

# House Bill 2189

Sponsored by Representative RESCHKE (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that if a person speeds or runs a red light and is caught by a photo radar or a photo red light camera, the person must get a warning and not a ticket. (Flesch Readability Score: 64.5).

Provides that a person shall receive a written warning for a first offense of speeding or running a red light if the conduct was captured by photo radar or photo red light cameras.

## A BILL FOR AN ACT

1  
2 Relating to traffic violations; creating new provisions; and amending ORS 810.436, 810.437 and  
3 810.444.

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

5 **SECTION 1.** ORS 810.444, as amended by section 2, chapter 82, Oregon Laws 2024, is amended  
6 to read:

7 810.444. (1) Notwithstanding any other provision of law, in a city operating a photo radar system  
8 under ORS 810.438:

9 (a) A citation for speeding may be issued on the basis of photo radar if:

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

12 (B) A police officer or a duly authorized traffic enforcement agent has reviewed the photo-  
13 graphic evidence of the conduct; *[and]*

14 (C) A police officer signs and issues the citation, except that a citation issued by the City of  
15 Portland may be signed and issued by a duly authorized traffic enforcement agent or a police  
16 officer[.]; **and**

17 **(D) A written warning has previously been issued to the person for speeding on the basis**  
18 **of photo radar at the same location. A written warning must be issued within six business**  
19 **days of the alleged violation.**

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

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

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

28 (2) A citation issued on the basis of photo radar may be delivered by mail or otherwise to the  
29 registered owner of the vehicle or to the driver. The citation may be prepared on a digital medium,

**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 and the signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

2 (3)(a) An individual named as the registered owner of a vehicle in current records of the De-  
 3 partment of Transportation may respond by mail to a citation issued under subsection (1) of this  
 4 section by submitting a certificate of innocence within 30 days from the mailing of the citation  
 5 swearing or affirming that the registered owner was not the driver of the vehicle and by providing  
 6 a photocopy of the registered owner’s driver license. A city that receives a certificate of innocence  
 7 under this paragraph shall dismiss the citation without requiring a court appearance by the regis-  
 8 tered owner or any other information from the registered owner other than the swearing or affir-  
 9 mation and the photocopy. The citation may be reissued only once, only to the registered owner  
 10 and only if the city verifies that the registered owner appears to have been the driver at the time  
 11 of the violation. A registered owner may not submit a certificate of innocence in response to a re-  
 12 issued citation.

13 (b) If a business or public agency named as the registered owner of a vehicle in current records  
 14 of the Department of Transportation responds to a citation issued under subsection (1) of this sec-  
 15 tion by submitting an affidavit of nonliability within 30 days from the mailing of the citation stating  
 16 that at the time of the 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 terms of a rental  
 18 agreement or lease, and if the business or public agency provides the driver license number, name  
 19 and address of the employee, renter or lessee, the citation shall be dismissed with respect to the  
 20 business or public agency. The citation may then be issued and delivered by mail or otherwise to  
 21 the employee, renter or lessee identified in the affidavit of nonliability.

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

25 (5) The penalties for and all consequences of a speeding violation initiated by the use of photo  
 26 radar are the same as for a speeding violation initiated by any other means.

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

31 (7) As used in this section:

32 (a)(A) “Duly authorized traffic enforcement agent” means an individual who:

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

35 (ii) Has completed all necessary technical, administrative and other training to:

36 (I) Review photographs under this section; and

37 (II) Issue and sign citations under this section, if employed by the City of Portland.

38 (B) Duly authorized traffic enforcement agents are not police officers.

39 (b) “Police officer” includes “reserve officers” as defined in ORS 133.005.

40 **SECTION 2.** ORS 810.436 is amended to read:

41 810.436. (1) Notwithstanding any other provision of law, if a city chooses to operate a camera  
 42 that complies with this section and ORS 810.434, a citation for violation of ORS 811.265 may be is-  
 43 sued on the basis of photographs from a camera taken without the presence of a police officer if the  
 44 following conditions are met:

45 (a) Signs are posted, so far as is practicable, on all major routes entering the jurisdiction indi-

1 cating that compliance with traffic control devices is enforced through cameras.

2 (b) For each traffic control device at which a camera is installed, signs indicating that a camera  
3 may be in operation at the device are posted before the device at a location near the device.

4 (c) If the traffic control device is a traffic light, the yellow light shows for at least the length  
5 of time recommended by the standard set by the Institute of Transportation Engineers.

6 (d) The citation is mailed to the registered owner of the vehicle, or to the driver if identifiable,  
7 within 10 business days of the alleged violation.

8 (e) The registered owner is given 30 days from the date the citation is mailed to respond to the  
9 citation.

10 (f) A police officer or a duly authorized traffic enforcement agent who has reviewed the photo-  
11 graph signs the citation. The citation may be prepared on a digital medium, and the signature may  
12 be electronic in accordance with the provisions of ORS 84.001 to 84.061.

13 **(g) A written warning has previously been issued to the person for violating ORS 811.265**  
14 **at the same location. A written warning must be issued within six business days of the al-**  
15 **leged violation.**

16 (2) Notwithstanding subsection (1) of this section, if the city issues a citation under ORS 810.437  
17 for exceeding the speed limit under ORS 811.111 or designated speed posted under ORS 810.180 by  
18 11 to 20 miles per hour, the city may not issue a citation under this section for violation of ORS  
19 811.265 arising out of the same criminal episode, as defined in ORS 131.505.

20 (3) If the person named as the registered owner of a vehicle in the current records of the De-  
21 partment of Transportation fails to respond to a citation issued under subsection (1) of this section,  
22 a default judgment under ORS 153.102 may be entered for failure to appear after notice has been  
23 given that the judgment will be entered.

24 (4) A rebuttable presumption exists that the registered owner of the vehicle was the driver of  
25 the vehicle when the citation was issued and delivered as provided in this section.

26 (5) A person issued a citation under subsection (1) of this section may respond to the citation  
27 by submitting a certificate of innocence or a certificate of nonliability under subsection (7) of this  
28 section or any other response allowed by law.

29 (6) A citation for violation of ORS 811.265 issued on the basis of photographs from a camera  
30 installed as provided in this section and ORS 810.434 may be delivered by mail or otherwise to the  
31 registered owner of the vehicle or to the driver if the driver is identifiable from the photograph.

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

42 (b) If a business or public agency responds to a citation issued under subsection (1) of this sec-  
43 tion by submitting, within 30 days from the mailing of the citation, a certificate of nonliability  
44 stating that at the time of the alleged violation the vehicle was in the custody and control of an  
45 employee or was in the custody and control of a renter or lessee under the terms of a motor vehicle

1 rental agreement or lease, and if the business or public agency provides the driver license number,  
 2 name and address of the employee, renter or lessee, the citation shall be dismissed with respect to  
 3 the business or public agency. The citation may then be reissued and delivered by mail or otherwise  
 4 to the employee, renter or lessee identified in the certificate of nonliability.

5 (8) The penalties for and all consequences of a violation of ORS 811.265 initiated by the use of  
 6 a camera installed as provided in this section and ORS 810.434 are the same as for a violation ini-  
 7 tiated by any other means.

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

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

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

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

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

19 **SECTION 3.** ORS 810.437 is amended to read:

20 810.437. (1) Notwithstanding any other provision of law, if a city chooses to operate cameras  
 21 that comply with this section and ORS 810.434, a citation for speeding may be issued on the basis  
 22 of photographs from a camera and other technology, including but not limited to sensors, that  
 23 measure the speed of a vehicle without the presence of a police officer if the following conditions  
 24 are met:

25 (a) Signs are posted, so far as is practicable, on all major routes entering the jurisdiction indi-  
 26 cating that compliance with traffic laws is enforced through cameras and other technology.

27 (b) For each traffic control device at which a camera is installed, signs indicating that a camera  
 28 system may be in operation at the traffic control device are posted before the device at a location  
 29 near the device.

30 (c) The citation is mailed to the registered owner of the vehicle, or to the driver if identifiable,  
 31 within 10 business days of the alleged violation.

32 (d) The registered owner is given 30 days from the date the citation is delivered to respond to  
 33 the citation.

34 (e) A police officer or a duly authorized traffic enforcement agent who has reviewed the photo-  
 35 graph and other data signs the citation. The citation may be prepared on a digital medium, and the  
 36 signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

37 (f) The person exceeded the speed limit or designated speed by 11 miles per hour or greater.

38 **(g) A written warning has previously been issued to the person for speeding at the same**  
 39 **location. A written warning must be issued within six business days of the alleged violation.**

40 (2) If the person named as the registered owner of a vehicle in the current records of the De-  
 41 partment of Transportation fails to respond to a citation issued under subsection (1) of this section,  
 42 a default judgment under ORS 153.102 may be entered for failure to appear after notice has been  
 43 given that the judgment will be entered.

44 (3) A rebuttable presumption exists that the registered owner of the vehicle was the driver of  
 45 the vehicle when the citation was issued and delivered as provided in this section.

1 (4) A person issued a citation under subsection (1) of this section may respond to the citation  
 2 by submitting a certificate of innocence or a certificate of nonliability under subsection (6) of this  
 3 section or any other response allowed by law.

4 (5) A citation issued under this section on the basis of photographs from a camera installed as  
 5 provided in this section and ORS 810.434 may be delivered by mail or otherwise to the registered  
 6 owner of the vehicle or to the driver if the driver is identifiable from the photograph.

7 (6)(a) A registered owner of a vehicle may respond by mail to a citation issued under subsection  
 8 (1) of this section by submitting, within 30 days from delivery of the citation, a certificate of inno-  
 9 cence swearing or affirming that the owner was not the driver of the vehicle and by providing a  
 10 photocopy of the owner’s driver license. A jurisdiction that receives a certificate of innocence under  
 11 this paragraph shall dismiss the citation without requiring a court appearance by the registered  
 12 owner or any other information from the registered owner other than the swearing or affirmation  
 13 and the photocopy. The citation may be reissued only once, only to the registered owner and only  
 14 if the jurisdiction verifies that the registered owner appears to have been the driver at the time of  
 15 the violation. A registered owner may not submit a certificate of innocence in response to a reissued  
 16 citation.

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

25 (7) The penalties for and all consequences of a speeding violation initiated by the use of a  
 26 camera installed as provided in this section and ORS 810.434 are the same as for a violation initi-  
 27 ated by any other means.

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

32 (9)(a) As used in this section, “duly authorized traffic enforcement agent” means an individual  
 33 who:

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

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

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

39 **SECTION 4. The amendments to ORS 810.436, 810.437 and 810.444 by sections 1 to 3 of this**  
 40 **2025 Act apply to conduct alleged to constitute a traffic violation occurring on or after the**  
 41 **effective date of this 2025 Act.**