 Act, a citation for violation of ORS**
30 **811.265 may be issued on the basis of photographs taken, by a camera operated under section**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 2 of this 2013 Act, without the presence of a police officer if the following conditions are met:

2 (a) On each school bus in which a camera is installed and operational, an exterior sign
3 that indicates that compliance with traffic control devices is enforced through cameras is
4 posted next to each traffic control device.

5 (b) The citation is mailed to the registered owner of the vehicle, or to the driver if
6 identifiable, within 10 business days of the alleged violation.

7 (c) The registered owner is given 30 days from the date the citation is mailed to respond
8 to the citation.

9 (d) A police officer who has reviewed the photograph signs the citation. The citation may
10 be prepared on a digital medium, and the signature may be electronic in accordance with the
11 provisions of ORS 84.001 to 84.061.

12 (2) If the person to which the citation is mailed fails to respond to the citation, a default
13 judgment under ORS 153.102 may be entered for failure to appear after notice has been given
14 that the judgment will be entered.

15 (3) A rebuttable presumption exists that the registered owner of the vehicle was the
16 driver of the vehicle when the violation occurred.

17 (4) A person issued a citation under subsection (1) of this section may respond to the
18 citation by submitting a certificate of innocence, or a certificate of nonliability, under sub-
19 section (6) of this section or any other response allowed by law.

20 (5) A citation for violation of ORS 811.265 that is issued on the basis of photographs from
21 a camera installed as provided in this section and section 2 of this 2013 Act may be delivered
22 by mail to the registered owner of the vehicle or to the driver if the driver is identifiable
23 from the photograph.

24 (6)(a) A registered owner of a vehicle may respond by mail, within 30 days from the
25 mailing of the citation, to a citation issued under subsection (1) of this section by submitting
26 to the court a certificate of innocence swearing or affirming that the owner was not the
27 driver of the vehicle and by providing a photocopy of the owner's driver license. A court that
28 receives a certificate of innocence under this paragraph shall dismiss the citation without
29 requiring a court appearance by the registered owner or any other information from the
30 registered owner other than the swearing or affirmation and the photocopy. The citation
31 may be reissued only once, only to the registered owner and only if the citing police officer
32 verifies that the registered owner appears to have been the driver at the time of the vio-
33 lation. A registered owner may not submit a certificate of innocence in response to a re-
34 sued citation.

35 (b) If a business or public agency responds to a citation issued under subsection (1) of
36 this section by submitting, within 30 days from the mailing of the citation, a certificate of
37 nonliability stating that at the time of the alleged violation the vehicle was in the custody
38 and control of an employee or was in the custody and control of a renter or lessee under the
39 terms of a motor vehicle rental agreement or lease, and if the business or public agency
40 provides the driver license number, name and address of the employee, renter or lessee, the
41 citation shall be dismissed with respect to the business or public agency. The citation may
42 then be reissued and delivered by mail to the employee, renter or lessee identified in the
43 certificate of nonliability.

44 (7) The penalties for, and all consequences of, a citation for a violation of ORS 811.265
45 initiated by the use of a camera installed as provided in this section and section 1 of this 2013

1 **Act are the same as for a citation for a violation initiated by any other means.**

2 **(8) A registered owner or an employee, renter or lessee against whom a judgment for**
3 **failure to appear is entered may move the court to relieve the owner or the employee, renter**
4 **or lessee from the judgment as provided in ORS 153.105 if the failure to appear was due to**
5 **mistake, inadvertence, surprise or excusable neglect.**

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