

# House Bill 2530

Sponsored by Representative REARDON (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**.

Repeals sunset on authorization to operate fixed photo radar on urban high crash corridors in City of Portland.

Authorizes cities with population of 50,000 or more to operate fixed photo radar on urban high crash corridors.

## A BILL FOR AN ACT

1  
2 Relating to use of photo radar on urban high crash corridors; amending sections 1, 2 and 3, chapter  
3 721, Oregon Laws 2015; and repealing section 4, chapter 721, Oregon Laws 2015.

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

5 **SECTION 1.** Section 1, chapter 721, Oregon Laws 2015, is amended to read:

6 **Sec. 1.** *[(1) As used in this section, "urban high crash corridor" means a segment of highway that*  
7 *has an incidence rate of reported traffic crashes resulting in fatalities or serious injuries that is at least*  
8 *25 percent higher than the rate for highways with the same speed limit or designated speed within the*  
9 *jurisdiction on average between January 1, 2006, and January 1, 2016, and for which the governing*  
10 *body of the city makes a finding that speeding has had a negative impact on traffic safety.]*

11 **(1) As used in this section, "urban high crash corridor" means a segment of highway that**  
12 **has been identified as a safety priority by the Department of Transportation or the governing**  
13 **body of a city.**

14 **(2) Notwithstanding ORS 810.438, [the City of Portland] a city with a population of 50,000 or**  
15 **more** may, at its own cost, operate a fixed photo radar system on urban high crash corridors.

16 **(3) A fixed photo radar unit operated under this section:**

17 **(a) May not be used on controlled access highways.**

18 **(b) May not be used unless a sign is posted announcing "Traffic Laws Photo Enforced." The sign**  
19 **posted under this paragraph must:**

20 **(A) Be on the street on which the fixed photo radar unit is being operated;**

21 **(B) Be between 100 and 400 yards before the location of the fixed photo radar unit;**

22 **(C) Be at least two feet above ground level;**

23 **(D) Provide drivers with information about the driver's current rate of speed; and**

24 **(E) Conform with specifications for traffic control devices approved by the Oregon Transporta-**  
25 **tion Commission under ORS 810.200.**

26 **(c) Must remain in the same location for at least 180 days.**

27 *[(4) The City of Portland shall, once each biennium, conduct an outcome evaluation for the pur-*  
28 *poses of subsection (5) of this section that includes:]*

29 *[(a) The effect of the operation of the fixed photo radar system on traffic safety;]*

30 *[(b) The degree of public acceptance of the operation of the fixed photo radar system; and]*

**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        *[(c) The process of administering the use of the fixed photo radar system.]*

2        *[(5) By March 1 of each odd-numbered year, the City of Portland shall present to the Legislative*  
 3 *Assembly the outcome evaluation conducted by the city under subsection (4) of this section in the*  
 4 *manner provided in ORS 192.245.]*

5        **SECTION 2.** Section 2, chapter 721, Oregon Laws 2015, is amended to read:

6        **Sec. 2.** (1) Notwithstanding any other provision of law, in *[the jurisdiction]* a city operating a  
 7 fixed photo radar system under section 1 *[of this 2015 Act]*, **chapter 721, Oregon Laws 2015:**

8        (a) A citation for speeding may be issued on the basis of fixed photo radar if:

9        (A) A sign that provides drivers with information about the driver's current rate of speed is  
 10 posted between 100 and 400 yards before the location of each fixed photo radar unit; and

11        (B) A police officer who has reviewed the photographic evidence of the conduct signs the cita-  
 12 tion.

13        (b) A rebuttable presumption exists that the registered owner of the vehicle was the driver of  
 14 the vehicle when the citation is issued and delivered as provided in subsection (2) of this section.

15        (c) An individual issued a citation under this subsection may respond to the citation by sub-  
 16 mitting a certificate of innocence under subsection (3)(a) of this section or may make any other re-  
 17 sponse allowed by law.

18        (d) A business or public agency issued a citation under this subsection may respond to the ci-  
 19 tation by submitting an affidavit of nonliability under subsection (3)(b) of this section or may make  
 20 any other response allowed by law.

21        (2) A citation issued on the basis of fixed photo radar may be delivered by mail or otherwise to  
 22 the registered owner of the vehicle or to the driver. The citation may be prepared on a digital me-  
 23 dium, and the signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

24        (3)(a) An individual named as the registered owner of a vehicle in current records of the De-  
 25 partment of Transportation may respond by mail to a citation issued under subsection (1) of this  
 26 section by submitting a certificate of innocence within 30 days from the mailing of the citation  
 27 swearing or affirming that the registered owner was not the driver of the vehicle and by providing  
 28 a photocopy of the registered owner's driver license. A *[jurisdiction]* city that receives a certificate  
 29 of innocence under this paragraph shall dismiss the citation without requiring a court appearance  
 30 by the registered owner or any other information from the registered owner other than the swearing  
 31 or affirmation and the photocopy. The citation may be reissued only once, only to the registered  
 32 owner and only if the *[jurisdiction]* city verifies that the registered owner appears to have been the  
 33 driver at the time of the violation. A registered owner may not submit a certificate of innocence in  
 34 response to a reissued citation.

35        (b) If a business or public agency named as the registered owner of a vehicle in current records  
 36 of the Department of Transportation responds to a citation issued under subsection (1) of this sec-  
 37 tion by submitting an affidavit of nonliability within 30 days from the mailing of the citation stating  
 38 that at the time of the alleged speeding violation the vehicle was in the custody and control of an  
 39 employee, or was in the custody and control of a renter or lessee under the terms of a rental  
 40 agreement or lease, and if the business or public agency provides the driver license number, name  
 41 and address of the employee, renter or lessee, the citation shall be dismissed with respect to the  
 42 business or public agency. The citation may then be issued and delivered by mail or otherwise to  
 43 the employee, renter or lessee identified in the affidavit of nonliability.

44        (4) If the registered owner, employee, renter or lessee fails to respond to a citation issued under  
 45 this section, a default judgment under ORS 153.102 may be entered for failure to appear after notice

1 has been given that the judgment will be entered.

2 (5) The penalties for and all consequences of a speeding violation initiated by the use of fixed  
3 photo radar are the same as for a speeding violation initiated by any other means.

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

8 **SECTION 3.** Section 3, chapter 721, Oregon Laws 2015, is amended to read:

9 **Sec. 3.** Notwithstanding ORS 153.675, all of the amounts paid to [*the City of Portland*] **a city**  
10 under ORS 153.640 from citations issued under section 2 [*of this 2015 Act*], **chapter 721, Oregon**  
11 **Laws 2015**, may be used only for the costs of operating and maintaining fixed photo radar units in  
12 urban high crash corridors, as defined in section 1 [*of this 2015 Act*], **chapter 721, Oregon Laws**  
13 **2015**, and for improving traffic safety for all modes of transportation.

14 **SECTION 4.** **Section 4, chapter 721, Oregon Laws 2015, is repealed.**

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