

# House Bill 2409

Sponsored by Representatives BARKER, OLSON, LININGER, Senator KRUSE; Senator GELSER (Presession 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**.

Permits city to issue citation for speeding using red light camera in conjunction with other technology that is capable of measuring speed. Applies to speeding violations 10 miles per hour or greater.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to traffic violations; creating new provisions; amending ORS 810.434 and 810.435; and pre-  
3 scribing an effective date.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of the Oregon Vehicle**  
6 **Code.**

7 **SECTION 2. (1) Notwithstanding any other provision of law, if a city chooses to operate**  
8 **cameras that comply with this section and ORS 810.434, a citation for speeding may be issued**  
9 **on the basis of photographs from a camera and sensors that measure the speed of a vehicle**  
10 **without the presence of a police officer if the following conditions are met:**

11 (a) **Signs are posted, so far as is practicable, on all major routes entering the jurisdiction**  
12 **indicating that compliance with traffic laws is enforced through cameras and sensors.**

13 (b) **For each traffic control device at which a camera is installed, signs indicating that a**  
14 **camera system may be in operation at the traffic control device are posted before the device**  
15 **at a location near the device.**

16 (c) **The citation is mailed to the registered owner of the vehicle, or to the driver if iden-**  
17 **tifiable, within 10 business days of the alleged violation.**

18 (d) **The registered owner is given 30 days from the date the citation is mailed to respond**  
19 **to the citation.**

20 (e) **A police officer who has reviewed the photograph and sensor data signs the citation.**  
21 **The citation may be prepared on a digital medium, and the signature may be electronic in**  
22 **accordance with the provisions of ORS 84.001 to 84.061.**

23 (f) **The person exceeded the speed limit or designated speed by 10 miles per hour or**  
24 **greater.**

25 (2) **If the person named as the registered owner of a vehicle in the current records of the**  
26 **Department of Transportation fails to respond to a citation issued under subsection (1) of**  
27 **this section, a default judgment under ORS 153.102 may be entered for failure to appear after**  
28 **notice has been given that the judgment will be entered.**

29 (3) **A rebuttable presumption exists that the registered owner of the vehicle was the**  
30 **driver of the vehicle when the citation was issued and delivered as provided in this 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 (4) A person issued a citation under subsection (1) of this section may respond to the  
 2 citation by submitting a certificate of innocence or a certificate of nonliability under sub-  
 3 section (6) of this section or any other response allowed by law.

4 (5) A citation issued under this section on the basis of photographs from a camera in-  
 5 stalled as provided in this section and ORS 810.434 may be delivered by mail or otherwise to  
 6 the registered owner of the vehicle or to the driver if the driver is identifiable from the  
 7 photograph.

8 (6)(a) A registered owner of a vehicle may respond by mail to a citation issued under  
 9 subsection (1) of this section by submitting, within 30 days from the mailing of the citation,  
 10 a certificate of innocence swearing or affirming that the owner was not the driver of the  
 11 vehicle and by providing a photocopy of the owner's driver license. A jurisdiction that re-  
 12 ceives a certificate of innocence under this paragraph shall dismiss the citation without re-  
 13 quiring a court appearance by the registered owner or any other information from the  
 14 registered owner other than the swearing or affirmation and the photocopy. The citation  
 15 may be reissued only once, only to the registered owner and only if the jurisdiction verifies  
 16 that the registered owner appears to have been the driver at the time of the violation. A  
 17 registered owner may not submit a certificate of innocence in response to a reissued citation.

18 (b) If a business or public agency responds to a citation issued under subsection (1) of  
 19 this section by submitting, within 30 days from the mailing of the citation, a certificate of  
 20 nonliability stating that at the time of the alleged violation the vehicle was in the custody  
 21 and control of an employee or was in the custody and control of a renter or lessee under the  
 22 terms of a motor vehicle rental agreement or lease, and if the business or public agency  
 23 provides the driver license number, name and address of the employee, renter or lessee, the  
 24 citation shall be dismissed with respect to the business or public agency. The citation may  
 25 then be reissued and delivered by mail or otherwise to the employee, renter or lessee iden-  
 26 tified in the certificate of nonliability.

27 (7) The penalties for and all consequences of a speeding violation initiated by the use of  
 28 a camera installed as provided in this section and ORS 810.434 are the same as for a violation  
 29 initiated by any other means.

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

34 **SECTION 3.** ORS 810.434 is amended to read:

35 810.434. (1) Any city may, at its own cost, operate cameras designed to photograph drivers  
 36 who:

37 (a) Violate ORS 811.265 by failing to obey a traffic control device[.]; or

38 (b) Violate the speed limit established in ORS 811.111 by 10 miles per hour or greater or  
 39 violate the designated speed posted under ORS 810.180 by 10 miles per hour or greater.

40 (2) Cameras operated under this section may be mounted on street lights or put in other suitable  
 41 places.

42 (3) A city that chooses to operate a camera shall:

43 (a) Provide a public information campaign to inform local drivers about the use of cameras be-  
 44 fore citations are actually issued; and

45 (b) Once each biennium, conduct a process and outcome evaluation for the purposes of sub-

1 section (4) of this section that includes:

- 2 (A) The effect of the use of cameras on traffic safety;
- 3 (B) The degree of public acceptance of the use of cameras; and
- 4 (C) The process of administration of the use of cameras.

5 (4) By March 1 of each odd-numbered year, each city that operates a camera under this section  
6 shall present to the Legislative Assembly the process and outcome evaluation conducted by the city  
7 under subsection (3) of this section.

8 **SECTION 4.** ORS 810.435 is amended to read:

9 810.435. (1) Except as provided in subsection (2) of this section, photographs taken under ORS  
10 810.434 may be submitted into evidence in a criminal trial, grand jury proceeding or other criminal  
11 proceeding for the purpose of proving or disproving a felony or a Class A misdemeanor.

12 (2) Photographs taken under ORS 810.434 may not be used in any criminal proceeding relating  
13 to the prosecution of a violation as described in ORS 153.008, other than for the purpose of proving  
14 or disproving a violation of:

- 15 (a) ORS 811.265[.];
- 16 (b) **ORS 811.111 by 10 miles per hour or greater; or**
- 17 (c) **A designated speed posted under ORS 810.180 by 10 miles per hour or greater.**

18 **SECTION 5.** Section 2 of this 2017 Act and the amendments to ORS 810.434 and 810.435  
19 by sections 3 and 4 of this 2017 Act apply to conduct occurring on or after the effective date  
20 of this 2017 Act.

21 **SECTION 6.** This 2017 Act takes effect on the 91st day after the date on which the 2017  
22 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

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