

# House Bill 4109

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for Representative Susan McLain, Senator Chris Gorsek)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

**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

Relating to transportation; creating new provisions; amending ORS 153.054, 319.023 and 810.444; repealing ORS 810.439, 810.443 and 810.445; and prescribing an effective date.

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

## AVIATION

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

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

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

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

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

(b) The department may adopt rules that:

(A) Set higher minimum contribution commitment requirements; or

(B) Establish maximum grant amounts.

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

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

**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 (A) Whether a proposed project:
- 2 (i) Reduces transportation costs for Oregon businesses or improves access to jobs and sources  
3 of labor in this state;
- 4 (ii) Results in an economic benefit to this state;
- 5 (iii) Connects elements of Oregon’s aviation system in a way that will measurably improve  
6 utilization and efficiency of the system;
- 7 (iv) Is ready for construction or implementation; and
- 8 (v) Has a useful life expectancy that offers maximum benefit to this state; and
- 9 (B) How much of the cost of the proposed project can be borne by the applicant from sources  
10 other than Oregon Department of Aviation funds or the Connect Oregon Fund.
- 11 (c) The review committee shall recommend applications to the State Aviation Board for ap-  
12 proval.
- 13 (4)(a) Five percent of the amounts described in subsection (1) of this section are appropriated  
14 to the Oregon Department of Aviation for the costs of the department and the State Aviation Board  
15 in administering this section.
- 16 (b) The remaining 95 percent of the amounts described in subsection (1) of this section shall be  
17 distributed pursuant to subsections (5) and (6) of this section.
- 18 (5)(a) Seventy-five percent of the amounts described in subsection (4)(b) of this section shall be  
19 distributed for the following purposes:
- 20 (A) To assist airports in Oregon with match requirements for Federal Aviation Administration  
21 [*Airport Improvement Program*] grants.
- 22 (B) To make grants for emergency preparedness and infrastructure projects, in accordance with  
23 the Oregon Resilience Plan or the Oregon Aviation Plan.
- 24 (C) To make grants for:
- 25 (i) Services critical or essential to aviation, including, but not limited to, fuel, sewer, water and  
26 weather equipment;
- 27 (ii) Aviation-related business development, including, but not limited to, hangars, parking for  
28 business aircraft and related facilities; or
- 29 (iii) Airport development for local economic benefit, including, but not limited to, signs and  
30 marketing.
- 31 (D)(i) To assist commercial air service to rural Oregon.
- 32 (ii) The Oregon Department of Aviation may adopt a definition of “rural Oregon” for purposes  
33 of this subparagraph.
- 34 (b) The State Aviation Board may establish by rule priorities for the distributions made pursuant  
35 to this subsection.
- 36 (6) Twenty-five percent of the amounts described in subsection (4)(b) of this section shall be  
37 distributed to state-owned airports for the purposes of:
- 38 (a) Safety improvements recommended by the State Aviation Board and local community air-  
39 ports.
- 40 (b) Infrastructure projects at public use airports.
- 41 (7)(a) Not later than September 15 of each year, the State Aviation Board shall submit the re-  
42 ports described in paragraph (b) of this subsection, in the manner provided in ORS 192.245, to the  
43 interim committees, as applicable, of the Legislative Assembly related to air transportation.
- 44 (b) The reports required under this subsection shall describe in detail the projects for which  
45 applications have been submitted and approved, the airports affected, the names of the applicants

1 and the persons who will perform the work proposed in the applications, the progress of projects for  
 2 which applications have been approved and any other information the board considers necessary for  
 3 a comprehensive analysis of the implementation of this section.

4  
 5 **PHOTO RADAR**

6  
 7 **SECTION 2.** ORS 810.444 is amended to read:

8 810.444. (1) Notwithstanding any other provision of law, in [*the jurisdiction*] **a city** operating a  
 9 [*fixed*] photo radar system under ORS [*810.443*] **810.438**:

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

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

13 [(B)] a police officer or a duly authorized traffic enforcement agent who has reviewed the pho-  
 14 tographic evidence of the conduct signs the citation.

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

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

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

23 (2) A citation issued on the basis of [*fixed*] photo radar may be delivered by mail or otherwise  
 24 to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital  
 25 medium, and the signature may be electronic in accordance with the provisions of ORS 84.001 to  
 26 84.061.

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

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

1 the employee, renter or lessee identified in the affidavit of nonliability.

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

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

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

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

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

15 (B) Has completed all necessary technical, administrative and other training to review photo-  
16 graphs and issue citations under this section.

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

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

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

20 153.054. Except as provided in ORS 267.153, ~~[810.439] 810.444~~, 811.590, 811.615 or 811.617 or  
21 other law, an enforcement officer issuing a violation citation shall cause the summons to be deliv-  
22 ered to the person cited and shall cause the complaint and abstract of court record to be delivered  
23 to the court.

24  
25 **CAPTIONS**

26  
27 **SECTION 5. The unit captions used in this 2024 Act are provided only for the convenience  
28 of the reader and do not become part of the statutory law of this state or express any leg-  
29 islative intent in the enactment of this 2024 Act.**

30  
31 **EFFECTIVE DATE**

32  
33 **SECTION 6. This 2024 Act takes effect on the 91st day after the date on which the 2024  
34 regular session of the Eighty-second Legislative Assembly adjourns sine die.**