

A-Engrossed
House Bill 2777

Ordered by the Senate June 5
Including Senate Amendments dated June 5

Sponsored by Representative BARKER, Senator DEMBROW (at the request of TriMet)

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.

Authorizes mass transit districts to establish administrative process to adjudicate certain ordinance violations. Authorizes mass transit districts to assess fines for violations or require performance of community service in lieu of fine. Provides that person cited may opt out of administrative process at any time.

Requires mass transit districts to track data relating to violations subject to administrative process. Requires mass transit districts to report on data annually to Legislative Assembly.

A BILL FOR AN ACT

1
2 Relating to administrative processes for mass transit districts; creating new provisions; and amend-
3 ing ORS 153.054.

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

5 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made a part of ORS**
6 **chapter 267.**

7 **SECTION 2. (1) A mass transit district may, by ordinance, establish an administrative**
8 **process to adjudicate ordinance violations as described in this section.**

9 **(2)(a) An administrative process established under this section may be used only to ad-**
10 **judicate violations of ordinances that the mass transit district has elected to treat as Class**
11 **A, B, C or D violations under ORS 153.025.**

12 **(b) The ordinance establishing the administrative process must describe with**
13 **particularity the violations that are subject to the process. The ordinance may provide that**
14 **the process applies to all violations described in paragraph (a) of this subsection, or any**
15 **subset of such violations.**

16 **(3) A mass transit district that has established an administrative process under this**
17 **section shall, when enforcing a violation that is subject to the process:**

18 **(a) Issue a citation as described in ORS 153.045;**

19 **(b) Stay the filing of the complaint, abstract of court record or any other materials with**
20 **a court for 90 days from the date of issuance of the citation;**

21 **(c) Provide for an appearance date in the summons, as described in ORS 153.051 (1), that**
22 **is no earlier than the date of expiration of the stay described in paragraph (b) of this sub-**
23 **section; and**

24 **(d) Cause the summons to be served on the person cited as described in ORS 153.042.**

25 **(4)(a) The ordinance establishing an administrative process under this section may pro-**

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 vide for administrative hearings for all violations or any subset of violations subject to the
2 process.

3 (b) The ordinance must require any administrative hearing to be completed within 60
4 days of the date of issuance of the citation.

5 (5)(a) The ordinance establishing an administrative process under this section may pro-
6 vide for the assessment of a fine, payable to the mass transit district, for violations subject
7 to the process. The fine may not exceed the maximum penalty that could be imposed for the
8 violation under otherwise applicable law. The fine, if assessed, must be the exclusive penalty
9 imposed for the violation.

10 (b) The ordinance may allow a person cited to perform community service in lieu of
11 paying a fine.

12 (6)(a) A person cited successfully resolves a citation through the administrative process
13 if:

14 (A) The mass transit district assesses a fine and the person pays the fine within the stay
15 period described in subsection (3)(b) of this section;

16 (B) The person fully performs community service in lieu of paying a fine, according to
17 standards established by the mass transit district, within the stay period described in sub-
18 section (3)(b) of this section; or

19 (C) The mass transit district, within the stay period described in subsection (3)(b) of this
20 section, determines that the person did not commit the violation for which the person was
21 cited or otherwise determines that no penalty should be assessed.

22 (b) If a person successfully resolves a citation through the administrative process, the
23 mass transit district may not file the complaint or abstract of court record to any court or
24 otherwise initiate court proceedings relating to the citation.

25 (c) If a person does not successfully resolve a citation through the administrative pro-
26 cess, the mass transit district shall file the complaint and abstract of court record with the
27 court pursuant to ORS 153.054.

28 (7) A person cited may, at any time during the stay period described in subsection (3)(b)
29 of this section, request that the citation be filed with a court. The request may be made
30 before, during or after an administrative process conducted under the authority of this sec-
31 tion. Upon such request, the mass transit district shall cease the administrative process with
32 respect to the citation and shall file the complaint and abstract of court record with the
33 court pursuant to ORS 153.054.

34 (8) If a mass transit district stays a court filing as described in subsection (3)(b) of this
35 section, the running of any applicable statutory time limitation for the commencement of a
36 trial is tolled during the stay period.

37 **SECTION 3.** (1) A mass transit district that establishes an administrative process to ad-
38 judicate ordinance violations under section 2 of this 2017 Act shall track data relating to each
39 violation subject to the administrative process, including:

40 (a) The type of violation and the approximate location of the violation;

41 (b) The resolution of the administrative process, including the amount of fine assessed,
42 if any, the amount and type of community service required, if any, and whether the citation
43 was successfully resolved through the administrative process pursuant to section 2 of this
44 2017 Act;

45 (c) The race and sex of the person cited, based on the observations of the person issuing

1 **the citation; and**

2 **(d) The age of the person cited, if provided to the person issuing the citation.**

3 **(2)(a) The mass transit district shall prepare annual reports on the data described in**
4 **subsection (1) of this section. The reports shall disclose the data only in an aggregate man-**
5 **ner, such that the disclosed information cannot be used to identify, contact or locate any**
6 **single individual.**

7 **(b) The mass transit district shall annually transmit the report to the committees or**
8 **interim committees of the Legislative Assembly related to the judiciary. The first report**
9 **must be made no later than one year after the administrative process to adjudicate ordi-**
10 **nance violations is implemented.**

11 **SECTION 4.** ORS 153.054 is amended to read:

12 153.054. Except as provided in ORS 810.439, 811.590, 811.615 or 811.617 **or section 2 of this 2017**
13 **Act** or other law, an enforcement officer issuing a violation citation shall cause the summons to be
14 delivered to the person cited and shall cause the complaint and abstract of court record to be de-
15 livered to the court.

16 _____