

HOUSE AMENDMENTS TO HOUSE BILL 2466

By COMMITTEE ON TRANSPORTATION

May 11

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and insert
2 “creating new provisions; and amending ORS 810.438.”.

3 Delete lines 6 through 12 and insert:

4 “(a) Albany.

5 “(b) Beaverton.

6 “(c) Bend.

7 “(d) Eugene.

8 “(e) Gladstone.

9 “(f) Medford.

10 “(g) Milwaukie.

11 “(h) Oregon City.

12 “(i) Portland.

13 “(j) Tigard.”.

14 In line 19, delete the boldfaced material and insert “Traffic Laws Photo Enforced”.

15 In line 22, restore the bracketed material and delete the boldfaced material.

16 Delete line 23 and insert:

17 “(C) At least two feet above ground level.”.

18 On page 2, after line 4, insert:

19 “**SECTION 2. Sections 3 and 4 of this 2007 Act are added to and made a part of the**
20 **Oregon 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 evalu-**
34 **ation for the purposes of subsection (5) of this section that includes:**

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

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

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

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

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

7 “SECTION 4. (1) Notwithstanding any other provision of law, except for section 3 of this
8 2007 Act, when a jurisdiction or the Oregon State Police uses photo radar in a highway work
9 zone:

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

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

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

14 “(C) An indication of the actual speed of the vehicle is displayed within 150 feet of the
15 location of the photo radar unit.

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

18 “(E) The registered owner is given 30 days from the date the citation is mailed to respond
19 to the citation.

20 “(F) One or more highway workers are present. For the purposes of this subparagraph,
21 ‘highway workers’ has the meaning given that term in ORS 811.230.

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

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

27 “(2) A citation issued on the basis of photo radar may be delivered by mail or otherwise
28 to the registered owner of the vehicle or to the driver. The citation may be prepared on a
29 digital medium and the signature may be electronic in accordance with the provisions of ORS
30 84.001 to 84.061.

31 “(3)(a) A registered owner of a vehicle may respond by mail to a citation issued under
32 subsection (1) of this section by submitting, within 30 days from the mailing of the citation,
33 a certificate of innocence swearing or affirming that the owner was not the driver of the
34 vehicle and by providing a photocopy of the owner’s driver license. A jurisdiction that re-
35 ceives a certificate of innocence under this paragraph shall dismiss the citation without re-
36 quiring a court appearance by the registered owner or any other information from the
37 registered owner other than the swearing or affirmation and the photocopy. The citation
38 may be reissued only once, only to the registered owner and only if the jurisdiction verifies
39 that the registered owner appears to have been the driver at the time of the violation. A
40 registered owner may not submit a certificate of innocence in response to a reissued citation.

41 “(b) If a business or public agency responds to a citation issued under subsection (1) of
42 this section by submitting, within 30 days from the mailing of the citation, a certificate of
43 nonliability stating that at the time of the alleged speeding violation the vehicle was in the
44 custody and control of an employee, or was in the custody and control of a renter or lessee
45 under the terms of a rental agreement or lease, and if the business or public agency provides

1 the driver license number, name and address of the employee, renter or lessee, the citation
2 shall be dismissed with respect to the business or public agency. The citation may then be
3 issued and delivered by mail or otherwise to the employee, renter or lessee identified in the
4 certificate of nonliability.

5 “(4) If the person named as the registered owner of a vehicle in the current records of
6 the Department of Transportation fails to respond to a citation issued under subsection (1)
7 of this section, a default judgment under ORS 153.102 may be entered for failure to appear
8 after notice has been given that the judgment will be entered.

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

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

15 “(7) As used in this section, ‘highway work zone’ has the meaning given that term in ORS
16 811.230.

17 “SECTION 5. Sections 3 and 4 of this 2007 Act are repealed on December 31, 2014.”.
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