

SB 711-9
(LC 234)
5/13/25 (HE/ps)

Requested by Senator GORSEK

**PROPOSED AMENDMENTS TO
SENATE BILL 711**

1 On page 1 of the printed bill, line 2, after “ORS” insert “51.050, 137.300,
2 153.036, 221.339.”.

3 Delete lines 5 through 30 and delete pages 2 through 4 and insert:

4 **“SECTION 1.** ORS 810.441 is amended to read:

5 “810.441. (1) The Department of Transportation may, **in collaboration**
6 **with the Oregon State Police, establish a highway worker photo radar**
7 **program to** operate photo radar **units** within [a] highway work [zone that
8 is] **zones that are** located on [a state highway] **state highways. The de-**
9 **partment is responsible for procuring and administering contracts**
10 **necessary to implement the program, which includes but is not limited**
11 **to contracts for photo radar units, training and administration.** [*The*
12 *photo radar unit may be operated only:*]

13 “[a] *In the area within a highway work zone when highway workers, as*
14 *defined in ORS 811.230, are present. The photo radar unit may not be operated*
15 *in a location more than 100 yards from where highway workers are present*
16 *and, in the case of a divided state highway, the photo radar unit must be lo-*
17 *cated on the same roadway where highway workers are present.*]

18 “[b] *When the configuration of the roadway is temporarily changed, in-*
19 *cluding but not limited to temporary changes made to the number of usable*
20 *lanes, lane width, shoulder width or curvature of the roadway. The photo ra-*
21 *dar unit may not be operated in a location more than 100 yards from where*

1 *the configuration of the roadway is temporarily changed and, in the case of a*
2 *divided state highway, the photo radar unit must be located on the same*
3 *roadway where the highway configuration is temporarily changed.]*

4 *“(2) The department, at its own cost, may ask a jurisdiction authorized to*
5 *operate photo radar under ORS 810.438 (1) or the Oregon State Police to op-*
6 *erate a photo radar unit in a highway work zone on a state highway.]*

7 *“(3) A photo radar unit operated under this section may not be used unless*
8 *a sign is posted announcing that photo radar is in use. The sign posted under*
9 *this subsection must be all of the following:]*

10 *“(a) Located on the state highway on which the photo radar unit is being*
11 *used.]*

12 *“(b) Between 100 and 400 yards before the location of the photo radar*
13 *unit.]*

14 **“(2) The program must include a strategy to provide reasonable**
15 **notice to the public about the use of photo radar in highway work**
16 **zones. The strategy must include, but is not limited to:**

17 **“(a) Notifying news media providing news coverage in counties**
18 **where photo radar units will be used before deploying photo radar**
19 **units in those counties.**

20 **“(b) Publishing information about the program and its goals on the**
21 **department’s website and on the Oregon State Police website.**

22 **“(c) Deploying photo radar units in no more than four highway**
23 **work zones at one time for at least two years from initial deployment**
24 **of photo radar units under the program, and thereafter increasing the**
25 **use of photo radar units only if the department and the Oregon State**
26 **Police jointly conclude that increased use of the photo radar units**
27 **would be effective to improve highway worker safety and notice of the**
28 **increase is included in the department’s report required under this**
29 **section.**

30 **“(d) Providing a warning period for a minimum of 30 days from the**

1 **date of first deployment of photo radar units under the program under**
2 **which drivers that would otherwise be issued a citation for exceeding**
3 **legal speed in a highway work zone receive a written warning if the**
4 **driver exceeds the legal speed by less than 15 miles per hour. A driver**
5 **may be issued no more than two written warnings pursuant to this**
6 **paragraph.**

7 **“(3) To ensure that photo radar units are used to reduce traffic**
8 **speeds in highway work zones where speed enforcement is most nec-**
9 **essary to improve highway worker safety, photo radar units may be**
10 **used only between April 1 and November 1 of any calendar year unless**
11 **the department and the Oregon State Police determine, after units**
12 **have been used under the program for a minimum of two years, that**
13 **using the units outside of April 1 and November 1 would be effective**
14 **in improving highway worker safety in highway work zones.**

15 **“(4) Before March 1 of any year, the department shall notify the**
16 **Judicial Department of the number of photo radar units that are in-**
17 **tended to be deployed over the following 12 months, the counties**
18 **within which such units are likely to be deployed and the number of**
19 **violation notices expected to be issued based on traffic volume and**
20 **expected driver behavior.**

21 **“(5) The photo radar units may be operated only in the area within**
22 **a highway work zone when highway workers, as defined in ORS**
23 **811.230, are present and, in the case of a divided state highway, the**
24 **photo radar unit must be located on the same roadway where highway**
25 **workers are present.**

26 **“(6) A photo radar unit operated under this section may not be used**
27 **unless a sign is posted announcing that photo radar is in use. The sign**
28 **posted under this subsection must be:**

29 **“(a) Located on the state highway on which the photo radar unit**
30 **is being used; and**

1 **“(b) Posted within one mile of the location of the photo radar unit**
2 **or the highway work zone in which the photo radar unit is in use.**

3 “[(4)] (7) The Department of **Transportation** shall, once each biennium,
4 conduct a process and outcome evaluation for the purposes of subsection
5 [(5)] (8) of this section that includes:

6 “(a) The effect of the use of photo radar on traffic safety;

7 “(b) The degree of public acceptance of the use of photo radar; and

8 “(c) The process of administration of the use of photo radar.

9 “[(5)] (8) The department shall report to the Legislative Assembly by
10 March 1 of each odd-numbered year.

11 “[(6)] (9) As used in this section, ‘highway work zone’ has the meaning
12 given that term in ORS 811.230.

13 **“SECTION 2.** ORS 810.442 is amended to read:

14 “810.442. (1) Notwithstanding any other provision of law, when [*a juris-*
15 *diction or the Oregon State Police uses*] photo radar **is used pursuant to**
16 **ORS 810.441** in a highway work zone:

17 “(a) A citation for speeding may be issued on the basis of photo radar if
18 the following conditions are met:

19 “[(A) *The photo radar unit is operated by a uniformed police officer.*]

20 “[(B) *The photo radar unit is operated out of a marked police vehicle.*]

21 “[(C) *An indication of the actual speed of the vehicle is displayed within*
22 *150 feet of the location of the photo radar unit.*]

23 **“(A) A police officer has reviewed the photographic evidence of the**
24 **conduct and signs the citation.**

25 **“(B) The person operating the vehicle exceeded the legal speed by**
26 **six miles per hour or greater.**

27 **“(C) A sign is posted that indicates that photo radar is in use and**
28 **the sign meets the requirements described in ORS 810.441.**

29 “(D) The citation is mailed to the registered owner of the vehicle within
30 [*six business*] **30** days of the alleged violation.

1 “(E) The registered owner is given 30 days from the date the citation is
2 mailed to respond to the citation.

3 “[(F)(i) *One or more highway workers, as defined in ORS 811.230, are*
4 *present and the photo radar unit is operated within 100 yards from where*
5 *highway workers are present and located on the same roadway where highway*
6 *workers are present; or]*

7 “[(ii) *The configuration of the roadway is temporarily changed within the*
8 *highway work zone, including but not limited to temporary changes made to*
9 *the number of usable lanes, lane width, shoulder width or curvature of the*
10 *roadway, and the photo radar unit is operated within 100 yards from where*
11 *the configuration of the roadway is temporarily changed and located on the*
12 *same roadway where the highway configuration is temporarily changed.*]

13 “[(G)] (F) The [jurisdiction operating photo radar] **Oregon State Police**
14 complies with the requirements described in ORS 810.441.

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

18 “(c) A person issued a citation under this subsection may respond to the
19 citation by submitting a certificate of innocence or a certificate of nonli-
20 ability under subsection (3) of this section or may make any other response
21 allowed by law.

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

26 “(3)(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 requiring*
2 *a court appearance by the registered owner or any other information from the*
3 *registered owner other than the swearing or affirmation and the photocopy.]*
4 **A court that receives a certificate of innocence under this paragraph**
5 **shall dismiss the citation without requiring a court appearance by the**
6 **registered owner or any other information from the registered owner**
7 **other than the swearing or affirmation and the photocopy of the**
8 **owner's driver license.** The citation may be reissued only once, only to the
9 registered owner and only if the [*jurisdiction*] **Oregon State Police** verifies
10 that the registered owner appears to have been the driver at the time of the
11 violation. A registered owner may not submit a certificate of innocence in
12 response to a reissued citation.

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

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

29 “(5) The penalties for and all consequences of a speeding violation initi-
30 ated by the use of photo radar are the same as for a speeding violation ini-

1 tiated by any other means.

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

7 **“(7) The Oregon State Police is responsible for accurately trans-**
8 **mitting citations issued under this section, and corresponding data**
9 **and evidence, to courts for processing. The Oregon State Police, in**
10 **consultation with the Judicial Department, shall include in the cita-**
11 **tions information that allows courts to identify that the citations were**
12 **issued under this section.**

13 “[7] (8) As used in this section, ‘highway work zone’ has the meaning
14 given that term in ORS 811.230.

15 **“SECTION 3. Section 4 of this 2025 Act is added to and made a part**
16 **of the Oregon Vehicle Code.**

17 **“SECTION 4. (1) The Highway Worker Safety Fund is established**
18 **in the State Treasury, separate and distinct from the General Fund.**
19 **Moneys in the Highway Worker Safety Fund are continuously appro-**
20 **priated to the Department of Transportation for the costs of the**
21 **highway worker photo radar program under ORS 810.441.**

22 **“(2) Any revenue that exceeds program costs shall be used for**
23 **traffic safety purposes as determined by the Department of Transpor-**
24 **tation, in consultation with the Oregon State Police and the Judicial**
25 **Department, and shall include but is not limited to costs associated**
26 **with speed enforcement in highway work zones and the issuance and**
27 **filing of citations with the court.**

28 **“(3) The Highway Worker Safety Fund consists of:**

29 **“(a) Moneys allocated to the account under ORS 137.300;**

30 **“(b) Moneys appropriated or transferred to the fund by the Legis-**

1 **lative Assembly; and**

2 **“(c) All other moneys deposited into the fund from any source.**

3 **“(4) As used in this section, ‘highway work zone’ has the meaning**
4 **given that term in ORS 811.230.**

5 **“SECTION 5.** ORS 137.300, as amended by section 58, chapter 70, Oregon
6 Laws 2024, is amended to read:

7 “137.300. (1) The Criminal Fine Account is established in the General
8 Fund. Except as otherwise provided by law, all amounts collected in state
9 courts as monetary obligations in criminal actions shall be deposited by the
10 courts in the account. All moneys in the account are continuously appro-
11 priated to the Department of Revenue to be distributed by the Department
12 of Revenue as provided in this section. The Department of Revenue shall
13 keep a record of moneys transferred into and out of the account.

14 “(2) The Legislative Assembly shall first allocate moneys from the Crim-
15 inal Fine Account for the following purposes, in the following order of pri-
16 ority:

17 “(a) Allocations for public safety standards, training and facilities.

18 “(b) Allocations for criminal injuries compensation and assistance to
19 victims of crime and children reasonably suspected of being victims of crime.

20 “(c) Allocations for the forensic services provided by the Oregon State
21 Police, including, but not limited to, services of the Chief Medical Examiner.

22 “(d) Allocations for the maintenance and operation of the Law Enforce-
23 ment Data System.

24 “(3) After making allocations under subsection (2) of this section, the
25 Legislative Assembly shall allocate moneys from the Criminal Fine Account
26 for the following purposes:

27 “(a) Allocations to the Law Enforcement Medical Liability Account es-
28 tablished under ORS 414.815.

29 “(b) Allocations to the State Court Facilities and Security Account es-
30 tablished under ORS 1.178.

1 “(c) Allocations to the Department of Corrections for the purpose of
2 planning, operating and maintaining county juvenile and adult corrections
3 programs and facilities and drug and alcohol programs.

4 “(d) Allocations to the Oregon Health Authority for the purpose of grants
5 under ORS 430.345 for the establishment, operation and maintenance of al-
6 cohol and drug abuse prevention, early intervention and treatment services
7 provided through a county.

8 “(e) Allocations to the Oregon State Police for the purpose of the
9 enforcement of the laws relating to driving under the influence of
10 intoxicants.

11 “(f) Allocations to the Arrest and Return Account established under ORS
12 133.865.

13 “(g) Allocations to the Intoxicated Driver Program Fund established un-
14 der ORS 813.270.

15 “(h) Allocations to the State Court Technology Fund established under
16 ORS 1.012.

17 **“(4) Notwithstanding subsections (2) and (3) of this section, the**
18 **Legislative Assembly shall allocate all moneys deposited in the Crimi-**
19 **nal Fine Account, from the payment of fines from citations issued**
20 **pursuant to ORS 810.442, to the Highway Worker Safety Fund estab-**
21 **lished under section 4 of this 2025 Act.**

22 “[4] (5) It is the intent of the Legislative Assembly that allocations from
23 the Criminal Fine Account under subsection (3) of this section be consistent
24 with historical funding of the entities, programs and accounts listed in sub-
25 section (3) of this section from monetary obligations imposed in criminal
26 proceedings. Amounts that are allocated under subsection (3)(c) of this sec-
27 tion shall be distributed to counties based on the amounts that were trans-
28 ferred to counties by circuit courts during the 2009-2011 biennium under the
29 provisions of ORS 137.308, as in effect January 1, 2011.

30 “[5] (6) Moneys in the Criminal Fine Account may not be allocated for

1 the payment of debt service obligations.

2 “[~~(6)~~] **(7)** The Department of Revenue shall deposit in the General Fund
3 all moneys remaining in the Criminal Fine Account after the distributions
4 listed in subsections [~~(2) and (3)~~] **(2), (3) and (4)** of this section have been
5 made.

6 “[~~(7)~~] **(8)** The Department of Revenue shall establish by rule a process for
7 distributing moneys in the Criminal Fine Account. The department may not
8 distribute more than one-eighth of the total biennial allocation to an entity
9 during a calendar quarter.

10 **“SECTION 6.** ORS 51.050, as amended by section 57, chapter 70, Oregon
11 Laws 2024, is amended to read:

12 “51.050. (1) Except as otherwise provided in this section, in addition to
13 the criminal jurisdiction of justice courts already conferred upon and exer-
14 cised by them, justice courts have jurisdiction of all offenses committed or
15 triable in their respective counties. The jurisdiction conveyed by this section
16 is concurrent with any jurisdiction that may be exercised by a circuit court
17 or municipal court.

18 “(2) In any justice court that has not become a court of record under ORS
19 51.025, a defendant charged with a misdemeanor shall be notified immediately
20 after entering a plea of not guilty of the right of the defendant to have the
21 matter transferred to the circuit court for the county where the justice court
22 is located. The election shall be made within 10 days after the plea of not
23 guilty is entered, and the justice shall immediately transfer the case to the
24 appropriate court.

25 “(3) A justice court does not have jurisdiction over the trial of any felony
26 or a designated drug-related misdemeanor as defined in ORS 423.478. Except
27 as provided in ORS 51.037, a justice court does not have jurisdiction over
28 offenses created by the charter or ordinance of any city.

29 **“(4) A justice court does not have jurisdiction over the trial of a**
30 **citation issued for speeding in a highway work zone pursuant to ORS**

1 **810.442.**

2 **“SECTION 7.** ORS 153.036 is amended to read:

3 “153.036. (1) A violation proceeding may be commenced in:

4 “(a) The county in which the violation was committed; or

5 “(b) Any other county whose county seat is a shorter distance by road
6 from the place where the violation was committed than is the county seat
7 of the county in which the violation was committed.

8 “(2)(a) If a violation proceeding is commenced in the county in which the
9 violation was committed, the proceeding may be commenced in a circuit or
10 justice court of the county or, if the violation was committed within a city,
11 in the municipal court.

12 “(b) If a violation proceeding is commenced in a county other than the
13 county in which the violation was committed, the proceeding may be com-
14 menced:

15 “(A) In a circuit court;

16 “(B) Notwithstanding the provisions of ORS 51.050 (1) to (3) that limit
17 the jurisdiction of justice courts to offenses committed within the county, in
18 a justice court; or

19 “(C) If the violation was committed within a city, in the municipal court
20 of the city.

21 “(3) A Central Violations Bureau established under ORS 153.806 may
22 conduct violation proceedings for a violation commenced in circuit court
23 notwithstanding the county in which the proceeding is commenced.

24 “(4)(a) Except as otherwise provided in paragraph (b) of this subsection,
25 if a violation proceeding is commenced in a county other than the county in
26 which the violation was committed, at the request of the defendant the place
27 of trial may be changed to the county in which the violation was committed.
28 A request for a change of the place of trial shall be made prior to the date
29 set for the trial and shall be governed by the provisions of ORS 131.305 to
30 131.415 relating to change of venue.

1 “(b) A defendant may not request that the place of trial be changed if the
2 violation was committed within a city and the proceeding is commenced in
3 the municipal court of the city.

4 “(5) Except as specifically provided in this section, venue in violation
5 proceedings in circuit courts is governed by ORS 131.305 to 131.415.

6 **“SECTION 8.** ORS 221.339, as amended by section 65, chapter 70, Oregon
7 Laws 2024, is amended to read:

8 “221.339. (1) A municipal court has concurrent jurisdiction with circuit
9 courts and justice courts over all violations committed or triable in the city
10 where the court is located.

11 “(2) Except as provided in subsections (3) and (4) of this section, munici-
12 pal courts have concurrent jurisdiction with circuit courts and justice courts
13 over misdemeanors committed or triable in the city. Municipal courts may
14 exercise the jurisdiction conveyed by this section without a charter provision
15 or ordinance authorizing that exercise.

16 “(3) Municipal courts have no jurisdiction over felonies, **a citation is-**
17 **sued for speeding in a highway work zone pursuant to ORS 810.442** or
18 designated drug-related misdemeanors as defined in ORS 423.478.

19 “(4) A city may limit the exercise of jurisdiction over misdemeanors by
20 a municipal court under this section by the adoption of a charter provision
21 or ordinance, except that municipal courts must retain concurrent jurisdic-
22 tion with circuit courts over:

23 “(a) Misdemeanors created by the city’s own charter or by ordinances
24 adopted by the city, as provided in ORS 3.132; and

25 “(b) Traffic crimes as defined by ORS 801.545.

26 “(5) Subject to the powers and duties of the Attorney General under ORS
27 180.060, the city attorney has authority to prosecute a violation of any of-
28 fense created by statute that is subject to the jurisdiction of a municipal
29 court, including any appeal, if the offense is committed or triable in the city.
30 The prosecution shall be in the name of the state. The city attorney shall

1 have all powers of a district attorney in prosecutions under this
2 subsection.”.

3
