

**SENATE MINORITY REPORT  
AMENDMENTS TO  
SENATE BILL 443**

By Nonconcurring Members of COMMITTEE ON BUSINESS AND GENERAL  
GOVERNMENT

April 12

1 On page 1 of the printed bill, line 2, delete “811.515” and insert “153.633, 153.645, 153.650,  
2 153.660, 811.515 and 811.520”.

3 On page 3, after line 31, insert:

4 “**SECTION 3.** ORS 811.520 is amended to read:

5 “811.520. (1) A person commits the offense of unlawful use or failure to use lights if the person  
6 does any of the following:

7 “(a) Drives or moves on any highway any vehicle at a time when vehicle lighting is required to  
8 be operated or is prohibited from being operated under ORS 811.515 and operates or fails to operate  
9 lighting equipment as required under ORS 811.515.

10 “(b) Owns a vehicle or combination of vehicles and causes or knowingly permits the vehicle or  
11 combination of vehicles to be driven or moved on any highway at a time when ORS 811.515 requires  
12 or prohibits the operation of vehicle lighting equipment without compliance with the requirements  
13 under ORS 811.515.

14 “(c) Drives any vehicle in a funeral procession without using the low beam headlights.

15 “(2) The application of this section is subject to the exemptions from this section established  
16 under ORS 811.525.

17 “(3) The offense described in this section, unlawful use of or failure to use lights, is a Class B  
18 traffic violation, except:

19 “(a) That violation of ORS 811.515 (3), (4), (13) or (17) or subsection (1)(c) of this section is a  
20 Class D traffic violation.

21 “(b) That a violation of ORS 811.515 (19) is:

22 “(A) For the first offense, a specific fine traffic violation. The presumptive fine is \$100.

23 “(B) For a second offense, a Class D traffic violation.

24 “(C) For a third or subsequent offense, a Class B traffic violation.

25 “**SECTION 4.** ORS 153.633 is amended to read:

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

28 “(a) \$65; or

29 “(b) The amount of the fine if the fine is less than \$65.

30 “(2) In any criminal action in a justice or municipal court in which a fine is imposed, the lesser  
31 of the following amounts is payable to the state before any other distribution of the fine is made:

32 “(a) \$50; or

33 “(b) The amount of the fine if the fine is less than \$50.

34 “(3) A justice or municipal court shall forward the amount prescribed under subsection (2) of

1 this section to the Department of Revenue for deposit in the Criminal Fine Account.

2 “(4)(a) The provisions of this section do not apply to fines imposed under ORS 339.990.

3 “(b) The provisions of subsection (2) of this section do not apply to fines imposed in justice and  
4 municipal courts under ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or  
5 830.990 (1).

6 “**SECTION 5.** ORS 153.645 is amended to read:

7 “153.645. (1) If a justice court enters a judgment of conviction for a traffic offense and the con-  
8 viction resulted from a prosecution arising out of an arrest or complaint made by an officer of the  
9 Oregon State Police or by any other enforcement officer employed by state government, as defined  
10 in ORS 174.111:

11 “(a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded  
12 to the Department of Revenue for deposit in the Criminal Fine Account;

13 “(b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
14 required by paragraph (a) of this subsection is payable to the county in which the justice court is  
15 located; and

16 “(c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
17 required by paragraph (a) of this subsection is payable to the state.

18 “(2) If a justice court enters a judgment of conviction for a traffic offense and the conviction  
19 resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff  
20 or any other enforcement officer employed by the county:

21 “(a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded  
22 to the Department of Revenue for deposit in the Criminal Fine Account; and

23 “(b) Subject to subsection (4) of this section, the remaining amount of the fine is payable to the  
24 county in which the court is located.

25 “(3) If a justice court enters a judgment of conviction for a traffic offense and the conviction  
26 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer  
27 employed by any other local government, as defined in ORS 174.116:

28 “(a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded  
29 to the Department of Revenue for deposit in the Criminal Fine Account;

30 “(b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
31 required by paragraph (a) of this subsection is payable to the local government that employs the  
32 enforcement officer; and

33 “(c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
34 required by paragraph (a) of this subsection is payable to the county in which the court is located.

35 “(4) If the full amount of the fine imposed by a justice court is collected, the last \$16 of the  
36 amount collected shall be paid to the county treasurer for the county in which the court is located  
37 and may be used only for the purposes specified in ORS 153.660. If the full amount of the fine im-  
38 posed is not collected, the \$16 payment required by this subsection shall be reduced by one dollar  
39 for every dollar of the fine that is not collected. The provisions of this subsection do not apply to  
40 fines imposed for violations of ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536,  
41 814.600 or 830.990 (1).

42 “**SECTION 6.** ORS 153.650 is amended to read:

43 “153.650. (1) If a municipal court enters a judgment of conviction for a traffic offense and the  
44 conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of  
45 the Oregon State Police or by any other enforcement officer employed by state government, as de-

1 fined in ORS 174.111:

2 “(a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded  
3 to the Department of Revenue for deposit in the Criminal Fine Account;

4 “(b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
5 required by paragraph (a) of this subsection is payable to the city in which the municipal court is  
6 located; and

7 “(c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
8 required by paragraph (a) of this subsection is payable to the state.

9 “(2) If a municipal court enters a judgment of conviction for a traffic offense and the conviction  
10 resulted from a prosecution arising out of an arrest or complaint made by a city police officer or  
11 any other enforcement officer employed by the city:

12 “(a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded  
13 to the Department of Revenue for deposit in the Criminal Fine Account; and

14 “(b) Subject to subsection (4) of this section, the remaining amount of the fine is payable to the  
15 city in which the court is located.

16 “(3) If a municipal court enters a judgment of conviction for a traffic offense and the conviction  
17 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer  
18 employed by any other local government, as defined in ORS 174.116:

19 “(a) The amount prescribed by ORS 153.633 (2) is payable to the state and must be forwarded  
20 to the Department of Revenue for deposit in the Criminal Fine Account;

21 “(b) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
22 required by paragraph (a) of this subsection is payable to the local government that employs the  
23 enforcement officer; and

24 “(c) Subject to subsection (4) of this section, one-half of the amount remaining after any payment  
25 required by paragraph (a) of this subsection is payable to the city in which the court is located.

26 “(4) If the full amount of the fine imposed by a municipal court is collected, the last \$16 of the  
27 amount collected shall be paid to the county treasurer for the county in which the court is located  
28 and may be used only for the purposes specified in ORS 153.660. If the full amount of the fine im-  
29 posed is not collected, the \$16 payment required by this subsection shall be reduced by one dollar  
30 for every dollar of the fine that is not collected. The provisions of this subsection do not apply to  
31 fines imposed for violations of ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536,  
32 814.600 or 830.990 (1).

33 “**SECTION 7.** ORS 153.660 is amended to read:

34 “153.660. (1) If a justice or municipal court imposes a fine for any offense other than a traffic  
35 offense and the full amount of the fine imposed is collected, the last \$16 of the amount collected  
36 shall be paid to the county treasurer for the county in which the court is located and may be used  
37 only for the purposes specified in this section. If the full amount of the fine imposed is not collected,  
38 the \$16 payment required by this subsection shall be reduced by one dollar for every dollar of the  
39 fine that is not collected. The provisions of this subsection do not apply to fines imposed for vio-  
40 lations of ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

41 “(2) Sixty percent of the amounts paid to the county treasurer under this section and under ORS  
42 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the county treasury and may be  
43 used only for drug and alcohol programs and for the costs of planning, operating and maintaining  
44 county juvenile and adult corrections programs and facilities.

45 “(3) Forty percent of the amounts paid to the county treasurer under this section and under ORS

1 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the court facilities security account  
2 established under ORS 1.182 for the county in which the court is located.”.

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/s/ Fred Girod  
Senator

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/s/ Alan Olsen  
Senator

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