

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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|-----------------------|---|
| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed           |
| <b>Vote:</b>          | 7 - 0 - 0   |
| <b>Yeas:</b>          | Buckley, Butler, Gilman, Read, Smith G., Tomei, Beyer |
| <b>Nays:</b>          | 0   |
| <b>Exc.:</b>          | 0   |
| <b>Prepared By:</b>   | Judith Callens, Administrator                         |
| <b>Meeting Dates:</b> | 3/14, 4/4, 4/30                                       |

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**WHAT THE MEASURE DOES:** Adds cities of Gladstone, Milwaukie and Oregon City as jurisdictions that may operate photo radar at their own expense. Specifies sign to read "Traffic Laws Photo Enforced". Requires sign to be posed at least two feet above ground level. Authorizes Oregon Department of Transportation (ODOT) to operate photo radar within a highway work zone located on a state highway. Allows ODOT, at its own cost, to request local jurisdiction authorized to operate photo radar or to request Oregon State Police, to operate a photo radar unit in a highway work zone. Defines highway work zone. Allows person receiving citation to respond with certificate of innocence or certificate of nonliability by mail. Allows default judgment if registered owner fails to respond within 30 days. Applies standard speeding violation penalties. Requires ODOT to conduct process and outcome evaluation each biennium for photo radar operations in work zones. Requires report to Legislative Assembly by March 1 of each odd-numbered year. Repeals work zone photo radar provisions on December 31, 2014.

**ISSUES DISCUSSED:**

- Additional cities requesting authority to use photo radar
- Decrease in law enforcement officers available to enforce traffic laws
- State requirements for using photo radar
- Need for use of photo radar in work zones to improve worker safety

**EFFECT OF COMMITTEE AMENDMENT:** Adds the cities of Gladstone, Milwaukie, and Oregon City as jurisdictions that may operate photo radar at their own expense. Specifies sign language to read "Traffic Laws Photo Enforced". Requires sign to be posted at least two feet above ground level. Authorizes ODOT to operate photo radar within a highway work zone located on a state highway but not on interstate highway. Allows ODOT, at its own cost, to request local jurisdiction authorized to operate photo radar or Oregon State Police, to operate a photo radar unit in a highway work zone. Prohibits use of photo radar in work zones unless sign is posted on the state highway between 100 and 400 yards before unit location. Requires ODOT to conduct a process and outcome evaluation each biennium including the effect on traffic safety, degree of public acceptance, and the process of administering photo radar in work zones. Requires report to Legislative Assembly by March 1 of each odd-numbered year. Defines highway work zone. Authorizes local jurisdictions or Oregon State Police to issue citation on the basis of photo radar if operated: 1) by a uniformed police officer, 2) in a marked police vehicle, 3) indication of actual speed is displayed within 150 feet of unit, 4) citation is mailed to registered owner within six business days of alleged violation, 5) registered owner is given 30 days to respond, and 6) one or more highway workers are present. Provides a rebuttable presumption that the registered owner was the driver. Allows citation to be delivered by mail or otherwise. Allows citation to be prepared on a digital medium and the signature may be electronic. Allows registered owner to respond by mail with certificate of innocence. Requires jurisdiction receiving a certificate of innocence to dismiss citation without requiring a court appearance. Allows jurisdiction to re-issue citation if registered owner appears to be the driver. Prohibits submission of certificate of innocence for re-issued citations. Allows business or public agency to respond by submitting a certificate of nonliability if providing the driver license number, name and address of the employee, renter or lessee who had custody and control of the vehicle at time of violation. Allows issuance of citation to named employee, renter or lessee. Allows a default judgment if registered owner fails to respond within 30 days. Allows registered owner, employee, renter or lessee to

move the court for relief from default judgment if failure to appear was due to mistake, inadvertence, surprise or excusable neglect. Applies standard speeding violation penalties. Adds highway work zone photo radar provisions to Oregon Vehicle Code. Repeals work zone photo radar provisions on December 31, 2014.

**BACKGROUND:** At present, the cities of Albany, Beaverton, Bend, Eugene, Medford, Portland and Tigard are authorized to operate photo radar in their communities, at their own expense. The use of photo radar must comply with the following state restrictions: 1) photo radar systems may not be used for more than four hours per day in any one location, 2) photo radar systems may not be used on controlled access highways, and 3) photo radar systems may not be used unless a sign is posted announcing that photo radar is in use. Jurisdictions opting to use photo radar must conduct a process and outcome evaluation once each biennium describing the effect on traffic safety, degree of public acceptance and process of administration. Evaluations must be submitted to the Legislative Assembly by March 1 of each regular Legislative session. HB 2466A adds the cities of Gladstone, Milwaukie and Oregon City as jurisdictions authorized to operate photo radar. The measure further authorizes the ODOT to operate photo radar within a highway work zone located on a state highway. Use of photo radar on interstate highways remains prohibited.

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*This summary has not been adopted or officially endorsed by action of the committee.*

Committee Services Form – 2007 Regular Session