

House Bill 3357

Sponsored by Representative REARDON

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 duly authorized traffic enforcement agents to review and issue citations based on photographs taken by photo red light cameras. Defines "duly authorized traffic enforcement agent."

A BILL FOR AN ACT

1
2 Relating to traffic offenses; amending ORS 810.436 and 810.437.

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

4 **SECTION 1.** ORS 810.436 is amended to read:

5 810.436. (1) Notwithstanding any other provision of law, if a city chooses to operate a camera
6 that complies with this section and ORS 810.434, a citation for violation of ORS 811.265 may be is-
7 sued on the basis of photographs from a camera taken without the presence of a police officer if the
8 following conditions are met:

9 (a) Signs are posted, so far as is practicable, on all major routes entering the jurisdiction indi-
10 cating that compliance with traffic control devices is enforced through cameras.

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

13 (c) If the traffic control device is a traffic light, the yellow light shows for at least the length
14 of time recommended by the standard set by the Institute of Transportation Engineers.

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

17 (e) The registered owner is given 30 days from the date the citation is mailed to respond to the
18 citation.

19 (f) A police officer **or a duly authorized traffic enforcement agent of a law enforcement**
20 **agency** who has reviewed the photograph signs the citation. The citation may be prepared on a
21 digital medium, and the signature may be electronic in accordance with the provisions of ORS 84.001
22 to 84.061.

23 (2) Notwithstanding subsection (1) of this section, if the city issues a citation under ORS 810.437
24 for exceeding the speed limit under ORS 811.111 or designated speed posted under ORS 810.180 by
25 11 to 20 miles per hour, the city may not issue a citation under this section for violation of ORS
26 811.265 arising out of the same criminal episode, as defined in ORS 131.505.

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

31 (4) A rebuttable presumption exists that the registered owner of the vehicle was the driver of

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 the vehicle when the citation was issued and delivered as provided in this section.

2 (5) A person issued a citation under subsection (1) of this section may respond to the citation
 3 by submitting a certificate of innocence or a certificate of nonliability under subsection (7) of this
 4 section or any other response allowed by law.

5 (6) A citation for violation of ORS 811.265 issued on the basis of photographs from a camera
 6 installed as provided in this section and ORS 810.434 may be delivered by mail or otherwise to the
 7 registered owner of the vehicle or to the driver if the driver is identifiable from the photograph.

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

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

26 (8) The penalties for and all consequences of a violation of ORS 811.265 initiated by the use of
 27 a camera installed as provided in this section and ORS 810.434 are the same as for a violation ini-
 28 tiated by any other means.

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

33 **(10) As used in this section:**

34 **(a) “Duly authorized traffic enforcement agent” means an individual who is appointed,**
 35 **duly sworn and trained by a law enforcement agency to review photographs and issue cita-**
 36 **tions under this section. Duly authorized traffic enforcement agents are not police officers.**

37 **(b) “Law enforcement agency” means an agency employing police officers to enforce**
 38 **traffic offenses.**

39 **SECTION 2.** ORS 810.437 is amended to read:

40 810.437. (1) Notwithstanding any other provision of law, if a city chooses to operate cameras
 41 that comply with this section and ORS 810.434, a citation for speeding may be issued on the basis
 42 of photographs from a camera and other technology, including but not limited to sensors, that
 43 measure the speed of a vehicle without the presence of a police officer if the following conditions
 44 are met:

45 (a) Signs are posted, so far as is practicable, on all major routes entering the jurisdiction indi-

1 cating that compliance with traffic laws is enforced through cameras and other technology.

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

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

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

9 (e) A police officer **or a duly authorized traffic enforcement agent of a law enforcement**
 10 **agency** who has reviewed the photograph and other data signs the citation. The citation may be
 11 prepared on a digital medium, and the signature may be electronic in accordance with the provisions
 12 of ORS 84.001 to 84.061.

13 (f) The person exceeded the speed limit or designated speed by 11 miles per hour or greater.

14 (2) If the person named as the registered owner of a vehicle in the current records of the De-
 15 partment of Transportation fails to respond to a citation issued under subsection (1) of this section,
 16 a default judgment under ORS 153.102 may be entered for failure to appear after notice has been
 17 given that the judgment will be entered.

18 (3) A rebuttable presumption exists that the registered owner of the vehicle was the driver of
 19 the vehicle when the citation was issued and delivered as provided in this section.

20 (4) A person issued a citation under subsection (1) of this section may respond to the citation
 21 by submitting a certificate of innocence or a certificate of nonliability under subsection (6) of this
 22 section or any other response allowed by law.

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

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

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

44 (7) The penalties for and all consequences of a speeding violation initiated by the use of a
 45 camera installed as provided in this section and ORS 810.434 are the same as for a violation initi-

1 ated by any other means.

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

6 (9) **As used in this section:**

7 (a) **“Duly authorized traffic enforcement agent” means an individual who is appointed,**
8 **duly sworn and trained by a law enforcement agency to review photographs and other data**
9 **and issue citations under this section. Duly authorized traffic enforcement agents are not**
10 **police officers.**

11 (b) **“Law enforcement agency” means an agency employing police officers to enforce**
12 **traffic offenses.**

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