

Senate Bill 933

Sponsored by COMMITTEE ON JUDICIARY (at the request of City of Portland)

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**.

Requires imposition of \$10 assessment upon conviction of traffic offense. Specifies distribution and use of collected moneys. Allows city or county to elect not to participate. Establishes Traffic Safety Assessment Fund.

A BILL FOR AN ACT

1
2 Relating to assessments for traffic offenses; creating new provisions; amending ORS 153.093, 153.125
3 and 802.155; and appropriating money.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 153.**

6 **SECTION 2. (1) When a person is convicted of a traffic offense, the court shall impose**
7 **an assessment of \$10 in addition to any other sentence the court imposes. The assessment**
8 **must be credited and distributed under ORS 137.293 and 137.295 as follows:**

9 (a) **Twenty percent of the assessments to the Safety Education Fund created in ORS**
10 **802.155.**

11 (b) **Eighty percent of the assessments imposed as a result of citations issued by, arrests**
12 **made by or prosecutions initiated by local law enforcement officers to the treasurer of the**
13 **local government body that employs the enforcement officer who issued the citation, made**
14 **the arrest or otherwise initiated the prosecution. Moneys distributed under this paragraph**
15 **shall be used for the following purposes:**

16 (A) **Traffic safety education programs;**

17 (B) **Traffic safety improvements; and**

18 (C) **Traffic law enforcement.**

19 (c) **Eighty percent of the assessments imposed as a result of citations issued by, arrests**
20 **made by or prosecutions initiated by state law enforcement officers to the Traffic Safety**
21 **Assessment Fund established in section 4 of this 2007 Act.**

22 (2) **A city or a county that receives moneys under subsection (1)(b) of this section shall**
23 **collaborate with the public, law enforcement agencies and organizations involved with traffic**
24 **safety issues to determine how to allocate the moneys received.**

25 (3)(a) **Notwithstanding subsection (1) of this section, the governing body of a city may**
26 **elect not to allow the municipal court of the city, or the governing body of a county may**
27 **elect not to allow the justice court of the county, to impose the assessment described in**
28 **subsection (1) of this section. When a city or county makes the election authorized by this**
29 **paragraph, the city or county shall notify the circuit court for the judicial district in which**
30 **the city or county is located of that election.**

31 (b) **Notwithstanding subsection (1)(b) of this section, when a circuit court imposes the**

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 assessment required by subsection (1) of this section and the underlying citation was issued
 2 by, the arrest was made by or the prosecution was initiated by a law enforcement officer of
 3 a city or county that has made the election authorized by paragraph (a) of this subsection,
 4 100 percent of the assessment must be credited and distributed under ORS 137.293 and 137.295
 5 to the Safety Education Fund created in ORS 802.155.

6 **SECTION 3.** Section 4 of this 2007 Act is added to and made a part of the Oregon Vehicle
 7 Code.

8 **SECTION 4.** (1) The Traffic Safety Assessment Fund is established in the State Treasury,
 9 separate and distinct from the General Fund. Moneys shall be paid into the Traffic Safety
 10 Assessment Fund as provided in section 2 of this 2007 Act. Interest earned by the fund shall
 11 be credited to the fund.

12 (2) Moneys in the Traffic Safety Assessment Fund are continuously appropriated to the
 13 office of the administrator of the Transportation Safety section of the Department of
 14 Transportation to be used for the following purposes:

- 15 (a) Traffic safety education programs;
- 16 (b) Traffic safety improvements; and
- 17 (c) Traffic law enforcement.

18 (3) The administrator shall work with local governments, the Department of State Police
 19 and safety organizations to develop a funding allocation formula for the moneys in the fund.

20 **SECTION 5.** ORS 802.155, as amended by section 9, chapter 700, Oregon Laws 2005, is amended
 21 to read:

22 802.155. (1) There is created the Safety Education Fund, separate and distinct from the General
 23 Fund. **The Safety Education Fund consists of moneys distributed to the fund under section 2**
 24 **of this 2007 Act.** Interest earned by the fund shall be credited to the fund.

25 (2) Moneys deposited in the Safety Education Fund [*from the Criminal Fine and Assessment Ac-*
 26 *count*] are continuously appropriated to the office of the administrator of the Transportation Safety
 27 section of the Department of Transportation to be used for safety education programs:

28 [*(a) That provide injury prevention education on traffic safety issues for each age group in the*
 29 *kindergarten through college ages;*]

- 30 (a) That provide at least one of the following:
- 31 (A) Instruction in bicycle safety;
- 32 (B) Instruction in pedestrian safety;
- 33 (C) Instruction in vehicle occupant protection;
- 34 (D) Instruction in driver safety for teenagers;
- 35 (E) Instruction in traffic safety for students in kindergarten through college; and
- 36 (F) Peer mentoring in traffic safety;
- 37 (b) That are nonprofit;

38 [(b)] (c) That have been recipients of funds under 23 U.S.C. 402 for at least three years;

39 [(c)] (d) That are found by the Transportation Safety section to be effective, as measured by the
 40 three-year reporting cycle funded under 23 U.S.C. 402; and

41 [(d)] (e) That operate statewide.

42 **SECTION 6.** ORS 153.093 is amended to read:

43 153.093. (1) Notwithstanding any other provision of law, a court or violations bureau may not
 44 defer, waive, suspend or otherwise reduce the fine for a violation to an amount that is less than:

- 45 (a) 75 percent of the base fine amount established for the offense under ORS 153.125 to 153.145,

1 if the offense is a Class A, B, C or D violation, or an unclassified violation, under ORS 153.012 and
 2 153.015; or

3 (b) 20 percent of the base fine amount established for the offense under ORS 153.125 to 153.145,
 4 if the offense is a specific fine violation as described by ORS 153.015.

5 (2) Nothing in this section:

6 (a) Affects the manner in which a court imposes or reduces monetary obligations other than
 7 fines.

8 (b) Allows a court to reduce any fine amount below a minimum fine amount established by
 9 statute for the offense.

10 (c) Affects the ability of a court to establish a payment schedule for fines imposed by the court.

11 (3) For the purpose of determining whether a fine meets the requirements of subsection (1) of
 12 this section, the [*unitary assessment amount*] **assessments established** under ORS 137.290 and [*the*
 13 *county assessment amount under ORS*] 137.309 **and section 2 of this 2007 Act** shall be included in
 14 calculating the amount required under subsection (1) of this section.

15 (4) The Department of Revenue or Secretary of State may audit any court to determine whether
 16 the court is complying with the requirements of this section. In addition, the Department of Revenue
 17 or Secretary of State may audit any court to determine whether the court is complying with the
 18 requirements of ORS 137.290 (4) and 153.630 (4). The Department of Revenue or Secretary of State
 19 may file an action under ORS 34.105 to 34.240 to enforce the requirements of this section and ORS
 20 137.290 (4) and 153.630 (4).

21 **SECTION 7.** ORS 153.125 is amended to read:

22 153.125. (1) The base fine required in violation proceedings under this chapter is the sum of a
 23 foundation amount calculated under ORS 153.125 to 153.145 plus the [*unitary and county*] assess-
 24 ments established under ORS 137.290 and 137.309 **and section 2 of this 2007 Act** for the violation.
 25 The amount of the county assessment under ORS 137.309 shall be calculated using the foundation
 26 amount determined under ORS 153.125 to 153.145, and may not be calculated using the maximum fine
 27 for the violation.

28 (2) Except as otherwise provided in ORS 153.125 to 153.145, the foundation amount to be used
 29 in calculating the base fine required in violation proceedings under this chapter is 50 percent of the
 30 maximum fine established for the violation.

31 (3) Except as otherwise provided in ORS 153.125 to 153.145, the foundation amount to be used
 32 for a specific fine violation in calculating the base fine required in a violation proceeding under this
 33 chapter is the maximum fine provided for the violation.

34 (4) If the law creating a violation establishes a minimum fine, and the foundation amount cal-
 35 culated for the violation under ORS 153.125 to 153.145 is less than the minimum fine for the vio-
 36 lation, the foundation amount to be used in calculating the base fine required in a violation
 37 proceeding under this chapter is the minimum fine established for the violation.

38 **SECTION 8. Section 2 of this 2007 Act and the amendments to ORS 153.093 and 153.125**
 39 **by sections 6 and 7 of this 2007 Act apply to persons convicted of traffic offenses that are**
 40 **committed on or after the effective date of this 2007 Act.**