

**IN THE MUNICIPAL COURT OF THE CITY OF BROOKINGS
COUNTY OF CURRY, STATE OF OREGON**

In the matter of:

**ESTABLISHING A
TRAFFIC COURT VIOLATIONS BUREAU
PURSUANT TO ORS 153.800**

}

RULE 3

Having determined that the efficient disposition of its responsibilities and the convenience of persons charged with traffic violations so requires, the Court HEREBY ORDERS 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 Finance and Human Resources Director, Municipal Court Clerk, and Deputy Municipal Court Clerks, Violations Clerk and Deputy Violations Clerks, respectively.
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. Class A citations in which Careless driving "contributes to an accident" under ORS 811.135(2);
 - b. Citations for Driving at a speed of 100 mph or greater;
 - c. Citations upon which more than one violation is alleged;
 - d. Any defendant who has been found guilty of one or more traffic offenses in the preceding 12 months, as indicated by the driver's record and/or Brookings Municipal Court records.
 - e. A misdemeanor treated as a violation; and,
 - f. 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 as provided below 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. 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.
4. The Bureau may reduce fines for "no contest" pleas received by mail with a letter of explanation or mitigation. The Bureau shall also review and consider the defendant's driving record. 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.

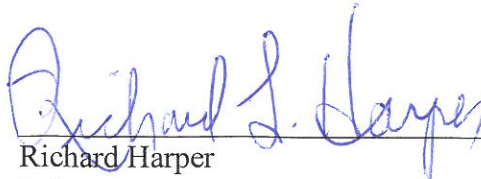
5. Fines may be reduced by applying the Presumptive Fine for the next-lowest class of violation;
6. The Bureau may dismiss traffic citations for failure to carry proof of insurance (ORS 806.012) when , prior to arraignment, the defendant provides proof that there was in force a valid liability insurance policy at the time of issuance of the citation;
7. The Bureau may dismiss the following violations upon proof that the defendant was in compliance on the date of the alleged violation: Unlawful parking in space reserved for persons with disabilities (ORS 811.615).
8. 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;
9. The Bureau shall impose the specified fines, including a mandatory state and county assessments totaling \$61 for each violation, as set forth in the following "Violations Bureau Schedule;"
10. 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 court cost fee not to exceed \$50.00 per citation;
11. The Bureau shall dispose of all fees collected as provided in ORS 153.630;
12. 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;
13. 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. TERMS OF THIS ORDER AND PRIOR ORDERS

The Violations Bureau schedule created by this order shall apply to all offenses committed after 12:01 AM on August 8, 2014, in that portion of Curry County within the corporate boundaries of the City of Brookings. With respect to those offenses, all prior orders of this Court concerning the matters covered herein are superseded and vacated by this order.

As provided by House Bill 2562, state and county assessments in the total sum of \$61 shall be imposed on all violations committed on or after July 31, 2013.

Dated this 4th day of September, 2014.


Richard Harper
Judge