

Senate Bill 475

Sponsored by Senator BOQUIST (at the request of Mayor Michael Cape) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits school bus driver to operate video recording device for purpose of recording persons who fail to stop for bus safety lights. Permits law enforcement agency to issue citation for failure to stop for bus safety lights based on report submitted by school bus driver that includes recording of violation.

A BILL FOR AN ACT

1
2 Relating to the offense of failure to stop for bus safety lights.

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

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of the Oregon Vehicle**
5 **Code.**

6 **SECTION 2. (1) The driver of a school bus may operate a video recording device on a**
7 **school bus for the purpose of recording persons who fail to stop for bus safety lights in vio-**
8 **lation of ORS 811.155.**

9 **(2) If the device records a person violating ORS 811.155, the driver of the school bus may**
10 **submit a report to the local law enforcement agency having jurisdiction over the area where**
11 **the violation is alleged to have occurred. The report must be made within 72 hours of the**
12 **alleged violation and must contain:**

13 **(a) The date and time of day of the alleged violation;**

14 **(b) The name of the street on which the bus was traveling at the time of the alleged vi-**
15 **olation and either the approximate address or the name of the closest intersecting street;**

16 **(c) The direction in which the bus was traveling and the direction in which the vehicle**
17 **alleged to have committed the violation was traveling; and**

18 **(d) A copy of the video recording.**

19 **(3) Notwithstanding any other provision of law, a citation for violating ORS 811.155 may**
20 **be issued on the basis of a report submitted under this section if the following conditions are**
21 **met:**

22 **(a) A police officer reviews the evidence submitted under subsection (2) of this section.**

23 **(b) The citation is mailed to the registered owner of the vehicle within six business days**
24 **of the alleged violation.**

25 **(c) The registered owner is given 30 days from the date the citation is mailed to respond**
26 **to the citation.**

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

29 **(e) A person issued a citation under this subsection may respond to the citation by sub-**
30 **mitting a certificate of innocence or a certificate of nonliability under subsection (5) of this**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 section or may make any other response allowed by law.

2 (4) A citation issued on the basis of a report may be delivered by mail or otherwise to
3 the registered owner of the vehicle or to the driver. The citation may be prepared on a digital
4 medium, and the signature may be electronic in accordance with the provisions of ORS 84.001
5 to 84.061.

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

16 (b) If a business or public agency responds to a citation issued under subsection (3) of
17 this section by submitting, within 30 days from the mailing of the citation, a certificate of
18 nonliability stating that at the time of the alleged violation the vehicle was in the custody
19 and control of an employee or was in the custody and control of a renter or lessee under the
20 terms of a rental agreement or lease, and if the business or public agency provides the driver
21 license number, name and address of the employee, renter or lessee, the citation shall be
22 dismissed with respect to the business or public agency. The citation may then be issued and
23 delivered by mail or otherwise to the employee, renter or lessee identified in the certificate
24 of nonliability.

25 (6) If the person named as the registered owner of a vehicle in the current records of the
26 Department of Transportation fails to respond to a citation issued under subsection (3) of
27 this section, a default judgment under ORS 153.102 may be entered for failure to appear after
28 notice has been given that the judgment will be entered.

29 (7) The penalties for and all consequences of violating ORS 811.155 initiated by the sub-
30 mission of a report under this section are the same as for consequences of violating ORS
31 811.155 initiated by any other means.

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

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