

Requested by Senator OLSEN

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

1 On page 1 of the printed bill, line 2, delete “811.515” and insert “153.633,
2 153.645, 153.650, 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
6 use lights if the person does any of the following:

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

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

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

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

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

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

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

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

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

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

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

9 “153.633. (1) In any criminal action in a circuit court in which a fine is
10 imposed, the lesser of the following amounts is payable to the state before
11 any other distribution of the fine is made:

12 “(a) \$65; or

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

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

17 “(a) \$50; or

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

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

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

24 “(b) The provisions of subsection (2) of this section do not apply to fines
25 imposed in justice and municipal courts under ORS **811.520 (3)(b)(A)**,
26 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

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

28 “153.645. (1) If a justice court enters a judgment of conviction for a traffic
29 offense and the conviction resulted from a prosecution arising out of an ar-
30 rest or complaint made by an officer of the Oregon State Police or by any

1 other enforcement officer employed by state government, as defined in ORS
2 174.111:

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

6 “(b) Subject to subsection (4) of this section, one-half of the amount re-
7 maining after any payment required by paragraph (a) of this subsection is
8 payable to the county in which the justice court is located; and

9 “(c) Subject to subsection (4) of this section, one-half of the amount re-
10 maining after any payment required by paragraph (a) of this subsection is
11 payable to the state.

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

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

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

21 “(3) If a justice court enters a judgment of conviction for a traffic offense
22 and the conviction resulted from a prosecution arising out of an arrest or
23 complaint made by an enforcement officer employed by any other local gov-
24 ernment, as defined in ORS 174.116:

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

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

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

4 “(4) If the full amount of the fine imposed by a justice court is collected,
5 the last \$16 of the amount collected shall be paid to the county treasurer for
6 the county in which the court is located and may be used only for the pur-
7 poses specified in ORS 153.660. If the full amount of the fine imposed is not
8 collected, the \$16 payment required by this subsection shall be reduced by
9 one dollar for every dollar of the fine that is not collected. The provisions
10 of this subsection do not apply to fines imposed for violations of ORS **811.520**
11 **(3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

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

13 “153.650. (1) If a municipal court enters a judgment of conviction for a
14 traffic offense and the conviction resulted from a prosecution arising out of
15 an arrest or complaint made by an officer of the Oregon State Police or by
16 any other enforcement officer employed by state government, as defined in
17 ORS 174.111:

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

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

24 “(c) Subject to subsection (4) of this section, one-half of the amount re-
25 maining after any payment required by paragraph (a) of this subsection is
26 payable to the state.

27 “(2) If a municipal court enters a judgment of conviction for a traffic of-
28 fense and the conviction resulted from a prosecution arising out of an arrest
29 or complaint made by a city police officer or any other enforcement officer
30 employed by the city:

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

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

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

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

13 “(b) Subject to subsection (4) of this section, one-half of the amount re-
14 maining after any payment required by paragraph (a) of this subsection is
15 payable to the local government that employs the enforcement officer; and

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

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

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

29 “153.660. (1) If a justice or municipal court imposes a fine for any offense
30 other than a traffic offense and the full amount of the fine imposed is col-

1 lected, the last \$16 of the amount collected shall be paid to the county
2 treasurer for the county in which the court is located and may be used only
3 for the purposes specified in this section. If the full amount of the fine im-
4 posed is not collected, the \$16 payment required by this subsection shall be
5 reduced by one dollar for every dollar of the fine that is not collected. The
6 provisions of this subsection do not apply to fines imposed for violations of
7 ORS **811.520 (3)(b)(A)**, 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or
8 830.990 (1).

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

14 “(3) Forty percent of the amounts paid to the county treasurer under this
15 section and under ORS 153.645 (4) and 153.650 (4) shall be deposited by the
16 treasurer in the court facilities security account established under ORS 1.182
17 for the county in which the court is located.”.

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