

IN THE MUNICIPAL COURT OF THE CITY OF TIGARD  
COUNTY OF WASHINGTON, STATE OF OREGON

In the Matter of )  
)  
ESTABLISHING A BASE FINE ) RULE 1  
SCHEDULE FOR TRAFFIC AND ) Supplemental Court Rule  
PARKING VIOLATIONS )

IT IS HEREBY ORDERED:

I

TRAFFIC BASE FINE SCHEDULE

Except as otherwise ordered by the Court, the following Base Fine Schedule shall apply to all traffic offenses: (Includes mandatory state and county assessments under ORS 137.292 and 137.309.)

A. VIOLATIONS

1. CLASS A TRAFFIC VIOLATION

(Includes Speeding – over 30 mph excess or over 85 mph, but under 100 mph, where the legal speed is 65 mph)

**Individual**

- |   |           |
|---|-----------|
| a. Basic - not contributing to an accident  | \$495.00* |
| b. Significantly contributing to an accident, injury or substantial risk of injury  | \$570.00* |
| c. Traffic Special Zone – Traffic violations only, in a posted school zone, or a “highway work zone”, or a designated safety corridor | \$745.00* |

**Corporation**

- |   |             |
|---|-------------|
| a. Basic - not contributing to an accident  | \$895.00*   |
| b. Significantly contributing to an accident, injury or substantial risk of injury  | \$1,035.00* |
| c. Traffic Special Zone – Traffic violations only, in a posted school zone, or a “highway work zone”, or a designated “safety corridor” | \$1,325.00* |

**Individuals and Corporations:**

\*Commercial vehicle speed – For exceeding the legal speed by at least 10 mph in a vehicle that requires a commercial driver license to operate, add \$42 to amounts with an "\*" behind the number.

2. CLASS B TRAFFIC VIOLATION

(Includes Speeding – 21 to 30 mph excess or over 76 to 85 where the legal speed is 65 mph)

**Individual**

- |   |           |
|---|-----------|
| a. Basic - not contributing to an accident  | \$295.00* |
| b. Significantly contributing to an accident, injury or substantial risk of injury  | \$345.00* |
| c. Traffic Special Zone – Traffic violations only, in a posted school zone, or a “highway work zone”, or a designated safety corridor | \$420.00* |

**Corporation**

- a. Basic - not contributing to an accident \$495.00\*
- b. Significantly contributing to an accident, injury or substantial risk of injury \$570.00\*
- c. Traffic Special Zone – Traffic violations only, in a posted school zone, or a “highway work zone”, or a designated safety corridor \$745.00\*

**Individuals and Corporations:**

\*Commercial vehicle speed – Exceeding the legal speed by at least 10 mph in a vehicle that requires a commercial driver license to operate add \$42 to amounts with an "\*" behind the number.

3. CLASS C TRAFFIC VIOLATION

(Includes Speeding – 11 to 20 mph excess or over 66 to 75 where the legal speed is 65 mph)

**Individual**

- a. Basic - not contributing to an accident \$195.00\*
- b. Significantly contributing to an accident, injury or substantial risk of injury \$220.00\*
- c. Traffic Special Zone (for speed only) –Speeding in a posted school zone, or a “highway work zone” or a designated “safety corridor” \$265.00\*

**Corporation**

- a. Basic - not contributing to an accident \$295.00\*
- b. Significantly contributing to an accident, injury or substantial risk of injury \$345.00\*
- c. Traffic Special Zone (for speed only) –Speeding in a posted school zone, or a “highway work zone” or a designated “safety corridor” \$420.00\*

**Individuals and Corporations:**

\*Commercial vehicle speed – Exceeding the legal speed by at least 10 mph in a vehicle that requires a commercial driver license to operate add \$42 to amounts with an "\*" behind the number.

4. CLASS D TRAFFIC VIOLATION

(Includes Speeding – 1 to 10 mph excess or any excess speed in a funeral procession)

**Individual**

- a. Basic - not contributing to an accident \$145.00
- b. Significantly contributing to an accident, injury or substantial risk of injury \$160.00
- c. Traffic Special Zone (for speed only) –Speeding in a posted school zone, or a “highway work zone” or a designated “safety corridor” \$175.00

**Corporation**

- a. Basic - not contributing to an accident \$195.00
- b. Significantly contributing to an accident, injury or substantial risk of injury \$220.00
- c. Traffic Special Zone (for speed only) –Speeding in a posted school zone, or a “highway work zone” or a designated “safety corridor” \$265.00

5. TRAFFIC SPEEDING.

Driving 100 mph or greater when committing ORS 811.109(5) classified violation	
Individual	\$1,148.00
Corporation	\$2,148.00

B. UNCLASSIFIED VIOLATIONS

Where statute does not provide a specific fine classification or fine amount for a violation, it is a "Class B" violation. See ORS 153.015(1). See B Violations

C. SPECIFIC FINE VIOLATIONS

Specific-fine violations are punishable by a specified fine set in statute. The statute does not designate the offense as a misdemeanor or felony or as a Class A, B, C, or D violation and does not include a term of imprisonment as a penalty. The base-fine amount is the fine amount provided by statute plus \$37 for the unitary assessment, plus \$45 for the offense surcharge, plus the appropriate County Assessment under ORS 137.309. See ORS 153.125(3).

D. CARELESS DRIVING, ORS 811.135

a. NOT contributing to an accident (Class B traffic violation)	\$295.00
b. Contributing to an accident (Class A traffic violation*)	\$495.00
c. Traffic special zone, no accident (Class B violation) - In a posted school zone, or a "highway work zone", or a designated "safety corridor"	\$420.00
d. Individual or Corporation - contributing to an accident <u>and</u> contributing to injury or death of a vulnerable user. (Class A traffic violation. See ORS 811.135(3))	Must Appear
e. Traffic special zone, with accident (Class A traffic violation*) - In a posted school zone, or a "highway work zone", or a designated "safety corridor"	\$745.00

\*NOTE: The base fine amount for this offense is not otherwise subject to increase for contributing to an accident, see 153.128(2)

E. U-TURN, ORS 811.365

a. NOT contributing to an accident (Class C violation)	
Individual	\$195.00
Corporation	\$295.00
b. Contributing to an accident (Class B violation*)	
Individual	\$295.00
Corporation	\$495.00
c. Traffic special zone, no accident (Class C violation) - In a posted school zone, or a "highway work zone", or a designated "safety corridor"	
Individual	\$265.00
Corporation	\$420.00
d. Traffic special zone, with accident (Class A traffic violation*) - In a posted school zone, or a "highway work zone", or a designated "safety corridor"	
Individual	\$420.00
Corporation	\$745.00

\*NOTE: The base fine amount for this offense is not enhanced for "contributing to an accident;" see 153.128(2).

F. STATE PARKING OFFENSES

- 1. Class D violations:
  - a. ORS 811.617 – Blocking a Disabled Space \$50.00
  - b. ORS 811.555, 811.570, 811.575, 811.580, 811.585 \$45.00
- 2. Specific-fine violation: ORS 811.590 – Winter parking permit requirements \$30.00
- 3. Class A violations
  - a. ORS 811.615 (1st offense) – Unlawful parking in a disabled parking space \$360.00
  - b. If prior conviction for 811.615 \$450.00
  - c. ORS 811.625 -Unlawful use of a disabled person parking permit in violation \$450.00
  - d. ORS 811.627 Use of invalid disabled-person parking permit \$450.00
  - e. ORS 811.630 - Misuse of program placard for disabled-persons \$360.00
  - f. If prior conviction for 811.630 \$450.00

G. MISC. SPECIFIC FINE VIOLATIONS

- 1. Helmet Violations: ORS 814.485, 814.486, 814.534, 814.536, 814.600 \$122.00

H. MOTOR CARRIER VIOLATIONS

- 1. Failure to obtain motor carrier certificate permit, ORS 825.100 and 825.990 \$495.00  
Class A Violation
- 2. Motor Carrier/Commercial Vehicle Operation Rules Class A Violation\*  
Violation of certain OR Dept. of Transportation rules related to commercial vehicles. ORS 825.
  - a) Individual; no accident, injury, risk \$495.00
  - b) Individual; accident, injury, risk \$570.00
  - c) Corporation; no accident, injury, risk \$895.00
  - d) Corporation; accident, injury, risk \$1,035.00
- 3. Motor Carrier/Commercial Vehicle Hazardous Waste Transportation Rules  
(as authorized in ORS153.022) Misdemeanor
- 4) Violating out of service notice Misdemeanor

I. OVERLOAD OFFENSES

- a. ORS 818.430(1), Schedule 1. Applies to violations of 818.020, 818.060, 818.340(6)(c)
  - 1. 1,000 lbs. or less excess \$92.00
  - 2. 1,001 to 2,000 lbs excess \$127.00
  - 3. 2,001 to 3,000 lbs excess \$100 + .03 per excess lb
  - 4. 3,001 to 4,999 lbs excess \$107 + .05 per excess lb
  - 5. 5,000 lbs excess \$362.00
  - 5. 5,001 to 7,500 lbs excess \$148 + .13 per excess lb
  - 6. 7,501 to 10,000 lbs excess \$148 + .15 per excess lb
  - 7. 10,001 to 12,500 lbs excess \$148 + .19 per excess lb
  - 8. More than 12,500 lbs excess \$148 + .24 per excess lb

- b. ORS 818.430(2), Schedule I, Overload, Farm Vehicle Fine Reduction
  - 1. 1,000 lbs. or less excess \$92.00
  - 2. 1,001 to 2,000 lbs excess \$112.00
  - 3. 2,001 to 3,000 lbs excess \$97 + 1.5 per excess lb
- c. ORS 818.430(3), Schedule II. Applies to offenses under 818.340(6)(b).
  - 1. 100 to 5,000 lbs excess
    - I. Less than 1,500 lbs excess \$207 + .10 per excess lb
    - II. 1,500 to 3,999 lbs excess \$212 + .10 per excess lb
    - III. 4,000 to 5,000 lbs excess \$248 + .10 per excess lb
  - 2. 5,001 to 10,000 lbs excess \$398 + .15 per excess lb
  - 3. More than 10,000 lbs excess \$648 + .30 per excess lb
- d. ORS 818.430(5), Schedule III, Applies to offenses under ORS 818.040
  - 1. 100 to 5,000 lbs excess
    - I. Less than 1,000 excess lbs \$207 + .15 per excess lb
    - II. 1,000 to 2,666 lbs excess \$212 + .15 per excess lb
    - III. 2,667 to 5,000 lbs excess \$248 + .15 per excess lb
  - 2. 5,001 to 10,000 lbs excess \$398 + .20 per excess lb
  - 3. More than 10,000 lbs excess Misdemeanor

J. OVERSIZE OFFENSES, WIDTH, HEIGHT, LENGTH ORS 818.060 and 818.090

- 1. Height or width 818.420(1)
  - I. First offense: Class D violation Same as A, 4
  - II. Second offense within 1 year of conviction : Class C violation Same as A, 3
  - III. Third or subsequent within 1 year of conviction: Class B Same as A, 2
- 2. Length 818.420(2). Class D violation Same as A, 4

K. TIGARD MUNICIPAL CODE

- 1. Violations of Chapter 10.32 – Miscellaneous (Doesn't include parking) \$295.00
- 2. Violation of Chapter 7.60 – Abandoned Vehicle \$180.00
- 3. Violation of 10.32.235 - Jaywalking \$145.00
- 4. Violations of Chapter 10.28 – Parking \$45.00
- 5. Overtime parking violations \$20.00

L. INCREASED BASE FINES FOR VIOLATIONS CONTRIBUTING TO AN ACCIDENT:

As provided by ORS 153.128 (1) and this schedule, base fines shall be enhanced for violations that were a substantial contributing factor to an accident that resulted in property damage or personal injury, or that created a substantial risk of injury to another person. This section does not apply to fines for careless driving (ORS 811.135 [2]) and illegal U-turn (ORS 811.365 [2]) where the commission of the offense contributed to an accident.

II  
PRIOR ORDERS

All prior orders of the Court concerning the matters covered herein, are superseded and vacated by this Order.

DATED October 21, 2009.

  
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Michael J. O'Brien, Presiding Judge