

**Enrolled**  
**House Bill 2508**

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon Association Chiefs of Police)

CHAPTER .....

AN ACT

Relating to photo red light; amending ORS 810.434 and 810.436.

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

**SECTION 1.** ORS 810.434 is amended to read:

810.434. (1) Any city *[with a population of 30,000 or more]* may, at its own cost, operate cameras designed to photograph drivers who violate ORS 811.265 by failing to obey a traffic control device. *[Notwithstanding the population requirement of this section, the City of Newberg may operate cameras as provided for other cities in this section.]*

(2) Cameras operated under this section may be mounted on street lights or put in other suitable places.

(3) A city that chooses to operate a camera shall:

(a) Provide a public information campaign to inform local drivers about the use of cameras before citations are actually issued; and

(b) Once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

(A) The effect of the use of cameras on traffic safety;

(B) The degree of public acceptance of the use of cameras; and

(C) The process of administration of the use of cameras.

(4) By March 1 of the year of each regular session of the Legislative Assembly[.],

*[(a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted by cities under subsection (3) of this section; and]*

*[(b)]* each city that operates a camera under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.

*[(5)(a) Except as otherwise provided in paragraph (b) of this subsection, a city authorized to operate cameras under this section may not operate the cameras at more than eight intersections in the city.]*

*[(b) A city with a population of 300,000 or more may not operate cameras at more than 12 intersections in the city.]*

**SECTION 2.** ORS 810.436 is amended to read:

810.436. (1) Notwithstanding any other provision of law, if a city *[authorized to do so by ORS 810.434]* chooses to operate a camera that complies with this section and ORS 810.434, a citation for violation of ORS 811.265 may be issued on the basis of photographs from a camera taken without the presence of a police officer if the following conditions are met:

(a) Signs are posted, so far as is practicable, on all major routes entering the jurisdiction indicating that compliance with traffic control devices is enforced through cameras.

(b) For each traffic control device at which a camera is installed, signs indicating that a camera may be in operation at the device are posted before the device at a location near the device.

(c) If the traffic control device is a traffic light, the yellow light shows for at least the length of time recommended by the standard set by the Institute of Transportation Engineers.

(d) The citation is mailed to the registered owner of the vehicle, or to the driver if identifiable, within 10 business days of the alleged violation.

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

(f) A police officer who has reviewed the photograph signs the citation. The citation may be prepared on a digital medium, and the signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

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

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

(4) A person issued a citation under subsection (1) of this section may respond to the citation by submitting a certificate of innocence or a certificate of nonliability under subsection (6) of this section or any other response allowed by law.

(5) A citation for violation of ORS 811.265 issued on the basis of photographs from a camera installed as provided in this section and ORS 810.434 may be delivered by mail or otherwise to the registered owner of the vehicle or to the driver if the driver is identifiable from the photograph.

(6)(a) A registered owner of a vehicle may respond by mail to a citation issued under subsection (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate of innocence swearing or affirming that the owner was not the driver of the vehicle and by providing a photocopy of the owner's driver license. A jurisdiction that receives a certificate of innocence under this paragraph shall dismiss the citation without requiring a court appearance by the registered owner or any other information from the registered owner other than the swearing or affirmation and the photocopy. The citation may be reissued only once, only to the registered owner and only if the jurisdiction verifies that the registered owner appears to have been the driver at the time of the violation. A registered owner may not submit a certificate of innocence in response to a reissued citation.

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

(7) The penalties for and all consequences of a violation of ORS 811.265 initiated by the use of a camera installed as provided in this section and ORS 810.434 are the same as for a violation initiated by any other means.

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

**Passed by House April 11, 2007**

.....  
Chief Clerk of House

.....  
Speaker of House

**Passed by Senate June 4, 2007**

.....  
President of Senate

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

.....  
Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

.....  
Secretary of State