

HOUSE AMENDMENTS TO HOUSE BILL 4167

By JOINT COMMITTEE ON WAYS AND MEANS

February 22

1 On page 1 of the printed bill, line 2, delete "153.018,".

2 Delete lines 3 and 4 and insert "153.020, 153.021, 153.030, 153.061, 153.090, 153.099, 153.633,
3 153.800 and 818.430 and sec-".

4 On page 6, delete line 44.

5 Delete pages 7 through 15 and insert:
6

"OVERWEIGHT TRUCK VIOLATIONS"

7
8

9 "**SECTION 12.** ORS 818.430 is amended to read:

10 "818.430. This section establishes schedules of presumptive fines for violations of maximum
11 weight requirements under the vehicle code. The particular schedule applicable is the schedule
12 designated in the section establishing the offense. Upon conviction, a person is punishable by a fine
13 and other penalty established in the schedule. Fines are based upon the excess weight by which any
14 loaded weight exceeds the applicable loaded weight authorized in the provision, permit, order or
15 resolution the person violates. The schedules are as follows:

16 "(1) The presumptive fines under Schedule I are as provided in this subsection. If the excess
17 weight is:

18 "(a) One thousand pounds or less, the presumptive fine is \$100.

19 "(b) More than 1,000 pounds, but not in excess of 2,000 pounds, the presumptive fine is \$150.

20 "(c) More than 2,000 pounds, but not in excess of 3,000 pounds, the presumptive fine is \$200.

21 "(d) More than 3,000 pounds, but not in excess of 5,000 pounds, the presumptive fine is \$300.

22 "(e) More than 5,000 pounds, but not in excess of 7,500 pounds, the presumptive fine is an
23 amount equal to 15 cents per pound for each pound of the excess weight.

24 "(f) More than 7,500 pounds, but not in excess of 10,000 pounds, the presumptive fine is an
25 amount equal to 16 cents per pound for each pound of the excess weight.

26 "(g) More than 10,000 pounds, but not in excess of 12,500 pounds, the presumptive fine is an
27 amount equal to 20 cents for each pound of the excess weight.

28 "(h) More than 12,500 pounds over the allowable weight, the presumptive fine is an amount
29 equal to 24 cents per pound for each pound of excess weight.

30 "(2) The presumptive fines under Schedule II are as provided in this subsection. If the excess
31 weight is:

32 "(a) One hundred pounds, but not in excess of 5,000 pounds, the presumptive fine is an amount
33 equal to \$200 plus 10 cents per pound of the excess weight.

34 "(b) More than 5,000 pounds, but not in excess of 10,000 pounds, the presumptive fine is an
35 amount equal to \$350 plus 15 cents per pound of the excess weight.

1 “(c) More than 10,000 pounds, the presumptive fine is an amount equal to \$600 plus 30 cents per
2 pound of the excess weight.

3 “(3) Notwithstanding ORS 153.021, the fine imposed under subsection (2) of this section shall be
4 not more than \$100 if a person charged with an offense punishable under Schedule II produces in
5 court a second valid variance permit issued under ORS 818.200 authorizing a loaded weight equal
6 to or greater than the actual loaded weight of the vehicle, combination of vehicles, axle, tandem
7 axles or group of axles upon which the citation was based.

8 “(4) The penalties under Schedule III are as provided in this subsection and are in addition to
9 any suspension of operator’s license under ORS 809.120 or any suspension of vehicle registration
10 under ORS 809.120. If the excess weight is:

11 “(a) One hundred pounds, but not in excess of 5,000 pounds, the presumptive fine [shall be] is
12 \$200 plus 15 cents per pound for each pound of the excess weight.

13 “(b) More than 5,000 pounds but not in excess of 10,000 pounds, the presumptive fine [shall be]
14 is \$350 plus 20 cents per pound for each pound of excess weight.

15 “(c) More than 10,000 pounds, [the operator commits a Class C misdemeanor] **the presumptive**
16 **fine is \$500, plus 30 cents per pound for each pound of excess weight.**

17 **“SECTION 13. The amendments to ORS 818.430 by section 12 of this 2012 Act apply only**
18 **to offenses that are committed on or after the effective date of this 2012 Act.”.**

19 On page 16, delete lines 1 through 15.

20 In line 19, delete “28” and insert “14”.

21 On page 17, after line 14, insert:

22 23 “SMALL FINE OFFENSES

24
25 **“SECTION 15.** ORS 153.633 is amended to read:

26 “153.633. (1) In any criminal action in which a fine is imposed, the lesser of the following
27 amounts is payable to the state before any other distribution of the fine is made:

28 “(a) \$60; or

29 “(b) The amount of the fine if the fine is less than \$60.

30 “(2) A justice or municipal court shall forward the amount prescribed under subsection (1) of
31 this section to the Department of Revenue for deposit in the Criminal Fine Account.

32 **“ (3) The provisions of this section do not apply to fines imposed in justice and municipal**
33 **courts under ORS 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).**

34 **“SECTION 16. The amendments to ORS 153.633 by section 15 of this 2012 Act apply only**
35 **to offenses committed on or after the effective date of this 2012 Act.**

36 37 “VIOLATION OF TRI-MET ORDINANCES

38
39 **“SECTION 17. Section 18 of this 2012 Act is added to and made a part of ORS chapter 153.**

40 **“SECTION 18. (1) If a court enters a judgment of conviction for the violation of an ordi-**
41 **nance enacted by the district board of a mass transit district under ORS 267.150, amounts**
42 **collected under the judgment are payable as follows:**

43 **“(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be de-**
44 **posited in the Criminal Fine Account;**

45 **“(b) One-half of the amount remaining after any payment required by paragraph (a) of**

1 **this subsection is payable to the district that enacted the ordinance; and**

2 **“(c) One-half of the amount remaining after any payment required by paragraph (a) of**
3 **this subsection is payable as provided in subsection (2) of this section.**

4 **“(2)(a) If a judgment of conviction that is subject to subsection (1) of this section is en-**
5 **tered in circuit court, the amount specified in subsection (1)(c) of this section shall be paid**
6 **to the state.**

7 **“(b) If a judgment of conviction that is subject to subsection (1) of this section is entered**
8 **in justice court, the amount specified in subsection (1)(c) of this section shall be paid to the**
9 **county that established the court.**

10 **“(c) If a judgment of conviction that is subject to subsection (1) of this section is entered**
11 **in municipal court, the amount specified in subsection (1)(c) of this section shall be paid to**
12 **the city that established the court.**

13 **“SECTION 19. (1) Section 18 of this 2012 Act becomes operative on April 1, 2012.**

14 **“(2) Section 18 of this 2012 Act applies to all violations of ordinances enacted by the dis-**
15 **trict board of a mass transit district that occur on or after January 1, 2012.**

16 **“(3) Notwithstanding ORS 137.300, there is allocated \$77,860 to the Judicial Department**
17 **from the Criminal Fine Account, for the purpose of reimbursing the Tri-County Metropolitan**
18 **Transportation District of Oregon for amounts that were collected in circuit courts between**
19 **January 1, 2012, and April 1, 2012, for violations of ordinances and that were not distributed**
20 **as provided under section 18 of this 2012 Act. The department shall transfer the amounts to**
21 **the district as soon as possible after the effective date of this 2012 Act.”.**

22 In line 18, delete “29” and insert “20”.

23 In line 24, delete “30” and insert “21”.

24
