

HB 2409 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 2/16

WHAT THE MEASURE DOES:

Authorizes city to operate camera mounted on street light or other appropriate place to record drivers who speed in excess of 10 miles over limit. Requires city to notify community and drivers of use of technology. Requires police officer to review photograph and sensor data before issuing citation. Provides registered owner of vehicle to whom citation is issued with ability to submit certificate of innocence or certificate of nonliability.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

As a general rule, a violation citation may be issued by a police officer only if the underlying conduct is witnessed by a police officer. ORS 153.042; 810.410. A number of exceptions to this general rule exist. For example, current law authorizes all cities to operate red light cameras (ORS 810.434 to 813.436), and certain cities to operate photographic radar systems (ORS 810.438 to 810.442), and issue corresponding citations. House Bill 2409 similarly allows police officers to issue speeding citations based on sensors and photographic evidence, while providing registered owners of the offending vehicle the opportunity to submit a certificate of innocence or certificate of nonliability in appropriate circumstances. Ordinarily, speeding in excess of 10 miles an hour, but less than 20 miles an hour, is a Class C violation, punishable by a presumptive fine of \$160.