

# House Bill 2621

Sponsored by Representative REARDON; Representatives GORSEK, LIVELY (Pre-session filed.)

## 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 City of Portland to operate photo radar on urban high crash corridors.  
Sunsets January 2, 2024.

## A BILL FOR AN ACT

1  
2 Relating to photo radar.

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

4 **SECTION 1. (1) As used in this section and section 2 of this 2015 Act, "urban high crash**  
5 **corridor" means a segment of highway that has an incidence rate of reported traffic crashes**  
6 **resulting in fatalities or serious injuries that is at least 25 percent higher than highways with**  
7 **the same speed limit or designated speed within the jurisdiction as of January 1, 2016.**

8 **(2) Notwithstanding ORS 810.438, the City of Portland may, at its own cost, operate a**  
9 **photo radar unit on urban high crash corridors.**

10 **(3) A photo radar unit operated under this section:**

11 **(a) May not be used on controlled access highways.**

12 **(b) May not be used unless a sign is posted announcing "Traffic Laws Photo Enforced."**

13 **The sign posted under this paragraph must:**

14 **(A) Be on the street on which the photo radar unit is being operated;**

15 **(B) Be between 100 and 400 yards before the location of the photo radar unit;**

16 **(C) Be at least two feet above ground level; and**

17 **(D) Provide drivers with information about the driver's current rate of speed.**

18 **(e) Must be capable of making a video recording of the conduct described in section 2 (1)**  
19 **of this 2015 Act.**

20 **(4) The City of Portland shall, once each biennium, conduct an outcome evaluation for**  
21 **the purposes of subsection (5) of this section that includes:**

22 **(a) The effect of the operation of the photo radar unit on traffic safety; and**

23 **(b) The degree of public acceptance of the operation of the photo radar unit.**

24 **(5) By March 1 of each odd-numbered year, the City of Portland shall present to the**  
25 **Legislative Assembly the outcome evaluation conducted by the city under subsection (4) of**  
26 **this section in the manner provided in ORS 192.245.**

27 **SECTION 2. (1) Notwithstanding any other provision of law, in the jurisdiction operating**  
28 **a photo radar unit under section 1 of this 2015 Act:**

29 **(a) A citation for speeding may be issued under section 1 of this 2015 Act on the basis**  
30 **of photo radar if:**

31 **(A) A sign that provides drivers with information about the driver's current rate of speed**

**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 is posted between 100 and 400 yards before the location of each photo radar unit; and

2 (B) A police officer who has reviewed the video recording of the conduct signs the cita-  
3 tion.

4 (b) A rebuttable presumption exists that the registered owner of the vehicle was the  
5 driver of the vehicle when the citation is issued and delivered as provided in subsection (2)  
6 of this section.

7 (c) An individual issued a citation under this subsection may respond to the citation by  
8 submitting a certificate of innocence under subsection (3)(a) of this section or may make any  
9 other response allowed by law.

10 (d) A business or public agency issued a citation under this subsection may respond to  
11 the citation by submitting a certificate of nonliability under subsection (3)(b) of this section  
12 or may make any other response allowed by law.

13 (2) A citation issued on the basis of photo radar may be delivered by mail or otherwise  
14 to the registered owner of the vehicle or to the driver. The citation may be prepared on a  
15 digital medium, and the signature may be electronic in accordance with the provisions of  
16 ORS 84.001 to 84.061.

17 (3)(a) An individual named as the registered owner of a vehicle in current records of the  
18 Department of Transportation may respond by mail to a citation issued under subsection (1)  
19 of this section by submitting a certificate of innocence within 30 days from the mailing of  
20 the citation swearing or affirming that the registered owner was not the driver of the vehicle  
21 and by providing a photocopy of the registered owner's driver license. A jurisdiction that  
22 receives a certificate of innocence under this paragraph shall dismiss the citation without  
23 requiring a court appearance by the registered owner or any other information from the  
24 registered owner other than the swearing or affirmation and the photocopy. The citation  
25 may be reissued only once, only to the registered owner and only if the jurisdiction verifies  
26 that the registered owner appears to have been the driver at the time of the violation. A  
27 registered owner may not submit a certificate of innocence in response to a reissued citation.

28 (b) If a business or public agency named as the registered owner of a vehicle in current  
29 records of the Department of Transportation responds to a citation issued under subsection  
30 (1) of this section by submitting a certificate of nonliability within 30 days from the mailing  
31 of the citation stating that at the time of the alleged speeding violation the vehicle was in  
32 the custody and control of an employee, or was in the custody and control of a renter or  
33 lessee under the terms of a rental agreement or lease, and if the business or public agency  
34 provides the driver license number, name and address of the employee, renter or lessee, the  
35 citation shall be dismissed with respect to the business or public agency. The citation may  
36 then be issued and delivered by mail or otherwise to the employee, renter or lessee identified  
37 in the certificate of nonliability.

38 (4) If the registered owner, employee, renter or lessee fails to respond to a citation issued  
39 under this section, a default judgment under ORS 153.102 may be entered for failure to ap-  
40 pear after notice has been given that the judgment will be entered.

41 (5) The penalties for and all consequences of a speeding violation initiated by the use of  
42 photo radar are the same as for a speeding violation initiated by any other means.

43 (6) A registered owner, employee, renter or lessee against whom a judgment for failure  
44 to appear is entered may move the court to relieve the registered owner, employee, renter  
45 or lessee from the judgment as provided in ORS 153.105 if the failure to appear was due to

1 **mistake, inadvertence, surprise or excusable neglect.**

2 **SECTION 3. Sections 1 and 2 of this 2015 Act are repealed on January 2, 2024.**

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