

D R A F T

SUMMARY

Digest: The Act states that certain aviation grant funds may be used for matching shares of any FAA grant and the funds are not limited to federal Airport Improvement Program grants. The Act changes photo radar laws. Becomes law 91 days from sine die. (Flesch Readability Score: 68.3)

Provides that certain aviation grant funds may be used for matching shares of any Federal Aviation Administration grant available and the funds are not limited to federal Airport Improvement Program grants.

Modifies photo radar laws.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 153.054,
3 319.023 and 810.444; repealing ORS 810.439, 810.443 and 810.445; and pre-
4 scribing an effective date.

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

AVIATION

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9 **SECTION 1.** ORS 319.023 is amended to read:

10 319.023. (1) The following amounts shall be distributed in the manner
11 prescribed in this section:

12 (a) Any amount of tax on aircraft fuel usable in aircraft operated by
13 turbine engines that is computed on a basis in excess of one cent per gallon
14 and any amount of tax on all other aircraft fuel that is computed on a basis
15 in excess of nine cents per gallon, under ORS 319.020 (2); and

16 (b) Any amount of tax on aircraft fuel usable in aircraft operated by

1 turbine engines in excess of one cent per gallon and any amount of tax on
2 all other aircraft fuel in excess of nine cents per gallon, that is deducted
3 before the refunding of tax under ORS 319.330 (1).

4 (2)(a) Applications for distributions under subsection (5) of this section
5 may not be approved unless the applicant demonstrates a commitment to
6 contribute at least five percent of the costs of the project to which the ap-
7 plication relates. The Oregon Department of Aviation shall adopt rules for
8 purposes of this paragraph.

9 (b) The department may adopt rules that:

10 (A) Set higher minimum contribution commitment requirements; or

11 (B) Establish maximum grant amounts.

12 (3)(a) The State Aviation Board shall establish a review committee com-
13 posed of one member from each of the area commissions on transportation
14 chartered by the Oregon Transportation Commission.

15 (b) The review committee shall meet as necessary to review applications
16 for distributions of amounts pursuant to this section. In reviewing applica-
17 tions, the review committee shall consider:

18 (A) Whether a proposed project:

19 (i) Reduces transportation costs for Oregon businesses or improves access
20 to jobs and sources of labor in this state;

21 (ii) Results in an economic benefit to this state;

22 (iii) Connects elements of Oregon's aviation system in a way that will
23 measurably improve utilization and efficiency of the system;

24 (iv) Is ready for construction or implementation; and

25 (v) Has a useful life expectancy that offers maximum benefit to this state;
26 and

27 (B) How much of the cost of the proposed project can be borne by the
28 applicant from sources other than Oregon Department of Aviation funds or
29 the Connect Oregon Fund.

30 (c) The review committee shall recommend applications to the State Avi-
31 ation Board for approval.

1 (4)(a) Five percent of the amounts described in subsection (1) of this sec-
2 tion are appropriated to the Oregon Department of Aviation for the costs of
3 the department and the State Aviation Board in administering this section.

4 (b) The remaining 95 percent of the amounts described in subsection (1)
5 of this section shall be distributed pursuant to subsections (5) and (6) of this
6 section.

7 (5)(a) Seventy-five percent of the amounts described in subsection (4)(b)
8 of this section shall be distributed for the following purposes:

9 (A) To assist airports in Oregon with match requirements for Federal
10 Aviation Administration [*Airport Improvement Program*] grants.

11 (B) To make grants for emergency preparedness and infrastructure
12 projects, in accordance with the Oregon Resilience Plan or the Oregon Avi-
13 ation Plan.

14 (C) To make grants for:

15 (i) Services critical or essential to aviation, including, but not limited to,
16 fuel, sewer, water and weather equipment;

17 (ii) Aviation-related business development, including, but not limited to,
18 hangars, parking for business aircraft and related facilities; or

19 (iii) Airport development for local economic benefit, including, but not
20 limited to, signs and marketing.

21 (D)(i) To assist commercial air service to rural Oregon.

22 (ii) The Oregon Department of Aviation may adopt a definition of “rural
23 Oregon” for purposes of this subparagraph.

24 (b) The State Aviation Board may establish by rule priorities for the
25 distributions made pursuant to this subsection.

26 (6) Twenty-five percent of the amounts described in subsection (4)(b) of
27 this section shall be distributed to state-owned airports for the purposes of:

28 (a) Safety improvements recommended by the State Aviation Board and
29 local community airports.

30 (b) Infrastructure projects at public use airports.

31 (7)(a) Not later than September 15 of each year, the State Aviation Board

1 shall submit the reports described in paragraph (b) of this subsection, in the
2 manner provided in ORS 192.245, to the interim committees, as applicable,
3 of the Legislative Assembly related to air transportation.

4 (b) The reports required under this subsection shall describe in detail the
5 projects for which applications have been submitted and approved, the air-
6 ports affected, the names of the applicants and the persons who will perform
7 the work proposed in the applications, the progress of projects for which
8 applications have been approved and any other information the board con-
9 siders necessary for a comprehensive analysis of the implementation of this
10 section.

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PHOTO RADAR

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14 **SECTION 2.** ORS 810.444 is amended to read:

15 810.444. (1) Notwithstanding any other provision of law, in [*the jurisdic-*
16 *tion*] **a city** operating a [*fixed*] photo radar system under ORS [*810.443*]
17 **810.438:**

18 (a) A citation for speeding may be issued on the basis of [*fixed*] photo
19 radar if[.]

20 [(A) A sign that provides drivers with information about the driver's cur-
21 rent rate of speed is posted between 100 and 400 yards before the location of
22 each fixed photo radar unit; and]

23 [(B)] a police officer or a duly authorized traffic enforcement agent who
24 has reviewed the photographic evidence of the conduct signs the citation.

25 (b) A rebuttable presumption exists that the registered owner of the ve-
26 hicle was the driver of the vehicle when the citation is issued and delivered
27 as provided in subsection (2) of this section.

28 (c) An individual issued a citation under this subsection may respond to
29 the citation by submitting a certificate of innocence under subsection (3)(a)
30 of this section or may make any other response allowed by law.

31 (d) A business or public agency issued a citation under this subsection

1 may respond to the citation by submitting an affidavit of nonliability under
2 subsection (3)(b) of this section or may make any other response allowed by
3 law.

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

8 (3)(a) An individual named as the registered owner of a vehicle in current
9 records of the Department of Transportation may respond by mail to a cita-
10 tion issued under subsection (1) of this section by submitting a certificate
11 of innocence within 30 days from the mailing of the citation swearing or
12 affirming that the registered owner was not the driver of the vehicle and by
13 providing a photocopy of the registered owner's driver license. A
14 *[jurisdiction]* **city** that receives a certificate of innocence under this para-
15 graph shall dismiss the citation without requiring a court appearance by the
16 registered owner or any other information from the registered owner other
17 than the swearing or affirmation and the photocopy. The citation may be
18 reissued only once, only to the registered owner and only if the
19 *[jurisdiction]* **city** verifies that the registered owner appears to have been the
20 driver at the time of the violation. A registered owner may not submit a
21 certificate of innocence in response to a reissued citation.

22 (b) If a business or public agency named as the registered owner of a ve-
23 hicle in current records of the Department of Transportation responds to a
24 citation issued under subsection (1) of this section by submitting an affidavit
25 of nonliability within 30 days from the mailing of the citation stating that
26 at the time of the alleged speeding violation the vehicle was in the custody
27 and control of an employee, or was in the custody and control of a renter
28 or lessee under the terms of a rental agreement or lease, and if the business
29 or public agency provides the driver license number, name and address of the
30 employee, renter or lessee, the citation shall be dismissed with respect to the
31 business or public agency. The citation may then be issued and delivered by

1 mail or otherwise to the employee, renter or lessee identified in the affidavit
2 of nonliability.

3 (4) If the registered owner, employee, renter or lessee fails to respond to
4 a citation issued under this section, a default judgment under ORS 153.102
5 may be entered for failure to appear after notice has been given that the
6 judgment will be entered.

7 (5) The penalties for and all consequences of a speeding violation initiated
8 by the use of [*fixed*] photo radar are the same as for a speeding violation
9 initiated by any other means.

10 (6) A registered owner, employee, renter or lessee against whom a judg-
11 ment for failure to appear is entered may move the court to relieve the reg-
12 istered owner, employee, renter or lessee from the judgment as provided in
13 ORS 153.105 if the failure to appear was due to mistake, inadvertence, sur-
14 prise or excusable neglect.

15 (7)(a) As used in this section, “duly authorized traffic enforcement
16 agent” means an individual who:

17 (A) Is employed, appointed and duly sworn in by the governing body of
18 the incorporated city in which the agent performs the agent’s duties; and

19 (B) Has completed all necessary technical, administrative and other
20 training to review photographs and issue citations under this section.

21 (b) Duly authorized traffic enforcement agents are not police officers.

22 **SECTION 3. ORS 810.439, 810.443 and 810.445 are repealed.**

23 **SECTION 4.** ORS 153.054 is amended to read:

24 153.054. Except as provided in ORS 267.153, [*810.439*] **810.444**, 811.590,
25 811.615 or 811.617 or other law, an enforcement officer issuing a violation
26 citation shall cause the summons to be delivered to the person cited and
27 shall cause the complaint and abstract of court record to be delivered to the
28 court.

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CAPTIONS

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1 **SECTION 5.** The unit captions used in this 2024 Act are provided
2 only for the convenience of the reader and do not become part of the
3 statutory law of this state or express any legislative intent in the
4 enactment of this 2024 Act.

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EFFECTIVE DATE

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8 **SECTION 6.** This 2024 Act takes effect on the 91st day after the date
9 on which the 2024 regular session of the Eighty-second Legislative
10 Assembly adjourns sine die.

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