

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

In the matter of:)
)
ESTABLISHING A TRAFFIC COURT) RULE 2
VIOLATIONS BUREAU PURSUANT) Supplemental Local Rule
TO ORS 153.800)

The court having determined that the efficient disposition of its responsibilities and the convenience of persons charged with traffic violations so requires, IT IS HEREBY ORDERED as follows:

I. VIOLATIONS BUREAU

The court hereby establishes a Traffic Court Violations Bureau ("Bureau"), subject to the control and supervision of this court, which shall operate as provided in this Rule:

1. The court administrator, court operations supervisor and municipal court clerks are hereby designated violations clerks.
2. All traffic offenses, upon defendant's election to pursue "Option 1" in the manner provided on the reverse of the complaint and summons (or any court form which may be used in its place), and parking violations may be disposed of by the Bureau **except** the following:
 - a. Citations for Driving at a speed of 100 mph or greater;
 - b. A misdemeanor treated as a violation; and,
 - c. All motor carrier, overload and oversize violations.

The complaint and signed summons, or court form, shall be retained as provided by the City's retention schedule.

Any defendant who seeks a fine reduction greater than that provided by this Schedule may apply to the court in person at arraignment or trial or in writing. If a request for a reduction is based on compliance, satisfactory proof thereof shall be submitted in writing or by digital means acceptable to the court.

3. The Bureau may impose the specified fine, instead of the Presumptive Fine, as set forth in the attached "Violations Bureau Fine and Assessment Schedule," as follows:

- a. Upon entry of a plea of “no contest.” A written plea of “guilty” shall be construed as reflecting an intent to plead “no contest;”
 - b. By conduct indicating a clear and unambiguous intent to enter a plea of “no contest,” including submission of an appropriate payment by mail or online pursuant to “Option 1” on the summons and complaint, unless the submission is accompanied by a “not guilty” plea.
4. Payment of the Presumptive Fine constitutes consent to forfeiture of such payment by the Bureau and entry of a finding of “guilty,” except when accompanied by:
 - a. A not guilty plea;
 - b. A request for a hearing; or
 - c. A letter of explanation or mitigation.
5. The Bureau may reduce fines for “no contest” pleas received by mail with a letter of explanation or mitigation as provided in the Schedule set forth in Section II below. Any reductions shall be based on a review of the defendant’s driving record as provided therein. The Bureau may, in its discretion, forward a citation with a letter of explanation or mitigation to the judge for review before entry of a fine or other disposition.
6. The Bureau shall endeavor to obtain immediate payment of fines but may, in the alternative, extend time for payment in monthly installments. The Bureau shall use discretion in allowing time for payment.
7. The Bureau shall impose the specified fines, including a mandatory state and county assessments totaling \$66 for each violation, as set forth in the following "Violations Bureau Schedule."
8. If the defendant does not appear for arraignment or other first appearance within the time allowed, the Bureau may enter a default judgment based on the complaint pursuant to ORS 153.102(1) and impose a fine equal to 125% of the Presumptive Fine for each violation.
9. The Bureau shall dispose of all fees collected as provided in ORS 153.633 and ORS 153.650.
10. Nothing in this Rule is intended to limit the authority of a judge to impose a greater or lesser amount of financial obligation in an individual case where allowed by law.
11. Nothing in this Rule is intended to limit the ability of the court to adopt local orders or procedures requiring the personal appearance of particular defendants or by all defendants in specified categories of offenses in accordance with ORS 153.061(6).

II. VIOLATIONS BUREAU FINE SCHEDULE

The Tigard Municipal Court Violations Bureau will assess fines as required by State Statute. The fines are included in this schedule and are based on a three-year review of the defendant's driving record. No defendant whose record reveals any moving violations within the twelve months preceding the current citation shall be eligible for any reduction in fine.

General Violations			
CLASSIFICATION	Presumptive Fine	1 st	2 nd
INDIVIDUAL			
Class D – Basic	\$115.00	\$88	\$99
Traffic Special Zone	\$225.00	\$170	\$192
Class C – Basic	\$165.00	\$125	\$141
Traffic Special Zone	\$325.00	\$245	\$277
Class B – Basic	\$265.00	\$200	\$226
Traffic Special Zone	\$525.00	\$395	\$447
Class A – Basic	\$440.00	\$331	\$375
Traffic Special Zone	\$875.00	\$658	\$745
Special Traffic Violations			
	Presumptive Fine	1 ST	2 nd
Speeding 100 mph or greater	\$1,150	No reduction	
Helmet Violations 814.485, 814.486, 814.534, 814.536, 814.600	\$25	\$18	\$21
TMC violations			
	Presumptive Fine	1 st	2 nd
Chapter 10.32 – Misc Violations	\$265	\$200	\$226
7.60 – Abandoned Vehicle	\$265	\$200	\$226
10.32.235 – Jaywalking	\$115	\$88	\$99
10.28 – Parking	\$50	\$37	\$42

III. TERMS OF THIS ORDER and PRIOR ORDERS

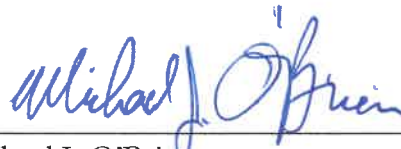
The Violations Bureau schedule created by this order shall apply to all offenses committed after 12:01 a.m. on January 1, 2018, in that portion of Washington County within the corporate

boundaries of the City of Tigard. With respect to those offenses, all prior orders of this Court concerning the matters covered herein are superseded and vacated by this order.

The Violations Bureau schedule (former Rule 2) in effect prior to January 1, 2018, shall remain applicable to all offenses committed before midnight on December 31, 2017.

As provided by Oregon Laws 2017, Chapter 712, state and county assessments in the total sum of \$66 shall be imposed on all violations committed on or after January 1, 2018.

DATED: January 11, 2018, nunc pro tunc January 1, 2018.



Michael J. O'Brien
Presiding Judge

RULE 2 - EXHIBIT A
VIOLATIONS SUBJECT TO REDUCTIONS NOTWITHSTANDING
DEFENDANT'S DRIVING RECORD

803.105	Failure to Transfer Title
803.220	Fail to Notify DMV of Name or Address Change on Vehicle
803.300	Fail to Register Vehicle
803.315	Fail to Pay Registration Fee
803.320	Permitting Unlawful Operation of Unregistered Vehicle
803.325	Purchase & Use of Out-of-State Registered Vehicle
803.455	Fail to Renew Vehicle Registration
803.505	Fail to Carry Registration Card
803.540	Fail to Display Registration Plates
803.545	Fail to Display Out-Of-State Plates
803.560	Improper Display of Validating Stickers
803.635	Improper Display of Temp Permit
803.655	Improper Display of Permit
807.420	Fail to Change Address on ID Card
807.540	Fail to Surrender Prior License
807.560	Fail to Notify DMV of Address Change on Drivers License
811.555	Illegal Stopping, Standing or Parking
811.570	Improperly Positioning Parallel Parked Vehicle
811.575	Violation of Posted Parking Restrictions on State Highways
811.580	Parking Vehicle on State Hwy for Vending Purposes
814.020	Pedestrian Failure to Obey Traffic Control Device
814.040	Pedestrian Failure to Yield to Vehicle
814.050	Pedestrian Fail to Yield to Emergency Vehicle
814.070	Pedestrian Improper Positioned or Proceeding Along Highway
814.080	Unlawful Hitchhiking
814.260	Failure of Moped Rider to Wear Helmet
814.269	Failure of Motorcycle Operator to Wear Helmet
814.275	Failure of Motorcycle Passenger to Wear Helmet
814.512	Unlawful Operation of Motor Assisted Scooter
814.514	Fail to Use Bicycle Lane - Motor Assisted Scooter
814.518	Improper Operation of Motor Assisted Scooter on Hwy
814.524	Motor Assisted Scooter on Sidewalk
814.530	Passenger on Motor Assisted Scooter
814.534	Failure to Wear Protective Headgear-Scooter
815.025	Causing Unreasonable Noise with a Vehicle
815.215	Failure to Have Windshield Wipers
815.220	Obstruction of Vehicle Windows

815.225	Violation of Use Limits on Sound Equipment
815.232	Causing Unreasonable Sound Amplification From a Vehicle
815.270	Vehicle Loaded or Equipped to Obstruct Driver