

House Bill 3036

Sponsored by Representative NERON; Representatives HUDSON, MCLAIN, PHAM K, Senator FREDERICK (at the request of Sean Sype) (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 education provider 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 education provider that includes recording of violation.

Provides for distribution of amounts collected upon conviction for offense of failure to stop for bus safety lights.

Establishes School Bus Stop Arm Camera Fund. Continuously appropriates moneys in fund to Department of Education for purpose of providing stop arm cameras to education providers.

A BILL FOR AN ACT

1
2 Relating to school buses; creating new provisions; and amending ORS 153.633, 153.675, 305.830 and
3 820.100.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of the Oregon Vehicle**
6 **Code.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Education provider" means:

9 (A) A school district as defined in ORS 332.002;

10 (B) An entity that offers a program that is recognized as an Oregon prekindergarten
11 program under ORS 329.170 to 329.200;

12 (C) The Oregon School for the Deaf;

13 (D) An education service district;

14 (E) An educational program under the Youth Corrections Education Program or the Ju-
15 venile Detention Education Program, as those terms are defined in ORS 326.695; or

16 (F) A program that receives moneys pursuant to ORS 343.243.

17 (b) "Stop arm camera" means a video recording device installed on a school bus for the
18 purpose recording persons who fail to stop for bus safety lights in violation of ORS 811.155
19 that is capable of recording the date, time, registration plate number and location of the
20 offense.

21 (2) Education providers may install and operate stop arm cameras on schools buses.

22 (3) When a stop arm camera is in use, a warning sign must be posted on the school bus
23 indicating the use of the stop arm camera.

24 (4) An education provider that uses stop arm cameras shall prepare a maintenance plan
25 for the maintenance of the cameras the education provider has responsibility for. The edu-
26 cation provider shall review and update the maintenance plan as necessary.

27 (5) If the stop arm camera records a person violating ORS 811.155, the education provider

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 may submit a report to the local law enforcement agency having jurisdiction over the area
 2 where the violation is alleged to have occurred. The report must be made within 72 hours
 3 of the alleged violation and must contain:

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

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

7 (c) The direction in which the bus was traveling and the direction in which the vehicle
 8 alleged to have committed the violation was traveling; and

9 (d) A copy of the video recording.

10 (6) Notwithstanding any other provision of law, a citation for violating ORS 811.155 may
 11 be issued on the basis of a report submitted under this section if the following conditions are
 12 met:

13 (a) A police officer reviews the evidence submitted under subsection (5) of this section
 14 and signs the citation.

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

17 (c) The registered owner is given 30 days from the date the citation is mailed to respond
 18 to the citation.

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

21 (e) A person issued a citation under this subsection may respond to the citation by sub-
 22 mitting a certificate of innocence or a certificate of nonliability under subsection (8) of this
 23 section or may make any other response allowed by law.

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

28 (8)(a) A registered owner of a vehicle may respond by mail to a citation issued under
 29 subsection (6) of this section by submitting, within 30 days after the mailing of the citation,
 30 a certificate of innocence swearing or affirming that the owner was not the driver of the
 31 vehicle and by providing a photocopy of the owner's driver license. A jurisdiction that re-
 32 ceives a certificate of innocence under this paragraph shall dismiss the citation without re-
 33 quiring a court appearance by the registered owner or any other information from the
 34 registered owner other than the swearing or affirmation and the photocopy. The citation
 35 may be reissued only once, only to the registered owner and only if the jurisdiction verifies
 36 that the registered owner appears to have been the driver at the time of the violation. A
 37 registered owner may not submit a certificate of innocence in response to a reissued citation.

38 (b) If a business or public agency responds to a citation issued under subsection (6) of
 39 this section by submitting, within 30 days after the mailing of the citation, a certificate of
 40 nonliability stating that at the time of the alleged violation the vehicle was in the custody
 41 and control of an employee or was in the custody and control of a renter or lessee under the
 42 terms of a rental agreement or lease, and if the business or public agency provides the driver
 43 license number, name and address of the employee, renter or lessee, the citation shall be
 44 dismissed with respect to the business or public agency. The citation may then be issued and
 45 delivered by mail or otherwise to the employee, renter or lessee identified in the certificate

1 of nonliability.

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

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

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

13 (12) An image or video recording produced by a stop arm camera may not be used for
 14 any purpose other than evidence of a violation of ORS 811.155.

15 **SECTION 3.** Section 4 of this 2023 Act is added to and made a part of ORS chapter 153.

16 **SECTION 4.** (1) If a court enters a judgment of conviction for violation of the require-
 17 ments of ORS 811.155, amounts collected under the judgment are payable as follows:

18 (a) One-half of the amount is payable to the Department of Education for deposit into
 19 the School Bus Stop Arm Camera Fund established under section 9 of this 2023 Act; and

20 (b) One-half of the amount is payable as provided in subsection (2) of this section.

21 (2)(a) If a judgment of conviction that is subject to subsection (1) of this section is en-
 22 tered in circuit court, the amount specified in subsection (1)(b) of this section shall be paid
 23 to the state.

24 (b) If a judgment of conviction that is subject to subsection (1) of this section is entered
 25 in justice court, the amount specified in subsection (1)(b) of this section shall be paid to the
 26 county that established the court.

27 (c) If a judgment of conviction that is subject to subsection (1) of this section is entered
 28 in municipal court, the amount specified in subsection (1)(b) of this section shall be paid to
 29 the city that established the court.

30 **SECTION 5.** Section 4 of this 2023 Act applies to amounts collected on or after the ef-
 31 fective date of this 2023 Act.

32 **SECTION 6.** ORS 153.633 is amended to read:

33 153.633. (1) In any criminal action in a circuit court in which a fine is imposed, the lesser of the
 34 following amounts is payable to the state before any other distribution of the fine is made:

35 (a) \$65; or

36 (b) The amount of the fine if the fine is less than \$65.

37 (2) In any criminal action in a justice or municipal court in which a fine is imposed, the lesser
 38 of the following amounts is payable to the state before any other distribution of the fine is made:

39 (a) \$50; or

40 (b) The amount of the fine if the fine is less than \$50.

41 (3) A justice or municipal court shall forward the amount prescribed under subsection (2) of this
 42 section to the Department of Revenue for deposit in the Criminal Fine Account.

43 (4)(a) The provisions of this section do not apply to fines imposed under ORS 339.990 or
 44 811.155.

45 (b) The provisions of subsection (2) of this section do not apply to fines imposed in justice and

1 municipal courts under ORS 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

2 **SECTION 7.** ORS 153.675 is amended to read:

3 153.675. (1) Amounts payable to the state under ORS 153.633, 153.645, 153.650 and 153.657 **and**
 4 **section 4 of this 2023 Act** shall be transferred by the court to the Department of Revenue for dis-
 5 tribution as provided in ORS 305.830. Except as provided in ORS 153.640 (2)(b), amounts payable to
 6 a local government under ORS 153.640 to 153.680 and 153.657 **and section 4 of this 2023 Act** shall
 7 be deposited by the court in the local government’s general fund and are available for general gov-
 8 ernmental purposes.

9 (2) Justice and municipal courts must make the transfer required by subsection (1) of this sec-
 10 tion under ORS 153.633, 153.645, 153.650 and 153.657 **and section 4 of this 2023 Act** not later than
 11 the last day of the month immediately following the month in which a payment on a judgment is
 12 received by the court.

13 **SECTION 8.** ORS 305.830 is amended to read:

14 305.830. (1) Amounts transferred to the Department of Revenue by justice and municipal courts
 15 under ORS 153.633, 153.645, 153.650 and 153.657 **and section 4 of this 2023 Act** shall be deposited
 16 in a suspense account established under ORS 293.445 for the purpose of receiving criminal fines and
 17 assessments.

18 (2) In carrying out its duties under this section, the Department of Revenue shall have access
 19 to the records and dockets of those courts charged with the duty to transfer moneys to the depart-
 20 ment under ORS 153.633, 153.645, 153.650 and 153.657 **and section 4 of this 2023 Act**.

21 (3) The Department of Revenue may retain from the funds transferred under ORS 153.633,
 22 153.645, 153.650 and 153.657 **and section 4 of this 2023 Act** an amount not to exceed two percent
 23 annually for its actual costs of collection and disbursement of funds under this section, including the
 24 cost of all examinations, investigations and searches, and of all traveling and other expenses in
 25 connection therewith. The department shall deposit the net amount of moneys in the suspense ac-
 26 count described in subsection (1) of this section into the Criminal Fine Account.

27 (4) All judicial, municipal and county officers shall cooperate with the Department of Revenue
 28 with respect to the collections, searches and investigations and shall furnish the Department of
 29 Revenue with any information contained in any of the records under their respective custodies re-
 30 lating thereto.

31 (5) The Department of State Police shall cooperate in the investigation of fines, penalties and
 32 forfeitures.

33 **SECTION 9.** (1) **As used in this section, “education provider” and “stop arm camera”**
 34 **have the meanings given those terms in section 2 of this 2023 Act.**

35 **(2) The School Bus Stop Arm Camera Fund is established in the State Treasury, separate**
 36 **and distinct from the General Fund.**

37 **(3) Moneys in the School Bus Stop Arm Camera Fund are continuously appropriated to**
 38 **the Department of Education for the purpose of helping education providers acquire stop arm**
 39 **cameras.**

40 **(4) The fund consists of moneys deposited into the fund under section 4 of this 2023 Act**
 41 **and other moneys appropriated by the Legislative Assembly for deposit in the fund.**

42 **SECTION 10.** ORS 820.100 is amended to read:

43 820.100. (1) The State Board of Education shall adopt and enforce such reasonable standards
 44 relating to school bus and school activity vehicle construction and school bus and school activity
 45 vehicle equipment as the board deems necessary for safe and economical operation, except that the

1 board may not authorize the use of school buses manufactured before April 1, 1977.

2 (2) The governing board of a public university listed in ORS 352.002 may adopt and enforce
3 separate standards of the type described under this section for school buses and school activity ve-
4 hicles that are under the governing board's jurisdiction, except that the governing board may not
5 authorize the use of school buses manufactured before April 1, 1977.

6 (3) The State Board of Education shall adopt and enforce standards for school bus stop arms
7 authorized by ORS 820.105.

8 **(4) The State Board of Education shall adopt and enforce standards for school bus stop**
9 **arm camera warning signs authorized by section 2 of this 2023 Act.**

10 [(4)] (5) Standards adopted under this section:

11 (a) Must be consistent with requirements established by statute or by rule adopted under stat-
12 utory authority that relate to the same subject.

13 (b) Shall be consistent with minimum uniform national standards, if such standards exist.

14 (c) May include different requirements for different classes or types of school buses or school
15 activity vehicles.

16 (d) May include any exemptions determined appropriate under ORS 820.150.
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