

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2466

By COMMITTEE ON RULES

June 4

1 On page 1 of the printed A-engrossed bill, line 2, after “810.438” insert “and 810.439”.

2 On page 2, after line 18, insert:

3 “**SECTION 2.** ORS 810.439 is amended to read:

4 “810.439. (1) Notwithstanding any other provision of law, in the jurisdictions using photo radar:

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

7 “(A) The photo radar equipment is operated by a uniformed police officer.

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

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

11 “(D) Signs indicating that speeds are enforced by photo radar are posted, so far as is practica-
12 ble, on all major routes entering the jurisdiction.

13 “(E) The citation is mailed to the registered owner of the vehicle within six business days of the
14 alleged violation.

15 “(F) The registered owner is given 30 days from the date the citation is mailed to respond to
16 the citation.

17 “(G) **The jurisdiction operating photo radar complies with the requirements described in**
18 **ORS 810.438.**

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

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

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

27 “(3)(a) A registered owner of a vehicle may respond by mail to a citation issued under sub-
28 section (1) of this section by submitting a certificate of innocence within 30 days from the mailing
29 of the citation swearing or affirming that the owner was not the driver of the vehicle and by pro-
30 viding a photocopy of the owner’s driver license. A jurisdiction that receives a certificate of inno-
31 cence under this paragraph shall dismiss the citation without requiring a court appearance by the
32 registered owner or any other information from the registered owner other than the swearing or
33 affirmation and the photocopy. The citation may be reissued only once, only to the registered owner
34 and only if the jurisdiction verifies that the registered owner appears to have been the driver at the
35 time of the violation. A registered owner may not submit a certificate of innocence in response to

1 a reissued citation.

2 “(b) If a business or public agency responds to a citation issued under subsection (1) of this
3 section by submitting a certificate of nonliability within 30 days from the mailing of the citation
4 stating that at the time of the alleged speeding violation the vehicle was in the custody and control
5 of an employee or was in the custody and control of a renter or lessee under the terms of a rental
6 agreement or lease, and if the business or public agency provides the driver license number, name
7 and address of the employee, renter or lessee, the citation shall be dismissed with respect to the
8 business or public agency. The citation may then be issued and delivered by mail or otherwise to
9 the employee, renter or lessee identified in the certificate of nonliability.

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

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

16 “(6) A registered owner, employee, renter or lessee against whom a judgment for failure to ap-
17 pear is entered may move the court to relieve the owner, employee, renter or lessee from the judg-
18 ment as provided in ORS 153.105 if the failure to appear was due to mistake, inadvertence, surprise
19 or excusable neglect.”.

20 In line 19, delete “2” and insert “3” and delete “3 and 4” and insert “4 and 5”.

21 In line 21, delete “3” and insert “4”.

22 In line 42, delete “4” and insert “5” and after the comma delete the rest of the line.

23 In line 43, delete “2007 Act.”.

24 On page 3, after line 11, insert:

25 “(G) The jurisdiction operating photo radar complies with the requirements described in section
26 4 of this 2007 Act.”.

27 On page 4, line 7, delete “5” and insert “6” and delete “3 and 4” and insert “4 and 5”.

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