

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

RULE 3: Traffic Court Violations Bureau

IT IS HEREBY ORDERED AS FOLLOWS:

The Court hereby establishes a Traffic Court Violations Bureau (“Bureau”), subject to the control and supervision of this Court.

1. The Bureau shall consist of the Finance and Human Resources Director, Municipal Court Clerk, Violations Clerk and Deputy 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 used in its place) and parking offenses 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 higher.
  - 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 DMV by records or Brookings Municipal Court records.
  - e. A misdemeanor treated as a violation.
  - f. All motor carrier, overload and oversize violations.
3. The complaint and signed summons, or court form, shall be retained as provided by the City’s retention schedule.
4. 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.

5. 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.
6. Except as provided in #8 below, the Bureau may reduce fines for “no contest” pleas received that are accompanied by 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 prior to entry of a fine or other disposition.
7. Except as provided in #8 below, fines may be reduced by not more than 20 per cent.
8. Fines for operators holding a Commercial Driver’s License shall not be reduced, nor shall the Class of violation be reduced.
9. The Bureau may dismiss a citation 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 vehicle liability insurance policy at the time of issuance of the citation.
10. The Bureau may dismiss citations for unlawful parking in space reserved or persons with disabilities (ORS 811.615) upon receiving proof that the defendant was in compliance on the date of the alleged violation.
11. The Bureau shall endeavor to obtain immediate payment of the fines, but may extend the time for payment in monthly installments.
12. The Bureau shall impose the specified fines, including mandatory state and county assessment totaling \$61 for each violation.
13. The Bureau shall dispose of all fees collected in accordance with ORS 153.630.
14. The Violations Clerk shall complete and sign all forms necessary for submitting notices of Court action to the DMV, including the entry of Court action on the reverse side of the Oregon Uniform Citation and Complaint and the Notice of Court Action.

15. Nothing in this Rule shall limit the authority of the Judge to impose a greater or lesser amount of financial penalty in an individual case as allowed by law.

16. Nothing in this Rule shall limit the ability of the Court to adopt local orders of procedures requiring the personal appearance of defendants in specified categories of offenses in accordance with ORS 153.061(6).

Dated this First day of November, 2020.

Gary Milliman  
Municipal Court Judge