

**A-Engrossed**  
**House Bill 2466**

Ordered by the House May 11  
Including House Amendments dated May 11

Sponsored by Representative LIM

**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.

*[Requires photo radar signs to be of certain size. Requires posting of photo radar sign between 400 and 500 yards before location of unit.]*

**Permits Gladstone, Milwaukie and Oregon City to operate photo radar. Permits Department of Transportation to operate photo radar in highway work zones.**

**A BILL FOR AN ACT**

1  
2 Relating to photo radar; creating new provisions; and amending ORS 810.438.

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

4 **SECTION 1.** ORS 810.438 is amended to read:

5 810.438. (1) The following jurisdictions may, at their own cost, operate photo radar:

6 *[(a) Albany.]*

7 *[(b) Beaverton.]*

8 *[(c) Bend.]*

9 *[(d) Eugene.]*

10 *[(e) Medford.]*

11 *[(f) Portland.]*

12 *[(g) Tigard.]*

13 **(a) Albany.**

14 **(b) Beaverton.**

15 **(c) Bend.**

16 **(d) Eugene.**

17 **(e) Gladstone.**

18 **(f) Medford.**

19 **(g) Milwaukie.**

20 **(h) Oregon City.**

21 **(i) Portland.**

22 **(j) Tigard.**

23 (2) A photo radar system operated under this section:

24 (a) May be used on streets in residential areas or school zones.

25 (b) May be used in other areas if the governing body of the city makes a finding that speeding  
26 has had a negative impact on traffic safety in those areas.

27 (c) May not be used for more than four hours per day in any one location.

**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 (d) May not be used on controlled access highways.

2 (e) May not be used unless a sign is posted announcing **“Traffic Laws Photo Enforced”** [*that*  
3 *photo radar is in use*]. The sign posted under this paragraph must be all of the following:

4 (A) On the street on which the photo radar unit is being used.

5 (B) Between 100 and 400 yards before the location of the photo radar unit.

6 **(C) At least two feet above ground level.**

7 (3) A city that operates a photo radar system under this section shall, once each biennium,  
8 conduct a process and outcome evaluation for the purposes of subsection (4) of this section that in-  
9 cludes:

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

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

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

13 (4) By March 1 of the year of each regular session of the Legislative Assembly:

14 (a) The Department of Transportation shall provide to the Legislative Assembly an executive  
15 summary of the process and outcome evaluations conducted under subsection (3) of this section; and

16 (b) Each city that operates a photo radar system under this section shall present to the Legis-  
17 lative Assembly the process and outcome evaluation conducted by the city under subsection (3) of  
18 this section.

19 **SECTION 2. Sections 3 and 4 of this 2007 Act are added to and made a part of the Oregon**  
20 **Vehicle Code.**

21 **SECTION 3. (1) The Department of Transportation may operate photo radar within a**  
22 **highway work zone that is located on a state highway, except for a highway work zone lo-**  
23 **cated on an interstate highway.**

24 **(2) The department, at its own cost, may ask a jurisdiction authorized to operate photo**  
25 **radar under ORS 810.438 (1) or the Oregon State Police to operate a photo radar unit in a**  
26 **highway work zone on a state highway, except for a highway work zone located on an**  
27 **interstate highway.**

28 **(3) A photo radar unit operated under this section may not be used unless a sign is**  
29 **posted announcing that photo radar is in use. The sign posted under this subsection must**  
30 **be all of the following:**

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

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

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

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

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

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

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

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

42 **SECTION 4. (1) Notwithstanding any other provision of law, except for section 3 of this**  
43 **2007 Act, when a jurisdiction or the Oregon State Police uses photo radar in a highway work**  
44 **zone:**

45 **(a) A citation for speeding may be issued on the basis of photo radar if the following**

1 conditions are met:

2 (A) The photo radar unit is operated by a uniformed police officer.

3 (B) The photo radar unit is operated out of a marked police vehicle.

4 (C) An indication of the actual speed of the vehicle is displayed within 150 feet of the lo-  
5 cation of the photo radar unit.

6 (D) The citation is mailed to the registered owner of the vehicle within six business days  
7 of the alleged violation.

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

10 (F) One or more highway workers are present. For the purposes of this subparagraph,  
11 "highway workers" has the meaning given that term in ORS 811.230.

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

14 (c) A person issued a citation under this subsection may respond to the citation by sub-  
15 mitting a certificate of innocence or a certificate of nonliability under subsection (3) of this  
16 section or may make any other response allowed by law.

17 (2) A citation issued on the basis of photo radar may be delivered by mail or otherwise  
18 to the registered owner of the vehicle or to the driver. The citation may be prepared on a  
19 digital medium and the signature may be electronic in accordance with the provisions of ORS  
20 84.001 to 84.061.

21 (3)(a) A registered owner of a vehicle may respond by mail to a citation issued under  
22 subsection (1) of this section by submitting, within 30 days from 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 re-  
25 ceives a certificate of innocence under this paragraph shall dismiss the citation without re-  
26 quiring a court appearance by the registered owner or any other information from the  
27 registered owner other than the swearing or affirmation and the photocopy. The citation  
28 may be reissued only once, only to the registered owner and only if the jurisdiction verifies  
29 that the registered owner appears to have been the driver at the time of the violation. A  
30 registered owner may not submit a certificate of innocence in response to a reissued citation.

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

40 (4) 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 (1) 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 (5) The penalties for and all consequences of a speeding violation initiated by the use of  
45 photo radar are the same as for a speeding violation initiated by any other means.

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

5       **(7) As used in this section, “highway work zone” has the meaning given that term in ORS**  
6 **811.230.**

7       **SECTION 5. Sections 3 and 4 of this 2007 Act are repealed on December 31, 2014.**  
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