

HB 4105 B STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 02/22/22**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-3-0-0**Yeas:** 4 - Dembrow, Gelser Blouin, Manning Jr, Prozanski**Nays:** 3 - Heard, Linthicum, Thatcher**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact, statement issued (Indeterminate Impact)**Prepared By:** Gillian Fischer, LPRO Analyst**Meeting Dates:** 2/21, 2/22

WHAT THE MEASURE DOES:

Permits duly authorized traffic enforcement agents to review and issue citations based on photographs taken by photo red light cameras or by fixed photo radar cameras. Defines “duly authorized traffic enforcement agent” as person employed, appointed, and duly sworn in by governing body of incorporated city where agent performs duties and has completed necessary training. Clarifies that duly authorized traffic enforcement agents are not police officers. Authorizes duly authorized traffic enforcement agent to present the evidence reviewed by the agent as the basis for issuing the citation at issue in the trial.

ISSUES DISCUSSED:

- Observable reduction in speeding violations at locations with cameras
- Currently required that sworn officer review photo citations
- Special police training not required to perform photo citation duties
- Certification process for persons reviewing citations
- Increased traffic deaths in Oregon and Portland
- Administrative burden of reviewing citations
- Ability to call and cross examine witnesses
- Funds generated by violations

EFFECT OF AMENDMENT:

Removes authority of a duly authorized traffic enforcement agent to examine and cross-examine witnesses in a trial of a violation of ordinance or statute for a citation issued by the agent. States that an agent may only present the evidence reviewed by the agent that is the basis for issuing the citation in dispute in the trial.

BACKGROUND:

All cities in Oregon are authorized to operate cameras to provide for photo enforcement of violations for failure to obey a traffic control device. Using devices mounted on or near the traffic control device, cameras are used to record vehicles entering the intersection after the light has turned red. Following the review of the photographic evidence by a sworn police officer, a citation is issued by mail to the registered owner of the vehicle. Cities that choose to utilize photo enforcement of traffic control devices must conduct public information campaigns to inform drivers of the use of photo enforcement and must also conduct biennial process to evaluate outcomes and report the results to the Legislative Assembly.

With the passage of House Bill 2409 (2017), cameras mounted for photo enforcement of red light violations may also be used to issue citations for speed limit violations.

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House Bill 2621 (2015) originally authorized the City of Portland to temporarily operate fixed photo radar systems at specific intersections on urban high crash corridors. Fixed photo radar differs from regular photo radar enforcement in that it may be operated 24 hours per day at specified locations, while standard photo radar enforcement is allowed for only four hours per day in any specific location. Portland operates fixed photo radar at four locations:

- 122nd Avenue SE (northbound 5700 SE and southbound 5200 SE);
- Beaverton-Hillsdale Highway SW (westbound and eastbound 3600 SW);
- Division Street SE (westbound and eastbound 15000 SE); and
- Marine Drive NE (westbound 13300 NE, eastbound 2900 NE).

House Bill 2530 (2021) repealed the sunset and allows the City of Portland to continue to operate fixed photo radar on urban high crash corridors.

House Bill 4105 B allows citations based on photographs taken by photo red light cameras or fixed photo radar cameras to be issued by a police officer or duly authorized traffic enforcement agent of an incorporated city who has reviewed the photographic evidence and signed the citation.