

## HOUSE AMENDMENTS TO HOUSE BILL 2508

By COMMITTEE ON JUDICIARY

April 4

- 1 In line 2 of the printed bill, after "810.434" insert "and 810.436".
- 2 In line 5, delete "with a population of 10,000 or more".
- 3 In line 19, delete the colon and insert a comma.
- 4 Delete lines 20 through 22.
- 5 In line 23, delete "(b)".
- 6 Delete lines 25 through 29.
- 7 After line 29, insert:
- 8 "**SECTION 2.** ORS 810.436 is amended to read:
- 9 "810.436. (1) Notwithstanding any other provision of law, if a city [*authorized to do so by ORS*
- 10 *810.434*] chooses to operate a camera that complies with this section and ORS 810.434, a citation for
- 11 violation of ORS 811.265 may be issued on the basis of photographs from a camera taken without
- 12 the presence of a police officer if the following conditions are met:
- 13 "(a) Signs are posted, so far as is practicable, on all major routes entering the jurisdiction in-
- 14 dicating that compliance with traffic control devices is enforced through cameras.
- 15 "(b) For each traffic control device at which a camera is installed, signs indicating that a cam-
- 16 era may be in operation at the device are posted before the device at a location near the device.
- 17 "(c) If the traffic control device is a traffic light, the yellow light shows for at least the length
- 18 of time recommended by the standard set by the Institute of Transportation Engineers.
- 19 "(d) The citation is mailed to the registered owner of the vehicle, or to the driver if identifiable,
- 20 within 10 business days of the alleged violation.
- 21 "(e) The registered owner is given 30 days from the date the citation is mailed to respond to the
- 22 citation.
- 23 "(f) A police officer who has reviewed the photograph signs the citation. The citation may be
- 24 prepared on a digital medium, and the signature may be electronic in accordance with the provisions
- 25 of ORS 84.001 to 84.061.
- 26 "(2) If the person named as the registered owner of a vehicle in the current records of the De-
- 27 partment of Transportation fails to respond to a citation issued under subsection (1) of this section,
- 28 a default judgment under ORS 153.102 may be entered for failure to appear after notice has been
- 29 given that the judgment will be entered.
- 30 "(3) A rebuttable presumption exists that the registered owner of the vehicle was the driver of
- 31 the vehicle when the citation was issued and delivered as provided in this section.
- 32 "(4) A person issued a citation under subsection (1) of this section may respond to the citation
- 33 by submitting a certificate of innocence or a certificate of nonliability under subsection (6) of this
- 34 section or any other response allowed by law.
- 35 "(5) A citation for violation of ORS 811.265 issued on the basis of photographs from a camera

1 installed as provided in this section and ORS 810.434 may be delivered by mail or otherwise to the  
2 registered owner of the vehicle or to the driver if the driver is identifiable from the photograph.

3 “(6)(a) A registered owner of a vehicle may respond by mail to a citation issued under sub-  
4 section (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate  
5 of innocence swearing or affirming that the owner was not the driver of the vehicle and by providing  
6 a photocopy of the owner’s driver license. A jurisdiction that receives a certificate of innocence  
7 under this paragraph shall dismiss the citation without requiring a court appearance by the regis-  
8 tered owner or any other information from the registered owner other than the swearing or affir-  
9 mation and the photocopy. The citation may be reissued only once, only to the registered owner and  
10 only if the jurisdiction verifies that the registered owner appears to have been the driver at the time  
11 of the violation. A registered owner may not submit a certificate of innocence in response to a re-  
12 issued citation.

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

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

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

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