

House Bill 3192

Sponsored by Representative KOMP; Representatives GILLIAM, KENNEMER, SCHAUFLE

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**.

Provides that fines and costs collected by court for traffic offenses committed on state highways be credited and distributed as monetary obligation payable to state. Specifies exception for city or county that assumes primary responsibility for enforcement of traffic laws on portion of state highway.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to traffic offenses; creating new provisions; amending ORS 153.630 and 153.635; and de-
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 153.**

6 **SECTION 2. (1) As used in this section, "state highway" has the meaning given that term**
7 **in ORS 366.005. "State highway" includes interstate highways.**

8 **(2) Except as provided in subsection (3) of this section, all fines and costs collected by a**
9 **court for a traffic offense committed on a state highway shall be credited and distributed**
10 **under ORS 137.293 and 137.295 as a monetary obligation payable to the state.**

11 **(3) A city or county may enter into an agreement with the Oregon State Police that**
12 **provides that the city or county will be the primary law enforcement agency responsible for**
13 **enforcing traffic laws on specified portions of state highways. If a city or county has entered**
14 **into an agreement under this subsection, fines collected by a court for a traffic offense**
15 **committed on any portion of a state highway described in the agreement shall be credited**
16 **and distributed as provided in ORS 153.630.**

17 **SECTION 3. ORS 153.630 is amended to read:**

18 153.630. (1) **Except as provided in section 2 (2) of this 2011 Act**, costs and one-half of all fines
19 collected in traffic offense cases by any court having jurisdiction of the traffic offense shall be paid
20 as follows:

21 (a) If collected in a circuit court, to be credited and distributed under ORS 137.293 and 137.295,
22 as a monetary obligation payable to the state.

23 (b) If collected in a justice court, to be credited and distributed under ORS 137.293 and 137.295
24 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to
25 the county.

26 (c) If collected in a municipal court, to be credited and distributed under ORS 137.293 and
27 137.295 to the city treasurer, as a monetary obligation payable to the city.

28 **(2) Except as provided in section 2 (2) of this 2011 Act**, the other half of [*such*] fines **de-**
29 **scribed in subsection (1) of this section** shall be paid as follows:

30 (a) If resulting from prosecutions initiated by or from arrests or complaints made by a member

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 of the Oregon State Police, to be credited and distributed under ORS 137.293 and 137.295, as a
 2 monetary obligation payable to the state.

3 (b) If resulting from prosecutions initiated by or from arrests or complaints made by a motor
 4 carrier enforcement officer, to be credited and distributed under ORS 137.293 and 137.295, as a
 5 monetary obligation payable to the state.

6 (c) If resulting from prosecutions initiated by or from arrests or complaints made by a city police
 7 officer, including a city marshal or a member of the police of a city or municipal or quasi-municipal
 8 corporation, to be credited and distributed under ORS 137.293 and 137.295:

9 (A) To the treasurer of the city or municipal or quasi-municipal corporation by which such po-
 10 lice officer is employed, as a monetary obligation to that political subdivision of the state if the of-
 11 fense occurred within the boundaries of the city or municipal or quasi-municipal corporation; or

12 (B) As a monetary obligation payable to the state if the offense occurred outside the boundaries
 13 of the city or municipal or quasi-municipal corporation.

14 (d) If resulting from prosecutions initiated by or from arrests or complaints made by a sheriff,
 15 deputy sheriff or county weighmaster, to be credited and distributed under ORS 137.293 and 137.295
 16 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to
 17 that county and to be credited to the general fund of that county.

18 (e) If resulting from prosecutions for parking in a winter recreation parking location, to be
 19 credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the
 20 state.

21 (f) In other cases, to be credited and distributed under ORS 137.293 and 137.295, as a monetary
 22 obligation to the same entity to which payment is made of the half provided for in subsection (1)
 23 of this section.

24 (3) If provisions of subsection (2)(b) or (e) of this section are applicable, and if the fine or penalty
 25 imposed is remitted, suspended or stayed, or the offender against whom the fine or penalty was
 26 levied or imposed serves time in jail in lieu of paying the fine or penalty or a part thereof, the
 27 committing judge or magistrate shall certify the facts thereof in writing to the State Court Admin-
 28 istrator in the case of a circuit court or the Department of Revenue in the case of a justice or
 29 municipal court not later than the 10th day of the month next following the month in which the fine
 30 was remitted or penalty suspended. If any part of the fine is thereafter paid, it shall be remitted to
 31 the judge or magistrate who imposed the fine or penalty, who shall distribute it as provided in
 32 subsections (1) and (2) of this section.

33 (4) If a fine is subject to division between two entities under this section and a sentence to pay
 34 a fine is imposed by the court, any remittance, suspension or stay of the fine portion of the sentence
 35 must be attributed on an equal basis to both of the entities entitled to a share of the fine.

36 (5) Distribution of fines and costs collected in a justice or municipal court under this section
 37 must be made not later than the last day of the month immediately following the month in which
 38 the fines and costs are collected.

39 (6) All fines collected as a result of citations issued for a violation of ORS 813.095 and credited
 40 and distributed to the state under subsections (1)(a) and (2)(a) of this section shall be deposited in
 41 the State Police Account established in ORS 181.175 to be used by the Department of State Police
 42 for the enforcement of laws concerning driving while under the influence of intoxicants.

43 **SECTION 4.** ORS 153.635 is amended to read:

44 153.635. If any of the money collected under ORS 153.630 **or section 2 (2) of this 2011 Act** is
 45 not paid over as provided in [*that section*] **those sections** by the 10th day of the second calendar

1 month next following the month in which it is received, the person withholding it is delinquent in
2 its payment and, in addition to the penalties prescribed by law, the person is personally liable
3 therefor to the public bodies to which the money is payable, with interest at the rate established
4 under ORS 305.220 from the delinquency date until paid. An action may be maintained in the name
5 of the state for the recovery of the unpaid amounts with interest.

6 **SECTION 5. Section 2 of this 2011 Act and the amendments to ORS 153.630 and 153.635**
7 **by sections 3 and 4 of this 2011 Act apply only to traffic offenses that are committed on or**
8 **after the effective date of this 2011 Act.**

9 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
11 **on its passage.**

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