

HB 2409 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 03/23/17

Action: Do pass with amendments and be referred to Revenue. (Printed A-Eng.)

Vote: 9-1-1-0

Yeas: 9 - Barker, Gorsek, Greenlick, Lininger, Olson, Sanchez, Sprenger, Stark, Vial

Nays: 1 - Post

Exc: 1 - Williamson

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Authorizes city to operate camera and other technology, mounted on street light or other appropriate place, to record drivers who speed in excess of 11 miles per hour over limit. Requires city to notify community and drivers of use of technology. Requires police officer to review photograph and data before issuing citation. Prohibits issuance of both speeding ticket and ticket for running red light, unless driver exceeds speed limit by more than 21 miles per hour. Provides registered owner of vehicle to whom citation is issued with ability to submit certificate of innocence or certificate of nonliability.

ISSUES DISCUSSED:

- Evidence of increased speed through intersections, particularly during yellow light phase, is captured by red light cameras
- Excess speed increases likelihood of accidents with serious injury or fatality
- Photo radar speeding cameras have reduced speeding
- Multiple tickets issued for a single incident

EFFECT OF AMENDMENT:

Prohibits a city from issuing both a speeding ticket and a ticket for running a red light, unless the driver exceeds the speed limit by more than 21 miles per hour. Requires that a driver speed in excess of 11 miles per hour over limit before a ticket may be issued, authorizes the use of technology other than sensors and clarifies authority to deliver ticket by means other than mailing.

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 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-A similarly allows police officers to issue speeding citations based on photographic evidence and other technology, 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 11 miles per hour over limit, but less than 20 miles per hour over limit, is a Class C violation, punishable by a presumptive fine of \$160. The penalty for speeding in excess of 21 miles per hour over limit, but less than 30 miles per hour over limit, and the penalty for running a red light, is ordinarily a Class B violation, punishable by a presumptive fine of \$260.