

# House Bill 4147

Sponsored by Representatives NERON, HUDSON, RUIZ, BOICE; Representatives ANDERSEN, GOMBERG, HELM, MANNIX, MARSH, NATHANSON, NGUYEN H, SMITH G, Senators DEMBROW, FREDERICK, MEEK, TAYLOR (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Authorizes the use of stop arm cameras on school buses to record people who do not stop for bus safety lights. (Flesch Readability Score: 60.6).

Permits an education provider to have stop arm cameras on school buses for the purpose of recording persons who fail to stop for bus safety lights.

Permits a law enforcement agency to issue a citation for failure to stop for bus safety lights based on photographs or video if certain other conditions are met.

## A BILL FOR AN ACT

1 Relating to school buses; creating new provisions; and amending ORS 820.100.

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

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

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

6 **(a) "Education provider" means:**

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

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

10 **(C) The Oregon School for the Deaf;**

11 **(D) An education service district;**

12 **(E) An educational program under the Youth Corrections Education Program or the Ju-**  
13 **venile Detention Education Program, as those terms are defined in ORS 326.695; or**

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

15 **(b) "Stop arm camera" means a video recording device that is installed on a school bus**  
16 **for the purpose of recording drivers who fail to stop for bus safety lights in violation of ORS**  
17 **811.155 and that is capable of recording the date, time, registration plate number and location**  
18 **of the offense.**

19 **(2) Consistent with public contracting law and applicable collective bargaining agree-**  
20 **ments, an education provider may enter into a contract for the installation, operation and**  
21 **maintenance of stop arm cameras on school buses to photograph, by automated means,**  
22 **drivers who violate ORS 811.155.**

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

24 **(a) The education provider must inform, or cause to be informed, the persons who will**  
25 **be drivers of the school bus; and**

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

2 (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  
 3 buses may issue a citation for violation of ORS 811.155 on the basis of photographs or video  
 4 from a camera and other technology, including sensors that measure movement of a motor  
 5 vehicle while a stop arm is deployed without the presence of a police officer, if the following  
 6 conditions are met:  
 7

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

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

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

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

15 (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  
 16 section or may make any other response allowed by law.  
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18 (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  
 19 may be electronic in accordance with the provisions of ORS 84.001 to 84.061.  
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21 (6)(a) A registered owner of a vehicle may respond by mail to a citation issued under  
 22 subsection (4) of this section by submitting, within 30 days after the mailing of the citation,  
 23 a certificate of innocence swearing or affirming that the owner was not the driver of the  
 24 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  
 25 registered owner other than the certificate of innocence and the photocopy. The citation may  
 26 be reissued only once, only to the registered owner and only if the jurisdiction verifies that  
 27 the registered owner appears to have been the driver at the time of the violation. A registered  
 28 owner may not submit a certificate of innocence in response to a reissued citation.  
 29  
 30

31 (b) If a business or public agency responds to a citation issued under subsection (4) of  
 32 this section by submitting, within 30 days after the mailing of the citation, a certificate of  
 33 nonliability stating that at the time of the alleged violation the vehicle was in the custody  
 34 and control of an employee, or was in the custody and control of a renter or lessee under  
 35 the terms of a rental agreement or lease, and if the business or public agency provides the  
 36 driver license number, name and address of the employee, renter or lessee, the citation shall  
 37 be dismissed with respect to the business or public agency. The citation may then be issued  
 38 and delivered by mail or otherwise to the employee, renter or lessee identified in the certificate of nonliability.  
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40 (7) If the person named as the registered owner of a vehicle in the current records of the  
 41 Department of Transportation fails to respond to a citation issued under subsection (4) of  
 42 this section, a default judgment under ORS 153.102 may be entered for failure to appear after  
 43 notice has been given that the judgment will be entered.

44 (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  
 45

1 of violating ORS 811.155 initiated by any other means.

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

6 (10) An image or video recording produced by a stop arm camera may not be used for  
7 any purpose other than evidence of a violation of ORS 811.155.

8 **SECTION 3.** ORS 820.100 is amended to read:

9 820.100. (1) The State Board of Education shall adopt and enforce such reasonable standards  
10 relating to school bus and school activity vehicle construction and school bus and school activity  
11 vehicle equipment as the board deems necessary for safe and economical operation, except that the  
12 board may not authorize the use of school buses manufactured before April 1, 1977.

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

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

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

21 [(4)] (5) Standards adopted under this section:

22 (a) Must be consistent with requirements established by statute or by rule adopted under stat-  
23 utory authority that relate to the same subject.

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

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

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