

HB 2409 A STAFF MEASURE SUMMARY

Carrier: Rep. Barker, Rep. Olson

House Committee On Revenue

Action Date: 04/24/17

Action: Do Pass.

Vote: 8-0-1-0

Yeas: 8 - Barnhart, Bentz, Buehler, Hernandez, Johnson, Marsh, Nosse, Smith Warner

Exc: 1 - Smith G

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

Prepared By: Mazen Malik, Senior Economist

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:

- The impacts of the devices on safety
- The effect on the CFA account
- The changes in the way the fee is paid and distributed since the 2011 session.

EFFECT OF AMENDMENT:

No 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 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.

ORS 153.633 distributes \$60 of any fine to the state for any citation or criminal action in a circuit court in which a fine is imposed. It also distributes \$45 when any citation or criminal action in a justice or municipal court in which a fine is imposed. The amounts go to the Department of Revenue for deposit in the Criminal Fine Account. Moreover, if the citation is in a circuit court, ORS 153.640 sends one-half of the amount of any payment to the state Criminal Fine Account. The number of cities that will utilize the photo-radar is not yet known.