

# House Bill 3337

Sponsored by Representative NERON; Representative TRAN

## 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: Makes changes to the highway worker photo radar laws. (Flesch Readability Score: 66.1).

Makes changes to the highway worker photo radar laws.

## A BILL FOR AN ACT

1  
2 Relating to photo radar in highway work zones; creating new provisions; and amending ORS 810.441  
3 and 810.442.

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

5 **SECTION 1.** ORS 810.441 is amended to read:

6 810.441. (1) The Department of Transportation [*may*] **shall, in collaboration with the Oregon**  
7 **State Police, establish a highway worker photo radar program and** operate photo radar **units**  
8 within [*a*] highway work [*zone that is*] **zones that are** located on [*a state highway*] **state**  
9 **highways. The department is responsible for procuring and administering contracts neces-**  
10 **sary to implement the program, which includes but is not limited to contracts for photo ra-**  
11 **dar units, training and administration.** [*The photo radar unit may be operated only:*]

12 [*(a) In the area within a highway work zone when highway workers, as defined in ORS 811.230,*  
13 *are present. The photo radar unit may not be operated in a location more than 100 yards from where*  
14 *highway workers are present and, in the case of a divided state highway, the photo radar unit must*  
15 *be located on the same roadway where highway workers are present.*]

16 [*(b) When the configuration of the roadway is temporarily changed, including but not limited to*  
17 *temporary changes made to the number of usable lanes, lane width, shoulder width or curvature of the*  
18 *roadway. The photo radar unit may not be operated in a location more than 100 yards from where the*  
19 *configuration of the roadway is temporarily changed and, in the case of a divided state highway, the*  
20 *photo radar unit must be located on the same roadway where the highway configuration is temporarily*  
21 *changed.*]

22 [(2) *The department, at its own cost, may ask a jurisdiction authorized to operate photo radar un-*  
23 *der ORS 810.438 (1) or the Oregon State Police to operate a photo radar unit in a highway work zone*  
24 *on a state highway.*]

25 [(3) *A photo radar unit operated under this section may not be used unless a sign is posted an-*  
26 *nouncing that photo radar is in use. The sign posted under this subsection must be all of the*  
27 *following:*]

28 [(a) *Located on the state highway on which the photo radar unit is being used.*]

29 [(b) *Between 100 and 400 yards before the location of the photo radar unit.*]

30 **(2) The photo radar units may be operated only in the area within a highway work zone**

**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 **when highway workers, as defined in ORS 811.230, are present and, in the case of a divided**  
 2 **state highway, the photo radar unit must be located on the same roadway where highway**  
 3 **workers are present.**

4 **(3) A photo radar unit operated under this section may not be used unless a sign is**  
 5 **posted announcing that photo radar is in use. The sign posted under this subsection must**  
 6 **be:**

7 **(a) Located on the state highway on which the photo radar unit is being used; and**

8 **(b) Within one mile of the location of the photo radar unit or the highway work zone in**  
 9 **which the photo radar unit is in use.**

10 (4) The department shall, once each biennium, conduct a process and outcome evaluation for the  
 11 purposes of subsection (5) of this section that includes:

12 (a) The effect of the use of photo radar on traffic safety;

13 (b) The degree of public acceptance of the use of photo radar; and

14 (c) The process of administration of the use of photo radar.

15 (5) The department shall report to the Legislative Assembly by March 1 of each odd-numbered  
 16 year.

17 (6) As used in this section, "highway work zone" has the meaning given that term in ORS  
 18 811.230.

19 **SECTION 2.** ORS 810.442 is amended to read:

20 810.442. (1) Notwithstanding any other provision of law, when [*a jurisdiction or the Oregon State*  
 21 *Police uses*] photo radar **is used pursuant to ORS 810.441** in a highway work zone:

22 (a) A citation for speeding may be issued on the basis of photo radar if the following conditions  
 23 are met:

24 [*(A) The photo radar unit is operated by a uniformed police officer.*]

25 [*(B) The photo radar unit is operated out of a marked police vehicle.*]

26 [*(C) An indication of the actual speed of the vehicle is displayed within 150 feet of the location of*  
 27 *the photo radar unit.*]

28 **(A) A police officer has reviewed the photographic evidence of the conduct and signs the**  
 29 **citation.**

30 **(B) The person operating the vehicle exceeded the speed limit or designated speed by six**  
 31 **miles per hour or greater.**

32 **(C) A sign is posted that indicates that photo radar is in use and the sign meets the re-**  
 33 **quirements described in ORS 810.441.**

34 (D) The citation is mailed to the registered owner of the vehicle within [*six business*] **30** days  
 35 of the alleged violation.

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

38 [*(F)(i) One or more highway workers, as defined in ORS 811.230, are present and the photo radar*  
 39 *unit is operated within 100 yards from where highway workers are present and located on the same*  
 40 *roadway where highway workers are present; or]*

41 [*(ii) The configuration of the roadway is temporarily changed within the highway work zone, in-*  
 42 *cluding but not limited to temporary changes made to the number of usable lanes, lane width, shoulder*  
 43 *width or curvature of the roadway, and the photo radar unit is operated within 100 yards from where*  
 44 *the configuration of the roadway is temporarily changed and located on the same roadway where the*  
 45 *highway configuration is temporarily changed.*]

1 [(G)] (F) The *[jurisdiction operating photo radar]* **Oregon State Police** complies with the re-  
 2 quirements described in ORS 810.441.

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

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

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

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

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

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

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

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

40 (7) As used in this section, “highway work zone” has the meaning given that term in ORS  
 41 811.230.

42 **SECTION 3. Section 4 of this 2025 Act is added to and made a part of the Oregon Vehicle**  
 43 **Code.**

44 **SECTION 4. (1) Notwithstanding any other provision of law, all amounts received from**  
 45 **citations issued under ORS 810.442 shall be used first for the costs of the highway worker**

1 **photo radar program under ORS 810.441. Any revenue generated that exceeds program costs**  
2 **shall be used for traffic safety purposes as determined by the Department of Transportation**  
3 **in consultation with the Oregon State Police, and shall include but not be limited to costs**  
4 **associated with speed enforcement in highway work zones.**

5 (2) As used in this section, "highway work zone" has the meaning given that term in ORS  
6 811.230.

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