

Enrolled House Bill 4147

Sponsored by Representatives NERON, HUDSON, RUIZ, BOICE; Representatives ANDERSEN, BYNUM, DEXTER, GAMBA, GOMBERG, HARTMAN, HELM, LEVY E, MANNIX, MARSH, MCINTIRE, NATHANSON, NELSON, NGUYEN H, SMITH G, WALTERS, Senators DEMBROW, FREDERICK, MEEK, TAYLOR, WOODS (Presession filed.)

CHAPTER

AN ACT

Relating to school buses; creating new provisions; and amending ORS 468A.796 and 820.100.

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

SECTION 1. Section 2 of this 2024 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) As used in this section:

(a) “Education provider” means:

(A) A school district as defined in ORS 332.002;

(B) An entity that is a provider under the Oregon Prenatal to Kindergarten Program or other public early learning and preschool programs established under ORS 329.172 to 329.200;

(C) The Oregon School for the Deaf;

(D) An education service district;

(E) An educational program under the Youth Corrections Education Program or the Juvenile Detention Education Program, as those terms are defined in ORS 326.695; or

(F) A program that receives moneys pursuant to ORS 343.243.

(b) “Stop arm camera” means a video recording device that is installed on a school bus for the purpose of recording drivers who fail to stop for bus safety lights in violation of ORS 811.155 and that is capable of recording the date, time, registration plate number and location of the offense.

(2) Consistent with public contracting law and applicable collective bargaining agreements, an education provider may enter into a contract for the installation, operation and maintenance of stop arm cameras on school buses to photograph, by automated means, drivers who violate ORS 811.155. A camera installed, operated or maintained as provided by this subsection may not photograph the driver of a school bus while the driver is on the school bus or the students of a school bus while the students are on the school bus.

(3) When a stop arm camera is installed on a school bus:

(a) The education provider must inform, or cause to be informed, persons who will drive, maintain or otherwise interact with the school bus, as determined by the education provider, that a stop arm camera is installed on the bus.

(b) Except as provided by agreement, an education provider may not require or expect an employee to perform any job duties related to the installation, operation or maintenance of the stop arm camera.

(c) An education provider may not require, as a condition of employment, that an employee participate in the issuance of a citation for violation of ORS 811.155, unless participation is required by law enforcement or for a judicial proceeding. Nothing in this paragraph prohibits a driver of a school bus from reporting a violation as allowed under ORS 811.157.

(d) A warning sign must be posted on the school bus indicating the use of the stop arm camera.

(4) Notwithstanding any other provision of law, a law enforcement agency that has entered into an agreement with an education provider related to stop arm cameras on school buses may issue a citation for violation of ORS 811.155 on the basis of photographs or video from a camera and other technology, including sensors that measure movement of a motor vehicle while a stop arm is deployed without the presence of a police officer, if the following conditions are met:

(a) A police officer has reviewed the evidence and signs the citation.

(b) The citation is mailed to the registered owner of the vehicle within 10 business days of the alleged violation.

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

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

(e) A driver issued a citation under this subsection may respond to the citation by submitting a certificate of innocence or a certificate of nonliability under subsection (6) of this section or may make any other response allowed by law.

(5) A citation may be delivered by mail or otherwise to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital medium, and the signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

(6)(a) A registered owner of a vehicle may respond by mail to a citation issued under subsection (4) of this section by submitting, within 30 days after the mailing of the citation, a certificate of innocence swearing or affirming that the owner was not the driver of the vehicle and by providing a photocopy of the owner's driver license. A jurisdiction that receives a certificate of innocence under this paragraph shall dismiss the citation without requiring a court appearance by the registered owner or any other information from the registered owner other than the certificate of innocence and the photocopy. The citation may be reissued only once, only to the registered owner and only if the jurisdiction verifies that the registered owner appears to have been the driver at the time of the violation. A registered owner may not submit a certificate of innocence in response to a reissued citation.

(b) If a business or public agency responds to a citation issued under subsection (4) of this section by submitting, within 30 days after the mailing of the citation, a certificate of nonliability stating that at the time of the alleged violation the vehicle was in the custody and control of an employee, or was in the custody and control of a renter or lessee under the terms of a rental agreement or lease, and if the business or public agency provides the driver license number, name and address of the employee, renter or lessee, the citation shall be dismissed with respect to the business or public agency. The citation may then be issued and delivered by mail or otherwise to the employee, renter or lessee identified in the certificate of nonliability.

(7) If the person named as the registered owner of a vehicle in the current records of the Department of Transportation fails to respond to a citation issued under subsection (4) of this section, a default judgment under ORS 153.102 may be entered for failure to appear after notice has been given that the judgment will be entered.

(8) The penalties for and all consequences of violating ORS 811.155 initiated by the submission of a report under this section are the same as the penalties for and all consequences of violating ORS 811.155 initiated by any other means.

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

(10) An image or video recording produced by a stop arm camera may not be used for any purpose other than the investigation of a violation or a crime.

SECTION 3. ORS 820.100 is amended to read:

820.100. (1) The State Board of Education shall adopt and enforce such reasonable standards relating to school bus and school activity vehicle construction and school bus and school activity vehicle equipment as the board deems necessary for safe and economical operation, except that the board may not authorize the use of school buses manufactured before April 1, 1977.

(2) The governing board of a public university listed in ORS 352.002 may adopt and enforce separate standards of the type described under this section for school buses and school activity vehicles that are under the governing board's jurisdiction, except that the governing board may not authorize the use of school buses manufactured before April 1, 1977.

(3) The State Board of Education shall adopt and enforce standards for school bus stop arms authorized by ORS 820.105.

(4) The State Board of Education shall adopt and enforce standards for school bus stop arm camera warning signs authorized by section 2 of this 2024 Act.

[4] (5) Standards adopted under this section:

(a) Must be consistent with requirements established by statute or by rule adopted under statutory authority that relate to the same subject.

(b) Shall be consistent with minimum uniform national standards, if such standards exist.

(c) May include different requirements for different classes or types of school buses or school activity vehicles.

(d) May include any exemptions determined appropriate under ORS 820.150.

SECTION 4. ORS 468A.796 is amended to read:

468A.796. (1) All school buses powered by diesel engines operated in Oregon must, by January 1, [2025] **2026**, be:

(a) Repowered with an engine meeting 2007 fine particulate matter federal exhaust emission standards for diesel heavy-duty engines as set forth in 40 C.F.R. 86.007-11;

(b) Retrofitted:

(A) If retrofitted prior to August 15, 2017, with best available exhaust control technology; or

(B) If retrofitted on or after August 15, 2017, with exhaust controls meeting 2007 fine particulate matter federal exhaust emission standards for diesel heavy-duty engines as set forth in 40 C.F.R. 86.007-11; or

(c) Replaced with school buses manufactured on or after January 1, 2007.

(2) A school bus replaced under subsection (1)(c) of this section may not be used for transportation of any type.

Passed by House February 19, 2024

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate March 5, 2024

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2024

Approved:

.....M.,....., 2024

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2024

.....
LaVonne Griffin-Valade, Secretary of State