

Requested by Representative REARDON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3357**

1 On page 1 of the printed bill, delete lines 4 through 31.

2 On page 2, delete lines 1 through 38 and insert:

3 **SECTION 1.** ORS 810.436 is amended to read:

4 “810.436. (1) Notwithstanding any other provision of law, if a city chooses
5 to operate a camera that complies with this section and ORS 810.434, a ci-
6 tation for violation of ORS 811.265 may be issued on the basis of photographs
7 from a camera taken without the presence of a police officer if the following
8 conditions are met:

9 “(a) Signs are posted, so far as is practicable, on all major routes entering
10 the jurisdiction indicating that compliance with traffic control devices is
11 enforced through cameras.

12 “(b) For each traffic control device at which a camera is installed, signs
13 indicating that a camera may be in operation at the device are posted before
14 the device at a location near the device.

15 “(c) If the traffic control device is a traffic light, the yellow light shows
16 for at least the length of time recommended by the standard set by the In-
17 stitute of Transportation Engineers.

18 “(d) The citation is mailed to the registered owner of the vehicle, or to
19 the driver if identifiable, within 10 business days of the alleged violation.

20 “(e) The registered owner is given 30 days from the date the citation is
21 mailed to respond to the citation.

1 “(f) A police officer **or a duly authorized traffic enforcement agent**
2 who has reviewed the photograph signs the citation. The citation may be
3 prepared on a digital medium, and the signature may be electronic in ac-
4 cordance with the provisions of ORS 84.001 to 84.061.

5 “(2) Notwithstanding subsection (1) of this section, if the city issues a
6 citation under ORS 810.437 for exceeding the speed limit under ORS 811.111
7 or designated speed posted under ORS 810.180 by 11 to 20 miles per hour, the
8 city may not issue a citation under this section for violation of ORS 811.265
9 arising out of the same criminal episode, as defined in ORS 131.505.

10 “(3) If the person named as the registered owner of a vehicle in the cur-
11 rent records of the Department of Transportation fails to respond to a cita-
12 tion issued under subsection (1) of this section, a default judgment under
13 ORS 153.102 may be entered for failure to appear after notice has been given
14 that the judgment will be entered.

15 “(4) A rebuttable presumption exists that the registered owner of the ve-
16 hicle was the driver of the vehicle when the citation was issued and deliv-
17 ered as provided in this section.

18 “(5) A person issued a citation under subsection (1) of this section may
19 respond to the citation by submitting a certificate of innocence or a certif-
20 icate of nonliability under subsection (7) of this section or any other re-
21 sponse allowed by law.

22 “(6) A citation for violation of ORS 811.265 issued on the basis of photo-
23 graphs from a camera installed as provided in this section and ORS 810.434
24 may be delivered by mail or otherwise to the registered owner of the vehicle
25 or to the driver if the driver is identifiable from the photograph.

26 “(7)(a) A registered owner of a vehicle may respond by mail to a citation
27 issued under subsection (1) of this section by submitting, within 30 days from
28 the mailing of the citation, a certificate of innocence swearing or affirming
29 that the owner was not the driver of the vehicle and by providing a photo-
30 copy of the owner’s driver license. A jurisdiction that receives a certificate

1 of innocence under this paragraph shall dismiss the citation without requir-
2 ing a court appearance by the registered owner or any other information
3 from the registered owner other than the swearing or affirmation and the
4 photocopy. The citation may be reissued only once, only to the registered
5 owner and only if the jurisdiction verifies that the registered owner appears
6 to have been the driver at the time of the violation. A registered owner may
7 not submit a certificate of innocence in response to a reissued citation.

8 “(b) If a business or public agency responds to a citation issued under
9 subsection (1) of this section by submitting, within 30 days from the mailing
10 of the citation, a certificate of nonliability stating that at the time of the
11 alleged violation the vehicle was in the custody and control of an employee
12 or was in the custody and control of a renter or lessee under the terms of
13 a motor vehicle rental agreement or lease, and if the business or public
14 agency provides the driver license number, name and address of the em-
15 ployee, renter or lessee, the citation shall be dismissed with respect to the
16 business or public agency. The citation may then be reissued and delivered
17 by mail or otherwise to the employee, renter or lessee identified in the cer-
18 tificate of nonliability.

19 “(8) The penalties for and all consequences of a violation of ORS 811.265
20 initiated by the use of a camera installed as provided in this section and ORS
21 810.434 are the same as for a violation initiated by any other means.

22 “(9) A registered owner or an employee, renter or lessee against whom a
23 judgment for failure to appear is entered may move the court to relieve the
24 owner or the employee, renter or lessee from the judgment as provided in
25 ORS 153.105 if the failure to appear was due to mistake, inadvertence, sur-
26 prise or excusable neglect.

27 **“(10) As used in this section:**

28 **“(a) ‘Duly authorized traffic enforcement agent’ means an individ-**
29 **ual who is appointed, duly sworn and trained by a public body to re-**
30 **view photographs and issue citations under this section. Duly**

1 **authorized traffic enforcement agents are not police officers.**

2 **“(b) ‘Public body’ has the meaning given that term in ORS**
3 **174.109.”.**

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